
STATUTES OF CALIFORNIA

REGULAR SESSION

1965

Began Monday, January 4, 1965, and Adjourned
Friday, June 18, 1965

STATUTES OF CALIFORNIA

PASSED AT THE 1965 REGULAR SESSION OF THE LEGISLATURE

CHAPTER 1

An act to amend Sections 43006, 43730, 44000, 44001, 44002, 44003, 44004, 44030, 44031, 44032, 44081 and 44105 of, and to amend the title of Chapter 6 (commencing with Section 44000) of Part 6 of Division 14 of, and to add Section 39033 to the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 27, 1965. Filed with
Secretary of State January 27, 1965]

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

SECTION 1. Section 39033 is added to the Water Code, to read:

39033. "Other district" means a district other than a water storage district formed under any law of the state other than the California Water Storage District Act or this division.

SEC. 2. Section 43006 of said code is amended to read:

43006. In addition to levying assessments under Part 9 (commencing with Section 46000) of this division, the board may fix tolls or charges for the use of water or for other services rendered by the district, and collect the same from all persons receiving the benefit of the water or other services. The tolls and charges shall be proportional, as nearly as practicable, to the services rendered. Such tolls or charges may be levied and collected in order to provide, in whole or in part, for the payment of amounts due to the state, the department, any other district, or the United States, whether for capital charges or service charges or otherwise, pursuant to contracts made in accordance with Chapter 6 (commencing with Section 44000) of this part, or in order to provide, in whole or in part, for the payment of the costs of a project or the principal of and interest on bonds or warrants of the district, or in order to provide for the operation and maintenance of a project pursuant to Section 47180. The provisions of Sections 47181 to 47185, inclusive, shall be applicable to any such tolls or charges.

SEC. 3. Section 43730 of said code is amended to read:

43730. An action to determine the validity of bonds, assessments, contracts, including contracts with the state, the department, any other district, or the United States, the adop-

tion of a project or the taking of any other action by the district or by the board under the provisions of this division may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

SEC. 4. The title of Chapter 6 (commencing with Section 44000) of Part 6 of Division 14 of said code is amended to read:

CHAPTER 6. COOPERATION WITH THE UNITED STATES,
THE STATE AND OTHER DISTRICTS

SEC. 5. Section 44000 of said code is amended to read:

44000. Any district may cooperate and contract with the state, the department, any other district, or the United States under any laws of the state or the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or under any other act of Congress heretofore or hereafter enacted authorizing or permitting the cooperation or contract.

SEC. 6. Section 44001 of said code is amended to read:

44001. The cooperation and contract may be for any or all of the following purposes:

(a) Construction, acquisition, purchase, extension, operation, or maintenance of works for irrigation, drainage, storage, flood control, generation and distribution of hydroelectric energy incidental thereto, or any of these.

(b) A water supply.

(c) Assumption as principal or guarantor of indebtedness to the state, the department, any other district, or the United States.

(d) To carry out the terms of any contract between the district and the state, the department, any other district, or the United States.

SEC. 7. Section 44002 of said code is amended to read:

44002. Any contract made between a district and the state, the department, any other district, or the United States may designate and describe the land which is to be served with water from the waterworks or system contemplated under the contract and, in that case, only such land may be charged with any of the assessments mentioned in this chapter.

SEC. 8. Section 44003 of said code is amended to read:

44003. The board may provide by contract with the state, the department, any other district, or the United States for the delivery and distribution of water for the land of the district under any laws of the state or acts of Congress and under any rules and regulations established thereunder.

SEC. 9. Section 44004 of said code is amended to read:

44004. Before entering into any contract with the state, the department, any other district, or the United States, the board shall make a report complying with the provisions of Sections 42275 to 42280, inclusive, and setting forth the substantial

terms and provisions of the proposed contract. The report may be either the original report of the board or a supplemental or additional report and may embody other features in addition to the proposed contract.

SEC. 10. Section 44030 of said code is amended to read :

44030. If a contract with the state, the department, any other district, or the United States requires the payment by the district of periodic service charges, the amount shall be levied from time to time as an assessment on land in the district, to the extent that funds are not otherwise available for the payment of such charges. The assessment commissioners appointed under Chapter 2 (commencing with Section 46150) of Part 9 of this division shall determine the portion of the total benefits to accrue to the district under the contract which will be realized by each parcel of land in separate ownership in the district. The determination shall be stated in apportionment rolls substantially in form and manner as provided in Chapter 2 of Part 9 of this division, except that the apportionment of benefits shall be stated in percentages of benefits to the district as a whole, or in such other manner as may be determined upon by the commissioners. Thereafter all assessments levied in order to meet the payments due or to become due under the contract shall be apportioned among the respective tracts of land in accordance with the rolls. Any such assessment shall be collected in the same manner as an original assessment.

SEC. 11. Section 44031 of said code is amended to read :

44031. If a contract with the state, the department, any other district, or the United States requires the payment by the district of capital charges in periodic installments, the total amount of such charges may be levied in the same manner as an original assessment pursuant to Chapter 2 (commencing with Section 46150) of Part 9 of this division, or the respective amounts of such installments may be levied from time to time in the same manner as periodic service charges, as provided in Section 44030, but an assessment or assessments shall in any event be levied in such a manner as to provide for the payment of all such charges as they become due under the contract.

SEC. 12. Section 44032 of said code, as added by Chapter 181 of the Statutes of 1963, is amended to read :

44032. If a contract with the state, the department, any other district, or the United States requires the establishment of a reserve fund for the payment by the district under the contract of periodic service charges or capital charges, or both, or if the board finds it to be necessary or desirable in the interest of the district, the board may, with the approval of the department, determine to levy an assessment to provide such a reserve fund. In that event the board, with the approval of the department, shall also determine the amount of the initial deposit or deposits to be made in the reserve fund and the amount of the balance, if any, to be maintained therein. The total amount of the initial deposit or deposits to be made

in the reserve fund may be levied at one time, or in a series of installments from time to time, in the same manner as periodic service charges, as provided in Section 44030. Any later deposits necessary in order to maintain a required balance in the reserve fund shall be levied in the same manner. The reserve fund shall be used solely for the payment of the charges for which it is established, until all such charges have been paid. Any balance then remaining in the reserve fund shall be transferred to the general fund of the district.

SEC. 13. Section 44032, as amended by Chapter 1607, Statutes of 1963, is amended to read:

44032. If a contract with the state, the department, any other district, or the United States requires the establishment of a reserve fund for the payment by the district under the contract of periodic service charges or capital charges, or both, or if the board finds it to be necessary or desirable in the interest of the district, the board may, with the approval of the commission, determine to levy an assessment to provide such a reserve fund. In that event the board, with the approval of the commission, shall also determine the amount of the initial deposit or deposits to be made in the reserve fund and the amount of the balance, if any, to be maintained therein. The total amount of the initial deposit or deposits to be made in the reserve fund may be levied at one time, or in a series of installments from time to time, in the same manner as periodic service charges, as provided in Section 44030. Any later deposits necessary in order to maintain a required balance in the reserve fund shall be levied in the same manner. The reserve fund shall be used solely for the payment of the charges for which it is established, until all such charges have been paid. Any balance then remaining in the reserve fund shall be transferred to the general fund of the district.

SEC. 14. Section 44081 of said code is amended to read:

44081. Provision may be made in the contract between the district and the state, the department, any other district, or the United States for the refusal of water service to any land which may become delinquent in the payment of any assessment levied for the purpose of carrying out any contract between the district and the state, the department, any other district, or the United States.

SEC. 15. Section 44105 of said code is amended to read:

44105. A contract between the district and the state, the department, any other district, or the United States may provide that the district shall not be dissolved nor shall the boundaries be changed except upon the written consent of the state, the department, any other district, or a specified official of the United States, filed with the official records of the district. If the consent of the state, the department, any other district, or the United States official is given and land is excluded, the areas excluded shall be free from all liens and charges for payments to become due to the state, the depart-

ment, any other district, or the United States under the contract.

SEC. 16. Section 12 of this act shall remain in effect until July 1, 1965, and shall have no force or effect on and after that date. Section 13 of this act shall become operative on July 1, 1965.

SEC. 17. 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:

Kern County Water Agency has contracted with the state for a water supply with a maximum annual entitlement of 1,153,400 acre-feet per year commencing in the year 1990. Water deliveries to Kern County will commence during the year 1968. Several California water storage districts located in Kern County contemplate entering into water supply contracts with the Kern County Water Agency, which contracts must be negotiated, executed and validated at the earliest possible date in order that final engineering, planning and construction of irrigation projects may be commenced in such time as will enable said districts to accept water when the same is first available in Kern County. While the Water Code presently authorizes such districts to enter into contracts providing for the supply of water with the state, or with the United States, no such authority exists with respect to contracts with the Kern County Water Agency. It is, therefore, essential that this act go into immediate effect in order that such contracts may be negotiated, executed and validated in the immediate future.

CHAPTER 2

An act to add Section 1111.6 to the Education Code, relating to school district elections, declaring the urgency thereof, to take effect immediately.

[Approved by Governor January 27, 1965. Filed with
Secretary of State January 27, 1965.]

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

SECTION 1. Section 1111.6 is added to the Education Code, to read:

1111.6. When a junior college district includes within its boundaries a city whose charter requires a regular city election to be held on the second Tuesday in April of each odd-numbered year, the consolidated governing board member elections of the junior college district and the unified districts may be held on the second Tuesday in April of the odd-numbered year and may be further consolidated with the city election pur-

suant to Chapter 4 of Part 2 of Division 12 of the Elections Code. Such consolidation shall be effected by the county superintendent of schools having jurisdiction of the junior college district upon the written request of the governing board of the junior college district, with the written consent of the legislative body of the city and the written consents of all of the governing boards of the unified districts whose governing board member elections are affected. The provisions of this section shall be controlling in the event of any conflict with a prior order of the county superintendent of schools made pursuant to Section 1331.

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 the increased public expense of two elections one week apart and the inconvenience to voters in going to the polls in two successive weeks when it can be made possible for the elections to be consolidated and held at the same time, it is necessary that this act take effect immediately.

CHAPTER 3

An act to add Section 27156.5 to the Vehicle Code, and to add Section 24393.4 to the Health and Safety Code, relating to motor vehicle pollution control, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 4, 1965. Filed with Secretary of State February 4, 1965.]

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

SECTION 1. Section 27156.5 is added to the Vehicle Code, to read:

27156.5. Notwithstanding the provisions of Section 40000, the failure of any person to have a certified motor vehicle pollution control device for the control of emission of pollutants from the crankcase installed upon a used passenger vehicle, as required by Section 24393 of the Health and Safety Code, shall not constitute a crime; and no prosecution of such person for any violation of Section 27156 on account of such failure occurring prior to the effective date of this section shall be commenced or continued.

SEC. 2. Section 24393.4 is added to the Health and Safety Code, to read:

24393.4. Notwithstanding the provisions of Section 24396, the failure of any person to have a certified device for the control of emission of pollutants from the crankcase installed upon a used passenger vehicle, as required by Section 24393, shall

not constitute a crime; and no prosecution of such person for any violation of Section 24393 occurring prior to the effective date of this section shall be commenced or continued.

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

Under existing legislation, owners of used passenger vehicles in a number of counties in the state are required, commencing in January of this year, to have motor vehicle pollution control devices for the control of emissions of pollutants from the crankcase installed on their vehicles. This requirement has caused great concern and confusion throughout the state, and the Legislature is currently considering legislation designed to substantially eliminate this requirement and to clarify the law with respect to motor vehicle pollution control. If such legislation is enacted, and it appears probable that it will be, a substantial number of motorists in this state will either have incurred needless expense to have devices installed or will have run the risk, during the period prior to its enactment, of being prosecuted for a misdemeanor. This act provides that the failure of such persons to have the devices installed under the existing schedule of installment is not a crime; and in order to provide immediate protection for these persons it is essential that this act go into immediate effect.

CHAPTER 4

An act to amend Section 1124.3 of the Education Code, relating to school district governing boards, declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 4, 1965. Filed with
Secretary of State February 4, 1965.]

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

SECTION 1. Section 1124.3 of the Education Code is amended to read:

1124.3. The augmented county committee shall have power to establish trustee areas, rearrange the boundaries of any trustee areas, abolish trustee areas and increase the number of members of the governing board from five to seven in any unified school district at any time the committee deems such action advisable. Any such proposal may also be made by a petition signed by at least five (5) qualified electors residing in the school district concerned. The petition shall be presented to the committee which shall hold at least one (1) public hearing thereon. The hearing shall be called and conducted in the manner prescribed for calling and conducting other public

hearings of the county committee except that notice thereof shall be posted at some public place in each trustee area of the school district concerned, on a prominent place in each school-house, and at the place of holding the hearing

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 proposal to revise trustee areas and increase the number of members of a unified school district governing board must be submitted to the district electors at the time of the regular biennial election for board members. Since the next such regular elections are to be held in April of 1965, and because citizens in a number of districts are particularly desirous of placing this matter before the electorate at the earliest possible time, particularly where district reorganizations have resulted in the addition of territory to districts, it is necessary that this act go into immediate effect.

CHAPTER 5

An act to add Section 4623.1 to the Health and Safety Code, relating to application of proceeds of bonds of municipal sewer districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 9, 1965. Filed with Secretary of State February 9, 1965.]

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

SECTION 1. Section 4623.1 is added to the Health and Safety Code, to read.

4623.1. (a) When the purposes and objects specified in any measure incurring bonded indebtedness submitted at any special election called for that purpose have been accomplished and any proceeds of sale of bonds authorized at the special election remain unexpended, or any bonds authorized at the special election remain unissued and unsold (the unexpended proceeds and the proceeds of sale of the then unissued bonds being hereinafter in this section together referred to as "unexpended bond proceeds"), the unexpended bond proceeds may be applied to payment of the costs (including any or all of the items specified in Section 4625) of any improvements, additions, betterments or extensions (hereinafter in this section collectively referred to as "improvements") to the sewer work or improvement described in the resolution or ordinance calling the special election if the governing body shall first find and determine that:

(1) The improvements are reasonably related to the purposes and objects included within the terms of the bond measure approved at the special election or are necessary to carry out the purposes and objects.

(2) The improvements will be acquired or constructed entirely within the area of and will benefit the district as it existed on the date on which the special election was called to authorize the bonds sold, or to be sold, to provide the unexpended bond proceeds.

(3) The resolution providing for the issuance of the bonds authorized at the special election and already outstanding does not prohibit, or can be and is amended to permit, the application of the unexpended bond proceeds to payment of the costs of the improvements; and if a hearing is duly called, noticed and held and resolutions are adopted by the governing body as provided in paragraph (b) of this section.

(b) Before so applying the unexpended bond proceeds the governing body shall adopt a resolution stating the following:

(1) The name and number of the district and a reference by date of adoption to the resolution or resolutions in which the boundaries of the district are set forth.

(2) The date of the special election at which the bonds (which provided, or which when sold will provide, the unexpended bond proceeds) were authorized, the aggregate principal amount of bonds outstanding, the amount (if any) of unexpended bond proceeds provided by bonds theretofore sold and the principal amount of authorized, but unissued bonds (if any), proposed to be sold to provide unexpended bond proceeds.

(3) A general description of the improvements proposed to be acquired or constructed, the estimated costs thereof and the amount of unexpended bond proceeds to be applied to payment of the costs.

(4) A time and place for the hearing of objections to the proposed improvements or to the proposed expenditure of the unexpended bond proceeds by any person who is on the date of the hearing an owner of land or a registered voter within the boundaries of the district as it existed on the date of the special election at which the bonds were authorized.

The resolution shall be published, posted and mailed as provided in Sections 4610 and 4610.5 for a resolution relating to formation of a district. On the day fixed for the hearing, or on any date to which the hearing is continued, the governing body shall hear and consider all written and oral objections presented to the proposed improvements or to the proposed expenditure of the unexpended bond proceeds. At the hearing, the governing body may make any changes in the proposed improvements or proposed expenditures as appear necessary in the public interest; and the governing body may not exclude any land from the district and shall abandon the proceedings if it finds that any land within the boundaries of the district

as it existed on the date the special election was called will not be benefited by the proposed improvements.

At the conclusion of the hearing, if the proceedings are not abandoned and if the governing body overrules all protests and objections and finds that the provisions of this section are complied with, the governing body may by a resolution which is passed by a vote of two-thirds of all its members approve the proposed improvements and proposed expenditure of the unexpended bond proceeds and, if bonds are to be issued and sold, may also, by the resolution provide for the issue and sale of the bonds.

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

Due to the increase in population in urban areas it has been necessary for the State Water Quality Control Board to require public agencies, including municipal sewer districts, to increase the amount of required treatment of sewage by dates earlier than heretofore anticipated, thereby necessitating the financing by the public agencies of the cost of additional sewage treatment facilities. In cases where municipal sewer districts have unexpended proceeds of sale of bonds, or authorized but unissued and unsold bonds, which bonds were voted for sewage treatment generally, the districts do not now have power to expend the bond proceeds or to sell the bonds to finance any additional sewage treatment facilities not contemplated at the time of the election at which the bonds were authorized. The proposed amendment of the Municipal Sewer District Law adds Section 4623.1 to the Health and Safety Code and permits, with proper safeguards, the expenditure of unexpended bond proceeds or the issue and sale of authorized but unsold bonds for the purposes stated thereby saving the time and expense of an additional bond election. In order to save the time and expense and to enable municipal sewer districts to provide additional sewage treatment facilities immediately for the preservation of public health, it is essential that this act go into immediate effect.

CHAPTER 6

An act to add Section 54921 to the Government Code, relating to community services districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 11, 1965. Filed with Secretary of State February 11, 1965.]

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

SECTION 1. Section 54921 is added to the Government Code, to read:

54921. Notwithstanding any other provision of this article, any community services district whose formation election is held after January 1, 1965 and prior to March 1, 1965, if otherwise qualified for formation, shall be deemed effective for assessment and taxation purposes in 1965 if its initial statement and map or plat are filed prior to March 1, 1965, rather than January 1, 1965, as required by Section 54902.

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:

A district whose formation is completed between January 1 and March 1, 1965 will not be able to levy taxes during 1965 and their planned operations will be postponed one year. Since these districts are formed to meet urgent community needs, it is necessary that this act take effect immediately.

CHAPTER 7

An act to amend Section 1105 of, and to add Section 1111.1 to, the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 23, 1965. Filed with Secretary of State February 23, 1965.]

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

SECTION 1. Section 1105 of the Education Code is amended to read:

1105. Subject to the procedures prescribed by Section 1111.1 with respect to newly formed unified school districts and junior college districts, the majority of members of the first elected board of any newly formed school district, the members of which majority received the highest number of votes, shall serve until June 30 of the second succeeding odd-numbered year. The other members' terms shall expire on June 30 of the first succeeding odd-numbered year. All such

members shall continue in office until their successors are elected and qualified

SEC. 2. Section 1111.1 is added to said code, to read:

1111.1. Notwithstanding the provisions of Section 1111 to the contrary, when the first elected board of any newly formed unified school district or newly formed junior college district was elected on the same date that the election was held for adopting the proposal for the formation of the new district, and such election was held on September 15, 1964, in the case of a unified school district, and on December 15, 1964, in the case of a newly formed junior college district, and when the first governing board election after the initial election of governing board members would occur prior to the date on which the district becomes effective for all purposes, no election shall be held but the county superintendent of schools shall appoint successors to the members whose terms expire on June 30 following the date of the election if it had been held. Such appointees shall hold office for the same term as if they had been elected.

SEC. 2.5. This act shall be operative until July 1, 1965, at and after which time it shall have no further force or effect.

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 prevent a multiplicity of elections in newly formed school districts which are an unnecessary financial burden and which disrupt the orderly conduct of the affairs of a newly formed school district, particularly when the first governing board election following the election approving the formation of the district occurs prior to the date on which the new school district becomes effective for all purposes, it is necessary that this act take effect immediately.

CHAPTER 8

An act to add Section 605.1 to the Education Code, relating to county board of education elections, declaring the urgency thereof.

[Approved by Governor February 23, 1965. Filed with Secretary of State February 23, 1965.]

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

SECTION 1. Section 605.1 is added to the Education Code, to read:

605.1. In any county where the terms of office of all or a majority of the members of the county board of education will expire on June 30, 1965, there shall be an election to fill such

offices, to be held on the third Tuesday in April, 1965, even though there will not be a countywide election for members of governing boards of school districts held on that day. The election shall be called and conducted by the county superintendent of schools in accordance with this code, except that only such notice thereof shall be required as can be accomplished after the enactment of this section at the 1965 Regular Session of the Legislature.

The members of the county board of education of a county in which such a special election is held shall meet on July 1, 1965 and by lot arrange for terms of office. Four offices shall be for four-year terms, and three for two-year terms, each term commencing July 1, 1965.

Notwithstanding the provisions of Sections 605 and 615 of this code, the members of a county board of education elected pursuant to this section shall thereafter be elected on the third Tuesday in April in each odd-numbered 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 Section 1 of Article IV of the Constitution, and shall go into immediate effect. The facts constituting such necessity are:

In one or more counties, vacancies exist in the positions of all or a majority of members of the county board of education. This is caused by the fact that Education Code Sections 605 and 615 provide for elections to the county board of education only at countywide elections held for members of the governing boards of school districts on the third Tuesday in April, but in some counties there have sometimes been no such elections on a countywide basis, because of successful school district unification elections under reorganization procedures. Furthermore, the election of members of the county board of education could not be consolidated with the direct primary election held June 3, 1964, because there was no statutory provision for such a procedure.

It is imperative to the continued operations of the offices of the county superintendents of schools, and of the school districts in the counties, that there be active, elected and functioning county boards of education; and elections thereto must be held on the third Tuesday in April, 1965 to effectuate the purposes of this act.

CHAPTER 9

An act to add Section 54922 to the Government Code, relating to annexation proceedings, declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 26, 1965 Filed with
Secretary of State February 26, 1965.]

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

SECTION 1. Section 54922 is added to the Government Code, to read:

54922. Notwithstanding any other provision of this article, any annexation by a city made pursuant to an election held after November 15, 1964, and prior to December 1, 1964, if the annexation otherwise qualifies, shall be deemed effective for assessment and taxation purposes in 1965 if its initial statement and map or plat are filed prior to March 1, 1965, rather than January 1, 1965, as required by Section 54902.

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:

A city which has held its annexation election between November 15, and December 1, 1964, will be expected to furnish services to the annexed areas and if it is unable to assess taxes in the areas for the year 1965 an undue hardship will be imposed and it is necessary that this act take effect immediately.

CHAPTER 10

An act to add Section 402.7 to the Revenue and Taxation Code, relating to the assessment of property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor February 26, 1965 Filed with
Secretary of State February 26, 1965.]

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

SECTION 1. Section 402.7 is added to the Revenue and Taxation Code, to read:

402.7. In assessing certified motor vehicle pollution control devices, the assessor shall take into consideration the effect of Chapter 3 of the Statutes of 1965 on the value of such devices.

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 requirement that owners of used passenger vehicles in a number of counties in the state, commencing in January of this year, have motor vehicle pollution control devices for the control of emissions of pollutants from the crankcase installed on their vehicles caused great concern and confusion throughout the state. As a result, Chapter 3 of the Statutes of 1965 was enacted to delete penalty provisions for failure to install such devices, while the Legislature considers means to effectively control pollution of the air by vehicles. The California automotive parts industry has stocked large quantities of these devices and some reports indicate that as high as 80 percent of their inventory will not be sold. This act provides that assessors shall take into account the effect of Chapter 3 of the Statutes of 1965 on the value of such devices, and it is essential that the act go into effect prior to the first Monday in March.

CHAPTER 11

An act to amend Section 21155 of the Government Code, relating to the employment by contracting agencies of retired persons, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 1, 1965. Filed with
Secretary of State March 1, 1965.]

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

SECTION 1. Section 21155 of the Government Code is amended to read:

21155. A contracting agency which is furnishing a public water supply from the Colorado River, and which has a contract with the state for a supplemental supply of water, and which is engaged in the construction or installation of additional works or facilities required to enable such contracting agency to meet increasing demands for water supplied by such contracting agency, may employ any person who has attained the age at which retirement is required for members of his class or who is receiving or is entitled to receive a retirement allowance under this system, and who, in the judgment of the governing body of the contracting agency, is exceptionally well qualified to render general management and engineering services to such contracting agency, to perform such services and may pay such person for the services so rendered. Any person who renders such services shall not be deemed to be an employee of the contracting agency for the purposes of the State Employees' Retirement Law, nor shall he acquire any additional rights or benefits thereunder because of such employment.

If such person is receiving a pension under the provisions of the State Employees' Retirement Law, the monthly amount of such person's pension for any calendar month during which he rendered services to such contracting agency shall be reduced by the amount of the compensation so paid to him by such contracting agency for the services so rendered during said month, but such compensation so paid to such person shall not reduce the amount of such person's pension for any month or for any period other than the calendar month during which he rendered the services for which such compensation was paid to him by such contracting agency. If the compensation so paid for such services rendered during any calendar month shall exceed the amount of the monthly pension accrued for such month, no pension for such month shall be payable. The controller, auditor, or corresponding officer of the contracting agency shall furnish to the board of administration all information necessary to carry out the provisions of this section.

The board of administration, promptly after receiving notification of any payment of compensation by a contracting agency for such services, shall make the proper entries in the pension account of such person and shall adjust the pension payments accordingly, and if necessary shall require refund of any overpayment of pension.

This section shall be effective, notwithstanding the provisions of Section 21150 of this code or any other provision of law, until two years after the effective date of the amendment to this section enacted at the 1965 General Session or until March 1, 1967, whichever is later.

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

The inhabitants of substantial portions of the Counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura, in the southern part of this state, are in dire need of obtaining, not later than 1971, adequate supplies of water for domestic and municipal uses which can be obtained from The Metropolitan Water District of Southern California, a district duly organized and existing under the Metropolitan Water District Act of this state; arrangements for so obtaining such water by said inhabitants are dependent upon the construction and installation by said district of additional works and facilities for the transportation and delivery of water to its unit municipalities for service to said inhabitants; such construction and installation can be accomplished more effectually and expeditiously if the amendments to the State Employees' Retirement Law provided by this act shall become immediately effective so that any exceptionally well qualified person may be retained to perform general management and

engineering services during the next two critical years when said district will be required to expand greatly its operations in order to provide for the construction and installation of said additional works and facilities.

CHAPTER 12

An act to add Sections 1111.3 and 1111.9 to the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately

[Approved by Governor March 2, 1965. Filed with
Secretary of State March 2, 1965.]

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

SECTION 1. Section 1111.3 is added to the Education Code, to read:

1111.3 Notwithstanding the provisions of Sections 1105 and 1111 to the contrary, when the first elected board of any newly formed unified school district or newly formed junior college district was elected on the same date that the election was held for adopting the proposal for the formation of the new district, and such election was held on December 8, 1964, and when the first governing board election after the initial election of governing board members would occur prior to the date on which the district becomes effective for all purposes, no election shall be held but the county superintendent of schools shall appoint successors to the members whose terms expire on June 30 following the date of the election if it had been held. Such appointees shall hold office for the same term as if they had been elected.

As used in this section a "unified school district" or "junior college district" does not include any such district having an assessed valuation of seventy million dollars (\$70,000,000) or more.

SEC. 15. Section 1111.9 is added to said code, to read:

1111.9. Notwithstanding the provisions of Sections 1105 and 1111 to the contrary, when the first elected board of any newly formed unified school district or newly formed junior college district was elected on the same date that the election was held for adopting the proposal for the formation of the new district, and such election was held on November 3, 1964, and when the first governing board election after the initial election of governing board members would occur prior to the date on which the district becomes effective for all purposes, no election shall be held but the county superintendent of schools shall appoint successors to the members whose terms expire on June 30 following the date of the election if it had been held. Such appointees shall hold office for the same term as if they had been elected.

SEC. 2. This act shall be operative until July 1, 1965, at and after which time it shall have no further force or effect.

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 prevent a multiplicity of elections in newly formed school districts which are an unnecessary financial burden and which disrupt the orderly conduct of the affairs of a newly formed school district, particularly when the first governing board election following the election approving the formation of the district occurs prior to the date on which the new school district becomes effective for all purposes, it is necessary that this act take effect immediately.

CHAPTER 13

An act to amend Sections 814.1 and 828.6 of, and to add Section 814.45 to, the Agricultural Code, relating to containers, to take effect immediately, urgency measure.

[Approved by Governor March 2, 1965. Filed with
Secretary of State March 3, 1965.]

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

SECTION 1. Section 814.1 of the Agricultural Code is amended to read:

814.1. All head lettuce, when packed, shall be in standard containers numbers 45, 45A, or 45B.

The provisions of this section shall not apply to head lettuce sold to the armed forces of the United States government or for export markets other than Canada.

SEC. 2. Section 814.45 is added to said code, to read:

814.45. The nonbulge lettuce crate number 45B may have a bulge of not more than $\frac{1}{4}$ inch on each side, each end, top and bottom; not more than 5 percent, by count, of containers number 45B in any lot may exceed the $\frac{1}{4}$ -inch bulge as specified. Also, the bulge requirement shall apply only when the lettuce was first placed or packed in container number 45B.

Standard container 45B shall comply with the Mullen bursting test of not less than 300 pounds, and shall be plainly marked with the statement "Container material complies with the Mullen bursting test of not less than 300 pounds," or a similar statement indicating not less than the same bursting standard.

SEC. 3. Section 828.6 of said code is amended to read:

828.6. 45	Standard crate	-----	14 $\frac{1}{2}$	18 $\frac{1}{2}$	20 $\frac{1}{2}$	or 21 $\frac{3}{4}$
45A	Lettuce crate	-----	9 $\frac{3}{4}$	14	21	
45B	Nonbulge lettuce crate	---	10 $\frac{3}{4}$	16 $\frac{1}{2}$	21 $\frac{1}{2}$	

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 increased size of the heads of lettuce and other factors influencing production of lettuce have made existing containers inadequate to properly transport this perishable food and therefore the new container authorized by this act is necessary and must be available at the earliest possible date to be of use during the present season.

CHAPTER 14

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

[Approved by Governor March 2, 1965. Filed with
Secretary of State March 3, 1965.]

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

SECTION 1. Section 796.2 of the Agricultural Code is amended to read:

796.2. All oranges (except tangerines and mandarins), or lemons intended for shipment out of the State of California, before being so shipped, shall be packed in closed standard containers number 58, and shall be uniform in size. All grapefruit intended for shipment out of the State of California, before being so shipped, shall be packed in closed standard container number 59 and shall be uniform in size. All oranges (except tangerines and mandarins), or lemons offered for distribution or sale within the State of California, before being so offered, shall be packed in closed standard container number 58 or 60 and shall be uniform in size. All grapefruit offered for distribution or sale within the State of California, before being so offered, shall be packed in closed standard container number 59 or 61 and shall be uniform in size.

The provisions of this section shall not apply to (1) the sale, marketing or transportation for sale or marketing of oranges, grapefruit or lemons for charitable purposes, unemployment relief or for use by the United States government or its agencies for relief distribution, or (2) the sale, marketing or transportation for sale or marketing of oranges, grapefruit or lemons in closed containers intended for sale to the consumer in their unbroken form and the net contents of which do not exceed 25 pounds, provided, however, that grapefruit when in bags and the net contents of each such bag does not exceed 25 pounds, shall be placed in closed standard container number 62, except each bag of grapefruit is exempt from this

requirement when only one such bag is mailed, delivered, or sold directly to a consumer, or (3) the sale, marketing, or transportation for sale or marketing of oranges, grapefruit or lemons not in standard containers when transported directly from the State of California to the State of Baja California, Republic of Mexico, or (4) to oranges, grapefruit or lemons in a retail establishment in possession of a retailer for the purpose of resale directly to consumers; nor to oranges, grapefruit or lemons sold by a grower or packer regularly engaged in the growing or packing of these fruits directly to consumers on the premises where produced or packed or at a retail stand operated by such grower or packer near the point of production, which in no case shall be outside of the county in which the fruit was produced. As used in this section, "consumer" means a person who buys oranges, grapefruit or lemons for use as a food and not for resale.

Packed citrus fruit imported into this state from another state need not be packed in standard containers as specified in this code for such fruit if it is packed in containers conforming to the applicable laws or regulations of the state of origin or of the United States.

SEC. 2. Section 796.9 of said code is amended to read:

796.9. As applied to citrus fruits:

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

(b) "Packed" means a compact arrangement in the container either with or without straight rows or layers.

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

(d) "Closed" when applied to standard container number 58, 59, 60, or 61 means that the container shall be completely closed by material of a similar quality to the adjoining portion of the box. "Closed" when applied to standard container number 62 means that the container shall have top flaps so constructed that any opening on the top of the container shall not exceed $5\frac{1}{4}$ inches in width nor 13 inches in length and such flaps shall be material of a similar quality to the adjoining portion of the container.

Nothing in this paragraph applying to standard container number 58, 59, 60, 61, or 62 shall prevent the use of ventilation openings and handhold openings so constructed that they are not large enough for removal of any part of the contents.

SEC. 3. Section 828.83 of said code is amended to read
828.83. Citrus fruit boxes

		Depth	Width	Length
58	Standard orange or lemon box	10 $\frac{1}{4}$	10 $1\frac{1}{16}$	16 $\frac{3}{8}$
59	Standard grapefruit box	9 $\frac{3}{4}$	10 $1\frac{1}{16}$	16 $\frac{3}{8}$
60	Standard California orange or lemon box	10 $\frac{1}{8}$	10 $\frac{1}{2}$	16 $\frac{1}{8}$
61	Standard California grapefruit box	9 $\frac{5}{8}$	10 $\frac{1}{2}$	16 $\frac{1}{8}$
62	Standard grapefruit master container	12 $\frac{1}{2}$	12 $\frac{3}{4}$	
		to	to	
		13 $\frac{1}{2}$	13 $\frac{3}{4}$	19 to 21

Standard container numbers 60 and 61 shall bear upon them in plain sight and in plainly legible letters at least one inch in height on one outside end and on the bottom of the container the words "California Container."

Standard container number 62 shall comply with the Mullen bursting test of not less than 250 pounds and shall be plainly marked with the statement "Container material complies with the Mullen bursting test of not less than 250 pounds," or a similar statement indicating not less than the same bursting standard.

To allow for reasonable variations in the size of container numbers 58, 59, 60, 61 and 62 by reason of manufacturing variations, a variation of plus or minus one-sixteenth of an inch in each of the dimensions of height, width, or length shall be permitted. Notwithstanding this tolerance the net cubical contents of container numbers 58 and 60 shall not be less than 1,750 cubic inches and the net cubical contents of container numbers 59 and 61 shall not be less than 1,665 cubic inches.

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 purpose of this act is to protect the consumer from receiving internally damaged grapefruit.

When bagged grapefruit is transported without the protection of a master container from the packinghouse to the consuming markets the bruising of the fruit causes a breakdown of the internal walls of the grapefruit. This, in turn, results in an excessive acid or bitter taste in the fruit which is unacceptable to the consumer. This damage will result in a decrease in grapefruit consumption.

If bagged grapefruit is required to be placed in master containers sufficient protection is afforded the grapefruit in each such container to prevent the breakdown of the internal walls of the fruit and the undesirable mashing does not occur. It is

necessary that this act take effect immediately in order to provide this protection to the consumer during this year's grapefruit shipping season.

CHAPTER 15

An act to amend Section 141 of the Agricultural Code, relating to crops, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 5, 1965. Filed with
Secretary of State March 5, 1965.]

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

SECTION 1. Section 141 of the Agricultural Code is amended to read:

141. Neglected or abandoned plants or crops which, because of the existence therein or thereon of pests, or because of other conditions, constitute a menace to the agriculture of the county, district, or vicinity, or which are host plants of or provide a favorable and likely harbor for pests are public nuisances and it is unlawful to maintain the same, and all remedies which are or may be given for the prevention or abatement of nuisances apply thereto.

Cotton plants which are uncultivated or cotton plants left from a previous season harboring or likely to harbor pests are such a public nuisance and if not destroyed to the satisfaction of the commissioner having jurisdiction by April 1st of each year are subject thereafter to all remedies which are or may be given for the prevention or abatement of nuisances.

Whenever the commissioner of any county determines by inspection that there exists a condition which constitutes a nuisance under this section on any property or premises within his jurisdiction, he shall make a report of his inspection to the district attorney, setting forth a description of the property upon which the nuisance exists, naming the pest or pests or other conditions which in his opinion are dangerous to the agriculture of the county, district or vicinity, and, if in his judgment his findings justify, he shall state in such report that the removal or destruction of the neglected or abandoned plants or crops will provide the best means for the elimination of such menace to the agriculture of the county, district or vicinity.

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 cotton pests which, in order to multiply, require uncultivated cotton plants represent a serious threat to the entire

cotton industry in this state and in order for the protection from such threat provided in this act to be effective during the 1965 growing season this act must take effect immediately.

CHAPTER 16

An act to add Section 3206 to the Government Code, relating to public employees, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 9, 1965. Filed with Secretary of State March 9, 1965.]

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

SECTION 1. Section 3206 is added to the Government Code, to read:

3206. Notwithstanding the provisions of Sections 3202 and 3203, this chapter does not prevent an officer or employee of a local agency from soliciting or receiving political funds or contributions to promote the passage or defeat of a ballot measure which would affect the rate of pay, hours of work, retirement, civil service, or other working conditions of officers or employees of such local agency, except that a local agency may prohibit or limit such activities by its employees during their working hours and may prohibit or limit entry into governmental offices for such purposes during working hours.

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 officers and employees of local agencies to solicit and receive funds to promote the passage or defeat of ballot measures affecting their compensation or working conditions. In order that it may operate in connection with elections now pending, it is essential that the act go into effect immediately.

CHAPTER 17

An act to add Section 12973.9 to the Insurance Code, relating to forms of policies and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 9, 1965. Filed with Secretary of State March 9, 1965.]

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

SECTION 1. Section 12973.9 is added to the Insurance Code, to read:

12973.9. Whenever by the provisions of this code a form of policy or certificate and any endorsement, rider, application,

amendment, fill-in material, classification of rates, certificate or premium to be used therewith, is required to be filed with, submitted to, or approved by the commissioner, fees as provided for by this section shall be paid to the commissioner to cover his expenses of processing and indexing the same and maintaining copies of the same.

The required fee shall be prescribed by the commissioner for each type document submitted, depending on its nature and the kind of processing required. The commissioner may prescribe different fees for different types of documents, and in the case of documents submitted for approval or authorization of use, shall prescribe a fee only for the final approval or authorization for use, if any. The commissioner shall determine the fee, or fees, by estimating in advance his total costs of performing his services for all types of such documents for a specified period of time, estimating the total number of such documents of various kinds which will be submitted for processing during such time and equitably distributing the total cost on a per document basis. The commissioner shall, after notice and hearing, promulgate such reasonable rules and regulations as are necessary to establish the standard or standards by which he shall determine the original fee schedule or any amended fee schedule. Any such rule or regulation shall be promulgated in accordance with the procedure provided in Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code and shall be effective 90 days after adoption by the commissioner, except the first fee schedule adopted by the commissioner under such regulation may be retroactive to the effective date of this section.

All fees received by the commissioner under this section shall be remitted to the credit of the Insurance Fund pursuant to the provisions of Section 12974.

Without in any manner affecting the applicability of this section to any other provisions of the Insurance Code, it is expressly provided herein that the provisions of this section apply to the forms required to be filed, submitted, or approved under the following sections of the code: 779.8, 795.5, 1320, 9080 1, 10205, 10225, 10270, 10270 1, 10270.5, 10270.57, 10270.9, 10270.93, 10290, 10292, 10506, 11027, 11029, 11066, 11069, 11513, 11522, 11658, 12250, and 12640.18.

SEC. 2 The revenues derived from the increases in fees provided for in this act shall not be available for expenditure until appropriated.

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 presently exists a shortage in the Insurance Fund with which to defray the necessary expenses to be incurred in the orderly recording, reviewing, and processing of the forms to which this section relates. The forms listed in the sections

noted above are required by statute to be either filed with or approved by the Insurance Commissioner in order to guarantee, so far as possible, to the insurance-purchasing public that insurance policies will be intelligible and not ambiguous and will comply with applicable substantive statutes, and regulations pertaining thereto. The increase in the number of insurers licensed to transact business in California, together with increases in the volume of insurance written, has generated a corresponding increase in the number of filings made with the Insurance Commissioner under the enumerated statutes. While these increases insure a free competitive market for the policyholder, they also generate incurrence of additional handling expense by the Department of Insurance. In order to defray the costs incurred in the administration of the sections enumerated hereinabove, it is necessary that each insurer underwrite its equitable share of such expenses by the payment of the fees to be prescribed. The expeditious processing of such forms and the efficient operation of the Department of Insurance with respect thereto requires the immediate availability of additional moneys and the uninterrupted availability of funds to provide for this function. It is therefore necessary that this act go into immediate effect.

CHAPTER 18

An act to amend Sections 705.1, 1660, 1750, 1751, 1755, 1765, 1811, and 5051 of the Insurance Code, relating to the fees paid to or charged by the Insurance Commissioner and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 9, 1965. Filed with Secretary of State March 9, 1965.]

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

SECTION 1. Section 705.1 of the Insurance Code is amended to read:

705.1. The commissioner shall require the payment of one thousand dollars (\$1,000) in lawful money of the United States in advance as a fee for filing an application and all supporting exhibits including articles of incorporation, certificates of organization, certificates of capital and assets, certificates of deposit, financial statements, affidavits, appointments of agents for service of process, bonds, deposit schedules, appraisals, and other papers, in support of each original certificate of authority. Such fee shall be in lieu of the fees for filing or receiving such papers in support of an application for an original certificate of authority as specified in the following sections of the Insurance Code as they existed on January 1, 1963: 705, 712, 900.5, 946, 976, 1350, 1590 (but not 1599), 1601, 7034, 9034 and 11090.

SEC. 2. Section 1660 of said code is amended to read:

1660. The stipulation and agreement referred to in Section 1659 shall give jurisdiction over, and shall be binding pursuant to its terms upon, the person executing it.

Service may be made upon the commissioner under the circumstances described in the agreement or stipulation if such service is accompanied by payment to the commissioner of a fee of five dollars (\$5).

Whenever any document is served upon the commissioner pursuant to the terms of such stipulation and agreement, he shall transmit a copy thereof to the respective licensee or former licensee by depositing the same in the United States mail, certified and postage prepaid, in a cover addressed to the person on behalf of which the commissioner was so served. Such deposit shall be made within 10 days of such service on the commissioner and such service shall be complete as to such person at the end of 60 days after service on the commissioner.

SEC. 3. Section 1750 of said code is amended to read:

1750. The commissioner shall require in advance as a fee for filing application for the hereinafter designated licenses, renewals thereof, or changes in outstanding licenses, an amount calculated as set forth herein. The fee is determined by multiplying the number of natural persons to be licensed or to be named on or added to the license by the amounts specified as to each such license multiplied by the number of license years in the period of the license applied for or the remaining period of an existing license counting any initial fractional license year of such period as one year for such purpose, as follows:

- (a) Insurance agent, seven dollars (\$7).
- (b) Insurance broker, eighteen dollars (\$18).
- (c) Insurance solicitor, seven dollars (\$7).
- (d) Life agent, resident, seven dollars (\$7).
- (e) Life agent, nonresident:

(1) In the case of an applicant residing within 50 miles of the border of the State of California whose normal operations would include the transaction of insurance on both sides of that border, seven dollars (\$7).

(2) In all other cases, ten dollars (\$10).

SEC. 4. Section 1751 of said code is amended to read:

1751. The commissioner shall require in advance as a fee for filing the following documents:

(a) Application for registration of change in membership of a copartnership licensed as:

- (1) Insurance agent, seven dollars (\$7).
- (2) Insurance broker, eighteen dollars (\$18).
- (3) Life agent, resident, seven dollars (\$7).
- (4) Life agent, nonresident:

(A) In the case of a licensee maintaining an office within 50 miles of the border of the State of California whose normal operation would include the transaction of insurance on both sides of that border, seven dollars (\$7).

(B) In all other cases, ten dollars (\$10).

(b) Application for endorsement removing from any life agent's, insurance agent's or insurance broker's license issued to an organization the name of any natural person named thereon, two dollars (\$2).

(c) First amendment to an application, two dollars (\$2).

(d) Original application to be given the qualifying examination for a license of a fire and casualty licensee, ten dollars (\$10) for each person to be examined.

(e) Original application to be given the qualifying examination for a license of a life licensee, ten dollars (\$10) for each person to be examined.

(f) Application for reexamination for any of the licenses mentioned in this section, fifteen dollars (\$15) for each person to be reexamined.

(g) Application which includes a request for a certificate of convenience pursuant to Article 8 of this chapter, ten dollars (\$10) in addition to, and not in lieu of, fees otherwise required.

SEC. 5. Section 1755 of said code is amended to read:

1755. Such license shall be applied for and renewed in the same manner as is provided in this chapter for a licensee to act as an insurance agent, except that an applicant for a limited license as a travel insurance agent need not pass a qualifying examination, and that the fee for filing an application shall be five dollars (\$5) for each year or fraction thereof in the term of the license applied for.

SEC. 6. Section 1765 of said code is amended to read:

1765. Upon application in such form as the commissioner prescribes and subject to the provisions of Sections 1666, 1667 and 1668 of this code, the commissioner shall issue a license authorizing any applicant that is trustworthy and competent to transact an insurance brokerage business in such manner as to safeguard the interest of the insured, to act as a surplus line broker from the date of such license until the 1st day of July succeeding, on the delivery to the commissioner of a bond to the people of the State of California in the sum of twenty thousand dollars (\$20,000) conditioned that said licensee will fully and faithfully comply with the requirements of this chapter, and all applicable provisions of this code. Such bond shall be subject to the provisions of Sections 1662, 1663 and 1664 of this code.

The commissioner shall charge and collect in advance a fee of one hundred dollars (\$100) for filing each application for a license to act as a surplus line broker.

SEC. 7. Section 1811 of said code is amended to read:

1811. For his services in connection with the filing of any application or request for any license under this chapter, the commissioner shall charge and collect the following fees:

(a) For filing an application or request for bail agent's license or bail solicitor's license, twenty-eight dollars (\$28).

(b) For filing an application or request for bail permittee's license, one hundred forty dollars (\$140).

(c) For filing an application for examination, or reexamination twenty dollars (\$20).

(d) For filing each annual application for renewal of a license, a fee of one-half the amount as that hereinabove specified for filing the application for that license.

At the time of filing an application for a license, if a qualifying examination is required for issue or in connection with such license, the fee for filing the first application to take the qualifying examination shall be paid at the time of filing application for the license.

SEC. 8. Section 5051 of said code is amended to read :

5051. Upon the payment in advance of one thousand dollars (\$1,000) cash, lawful money of the United States, to the commissioner for all services to be rendered by him in the matter of organization of the insurer, such persons shall file with the commissioner a declaration of their intention to incorporate for the purposes expressed in Section 5050. The declaration shall be signed by all of such persons, and shall contain a copy of the articles of incorporation proposed to be adopted.

SEC. 9. Any changes made by legislation enacted in the 1965 General Session of the Legislature in the fees required to be paid by the provisions of Sections 705.1, 1660, 1750, 1751, 1755, 1765, 1811 and 5051 shall become effective on the effective date of this act.

SEC. 10. The revenues derived from the increases in fees provided for in this act shall not be available for expenditure until appropriated.

SEC. 11. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are :

There presently exists a shortage in the Insurance Fund with which to defray the necessary expenses to be incurred in the orderly processing of applications for licenses, preparation of qualifying examinations, review of statutory penal bonds and giving notice of legal actions, special proceedings and other legal processes. Such processing and servicing are necessary to continue, permit and encourage competition, to create insurance facilities to serve the increasing population and to protect the insuring public by affording immediate resort to legal processes and statutory safeguards. In order to defray the costs incurred in the administration of the sections enumerated hereinabove, it is necessary that each applicant or licensee underwrite an equitable share of such expenses by the payment of the fees to be prescribed. The expeditious processing of such applications, examinations, approval of bonds and service of process and the efficient operation of the Department of Insur-

ance with respect thereto requires the immediate availability of additional moneys and the uninterrupted availability of funds to provide for such functions. It is therefore necessary that this act go into immediate effect.

SEC. 12. The provisions of this act shall not become effective until Assembly Bill 815 of the 1965 Regular Session is enacted.

CHAPTER 19

An act to add Section 4967.3 to the Public Resources Code, relating to timber operations permits, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 18, 1965. Filed with
Secretary of State March 18, 1965.]

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

SECTION 1. Section 4967.3 is added to the Public Resources Code, to read:

4967.3. In the case of any person engaged in timber operations who has been unable to comply with the provisions of Sections 4967 and 4967.1 by reason of the floods of December, 1964, and January, 1965, every annual permit to engage in timber operations which was issued in 1964 and which expired, or will expire, on January 31, 1965, is hereby extended until May 1, 1965. In every such case, an application for the renewal of such a permit for the period ending January 31, 1966, may be filed during the month of April, 1965.

For the purposes of this section, the penalty prescribed by Section 4967.2 shall not be added to the renewal fee specified in Section 4967 unless an application for renewal is filed on or after May 1, 1965.

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 floods have so disrupted the road system and covered the forest area with debris that it is extremely difficult for the timber operators to make the estimates necessary to obtain and renew permits. If they are unable to do so, they will not be able to conduct operations during the year of 1965 without penalty. This will unnecessarily impair the lumber industry. Consequently, it is imperative that this act take effect immediately.

CHAPTER 20

An act making an appropriation to the Department of Finance for allocation for the repair, restoration, or replacement of public property damaged or destroyed by storm and flood or flood conditions, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 18, 1965 Filed with
Secretary of State March 18, 1965.]

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

SECTION 1. The sum of two million dollars (\$2,000,000) from the General Fund in the State Treasury, and the unexpended balance of the appropriation made by Item 446.7, Budget Act of 1958, as amended by Section 12, Budget Act of 1960, are appropriated to the Department of Finance for expenditure 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 real property, other than streets, roads, and bridges, by storm and flood or flood conditions which has occurred or occurs between December 1, 1964, and June 30, 1965, and the local agency applies to the Department of Finance for an allocation of funds on or before October 1, 1965

The money appropriated by this act shall remain available for expenditure until June 30, 1968.

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 storms and floods occurring in various counties of the state have caused severe damage and destruction to essential public facilities and property in said counties, including public facilities supplying domestic water to inhabitants and roads and bridges providing the sole means of transportation of persons and property. In order that funds may be made available immediately for the repair, restoration, or replacement of such public facilities and property, it is essential that this act go into immediate effect.

CHAPTER 21

An act to coordinate certain county charter elections with school district elections, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 18, 1965. Filed with Secretary of State March 18, 1965.]

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

SECTION 1. Any special election to be called, held and conducted on April 20, 1965, in a county governed by a county charter for the purpose of amending such charter and held, called and conducted in conjunction with any school district elections on the same day, shall, in the event of conflict between provisions of law governing general elections in the Elections Code and provisions of law governing school district elections in the Education Code, be governed with respect to such conflicts by the provisions in the Education Code, except that the provisions of Article 3 (commencing with Section 3780) of Chapter 2 of Division 4 of the Elections Code shall be complied with as to such county special election. This act shall be deemed a provision of law for general elections.

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

In order to prevent the increased expense of two elections when it can be made possible for the elections to be consolidated and held at the same time, it is necessary that this act take effect immediately.

CHAPTER 22

An act to add Sections 815.1 and 828.56 to the Agricultural Code, relating to melons, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 26, 1965. Filed with Secretary of State March 26, 1965.]

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

SECTION 1. Section 815.1 is added to the Agricultural Code, to read:

815.1. All melons, except cantaloupes and watermelons, shall be packed in standard containers numbers 44H, 44I, 44J and 44K and closed or lidded.

As used in this section "closed" or "lidded" as applied to containers of melons means (1) in the case of fiberboard containers that the opening is completely covered, except for

necessary ventilation openings, with material of similar quality and strength to the adjoining portion of the container and (2) in the case of nailed wooden, wirebound, or other containers, that 40 percent or more of the opening is covered with material similar to that used in the construction of the sides and bottom of said containers, securely attached to the top

This section shall not apply to melons in a retail establishment in possession of a retailer for the purpose of resale directly to consumers; nor to melons sold by a producer regularly engaged in the production of melons directly to consumers on the premises where produced or at a retail stand operated by such producer near the point of production, which in no case shall be outside of the county in which the melons were produced. As used in this section "consumer" means a person who buys melons for use as food and not for resale.

SEC. 2. Section 828.56 is added to said code, to read:

828.56.

44H Melon crate	-----	6 $\frac{3}{4}$	to	8 $\frac{3}{4}$	16	22 $\frac{1}{8}$
44I Melon crate	-----	7 $\frac{3}{4}$			14	22 $\frac{1}{8}$
44J Melon crate	-----	5 $\frac{1}{2}$			14 $\frac{1}{2}$	22 $\frac{1}{8}$
44K Melon carton	-----	6 $\frac{1}{2}$	to	7 $\frac{1}{2}$	15 $\frac{1}{4}$	17

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 for the benefits of this act to be available during the 1965 marketing season it must be in effect immediately.

CHAPTER 23

An act to add Section 14801 to the Elections Code, relating to absentee ballots.

[Approved by Governor March 26, 1965. Filed with
Secretary of State March 26, 1965]

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

SECTION 1. Section 14801 is added to the Elections Code, to read:

14801. Any voter unable to go to the polls because of conditions arising after the closing date for absent voter ballot applications, which will result in his absence from the precinct on election day, may apply at the office of the county clerk for an absent voter ballot. Upon receipt of an affidavit signed by the voter, on a form provided by the clerk, and attesting to the fact that the voter will be compelled to be absent from his precinct on election day because of conditions arising after the closing date for absent voter ballot applications, the clerk shall provide the voter with an absent voter ballot. The ballot

may be voted in the clerk's office or voted outside the clerk's office and returned at or before 5 o'clock p.m. on the day before the day of election.

CHAPTER 24

An act to amend Sections 8501, 8503, and 9157 of the Education Code, relating to services of the county superintendents of schools.

[Approved by Governor March 26, 1965 Filed with
Secretary of State March 26, 1965.]

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

SECTION 1. Section 8501 of the Education Code is amended to read:

8501. The Legislature hereby declares that it is in the interest of the state and of the people for the office of the county superintendent of schools, through the county school service fund, to provide coordination of the educational program among districts under his jurisdiction and to provide professional and financial assistance to school districts which otherwise, because of size or location, would not be able to furnish a satisfactory program of education for their children. Such assistance is a matter of general concern inasmuch as the education of the children of the state is an obligation and function of the state.

In adopting this act, the Legislature considers that the coordination of the educational program constitutes the greatest continuing need to be met through the county school service fund. To meet this need the necessity is recognized to provide professional services to coordinate courses of study, guidance services, health services, school library services, special education, and attendance activities.

As an additional need, the Legislature recognizes the necessity to provide professional services in districts too small to supply such services for themselves economically and effectively, such as, (1) to prepare courses of study; (2) to supervise instructional practices; (3) to provide direct guidance services, health services, and attendance services normally provided in an educational program; (4) to provide for the purchase, distribution, and use of supplementary instructional materials and equipment; and (5) to provide educational opportunity to normal and special pupils who would otherwise be denied it. It is recognized further that providing for professional service is a transitory function of the county school service fund to be assumed by school districts when, through growth or reorganization, they will be able to perform the services for themselves.

It is the further intent of the Legislature that:

(a) Services involving the coordination of the educational program which have among others the purposes of (1) enforcing minimum standards, (2) improving the educational program, and (3) promoting order and reasonable uniformity in the educational program shall be provided, except as may be specifically authorized, at the district level, reserving to the district the opportunity and responsibility for internal improvement, and that such services will be provided in such a manner that recognition will be given to the responsibilities placed upon school districts by the Legislature to determine and administer their own educational program.

(b) Services to school districts which do not constitute coordination among districts shall be provided in such a manner that impetus will be given to strengthening school districts and to improving district organization to the end that more effective programs of education may be offered, and that the provision of services through the county school service fund shall not act to deter or delay any school districts from furnishing such services for themselves.

(c) Services to school districts shall be cooperatively provided by two or more county superintendents of schools without regard for county boundaries whenever a particular service may be so provided with economy and effectiveness.

(d) The direct operation of an educational program by the county superintendent of schools shall, except as specifically authorized by the Legislature, be limited to those emergency cases where children would otherwise be denied an opportunity for education.

SEC. 2. Section 8503 of said code is amended to read:

8503. The county superintendent of schools may, with the approval of the county board of education and in accordance with regulations of the Superintendent of Public Instruction which he is hereby authorized to adopt, employ qualified personnel to provide for the coordination of courses of study, guidance services, health services, school library services, special education, and attendance activities among the school districts under his jurisdiction. The regulations of the Superintendent of Public Instruction adopted pursuant to this section shall be adopted with the advice of an advisory committee to include county superintendents of schools, which the Superintendent of Public Instruction is herewith authorized to appoint.

SEC. 3. Section 9157 of said code is amended to read:

9157. The county superintendent of schools may, with the approval of the county board of education, provide advisory services in school business administration activities, in maintenance of school building and grounds, and in the processing of special problems concerning credentials as designated by the State Department of Education.

CHAPTER 25

An act to amend Sections 13329.1, 14001, and 14601 of the Education Code, relating to employment in the public schools, declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 30, 1965. Filed with Secretary of State March 30, 1965.]

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

SECTION 1. Section 13329.1 of the Education Code is amended to read:

13329.1. Service by a person in the public schools only as an instructor in classes organized under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, or Section 1503.1 or Section 4012 of the Welfare and Institutions Code, shall not be included in computing the service required as a prerequisite to attainment of, or eligibility to, classification as a permanent employee of a school district.

SEC. 2. Section 14001 of said code is amended to read:

14001. The following persons are excluded from membership in the retirement system:

(a) Any person who shows to the satisfaction of the board, that he will be unable, by reason of the nature of his services, to become eligible to benefits thereunder.

(b) Persons employed in a status which is requisite for membership, but who are members of a county retirement system. A member who is excluded by this subdivision shall not be considered to have terminated his membership or right to a retirement allowance based on time served as a member unless he withdraws his contributions as provided in Section 14151.

(c) Persons serving as exchange teachers from outside of this state.

(d) Persons employed on a substitute basis, who are not already members when they become employed and who render less than 100 complete days of service during the school year. If, at the end of a pay period, a substitute teacher has rendered 100 or more complete days of substitute service in that school year and subsequently renders one or more complete days of such service in that school year, he shall become a member on the first day of the pay period during which such additional service was rendered.

(e) Persons not already members who are employed on a part-time basis and who will render less than 24 hours of service per pay period, or on a daily basis and who will serve less than four days per pay period.

(f) Persons not already members who are employed as instructors of adult education classes which have a duration of less than one school semester, or less than one school quarter

of 12 weeks if the district operates its adult education program on that basis.

(g) Persons not already members who are employed as part-time teachers and who are concurrently employed in full-time positions as members of another retirement system, other than a local system, supported wholly or in part by public funds.

For the purposes of this section a pay period may not be less than four weeks or more than one calendar month.

(h) Persons not already members employed in the public schools only as an instructor in classes organized under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, or Section 1503.1 or Section 4012 of the Welfare and Institutions Code.

(i) Persons not already members who are employed for less than full time in positions requiring health and development credentials, or a standard credential in designated services for health.

SEC. 3. Section 14601 of said code is amended to read:

14601. Every regular full-time teacher and every other employee of any school district for which the plan for district retirement is adopted, who is employed by the district at the time of the adoption of the plan, and who signs an agreement to be subject to the burdens of the district retirement plan, shall be entitled to the benefits and subject to the burdens of the plan and of Sections 14551 to 14698, inclusive. Every regular full-time teacher employed in the public schools of the districts after the adoption of the provisions of Sections 14551 to 14698, inclusive, by the governing boards of the districts, and such other employees as the boards or the petition determines, shall be bound by the benefits and burdens of Sections 14551 to 14698, inclusive.

This section shall not be applicable to a person employed in the public schools only as an instructor in classes organized under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, or Section 1503.1 or Section 4012 of the Welfare and Institutions Code.

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 that local public school agencies may, as early in the 1965-1966 fiscal year as possible, establish work and training programs and participate in antipoverty programs conducted under the Economic Opportunity Act of 1964, and for those purposes engage the services of necessary personnel, it is essential that this act take effect immediately.

CHAPTER 26

An act to amend Sections 383 and 387 of the Elections Code, relating to voter registration.

[Approved by Governor March 30, 1965 Filed with
Secretary of State March 30, 1965.]

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

SECTION 1. Section 383 of the Elections Code is amended to read:

383. The county clerk shall cancel the registration in the following cases:

(a) At the request of the person registered.

(b) When the insanity of the person registered is legally established.

(c) Upon the production of a certified copy of a subsisting judgment of the conviction of the person registered of any infamous crime or of the embezzlement or misappropriation of any public money.

(d) Upon the production of a certified copy of a judgment directing the cancellation to be made.

(e) Upon the death of the person registered.

(f) If the person registered has not voted at the preceding general election unless the clerk, prior to the time he has canceled the registration, has had written notice from the voter that the voter still resides and has not removed from the residence address stated in the affidavit of registration, in which case he shall not cancel the registration, but it shall remain permanent unless canceled for any other cause enumerated in this section. If the county clerk has already canceled the affidavit of registration, then upon receipt of the proper information within 60 days after mailing the notice provided for in Section 387, he shall restore the affidavit of registration to the files.

SEC. 2. Section 387 of said code is amended to read:

387. When the county clerk cancels the registration of any person for failure to vote, he shall mail a notice, by means of a double postcard prepaid by the clerk, to that person at the address given on the registration or upon the last application for transfer of registration, stating on one of the postcards the following:

"Your registration has been canceled this day because you did not vote at the last general election. Before you shall again be entitled to vote you will be required to register as provided by law. However, if you still reside and have not removed from the residence address stated in your affidavit of registration and you notify the county clerk of that fact either in person, in writing, or on the postcard attached, over your signature, within 60 days after date of mailing this notice, your affidavit of registration shall be restored to the file and shall remain permanent unless canceled for any other cause."

CHAPTER 27

An act to add Sections 186.9, 186.95, and 186.96 to the Streets and Highways Code, and to amend Sections 7351, 7351.5, 7653, and 8651 of, and to add Sections 7351.6 and 8651.5 to, the Revenue and Taxation Code, to provide for the financial support of state highways, county roads and city streets and for the repair, restoration and replacement thereof when damaged or destroyed by storm or flood conditions or other disasters, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor March 31, 1965. Filed with Secretary of State March 31, 1965.]

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

SECTION 1. Section 7351 of the Revenue and Taxation Code is amended to read:

7351. For the privilege of distributing motor vehicle fuel a license tax is hereby imposed upon distributors at the rate of seven cents (\$0.07) for each gallon of fuel distributed, except that for the period commencing on April 1, 1965, to and including December 31, 1965, or such earlier date as may be established pursuant to Section 7351.6, the rate shall be eight cents (\$0.08) for each gallon of fuel distributed.

SEC. 2. Section 7351.5 of said code is amended to read:

7351.5. (a) For the privilege of storing for the purpose of sale or use in the propulsion of a motor vehicle on a highway fuel as to the distribution of which a license tax not exceeding seven cents (\$0.07) per gallon has been imposed under Section 7351, every person, except a duly licensed distributor, the government of the United States or any agency thereof, this state or any county, city and county, city, district, or any other political subdivision or agency of this state, owning one thousand (1,000) gallons or more thereof on April 1, 1965, shall pay a tax of one cent (\$0.01) for each gallon of such fuel according to the volumetric measure thereof.

(b) Every person owning and having in storage for purpose of sale one thousand (1,000) or more gallons of motor vehicle fuel on January 1, 1966, or, if a Governor's proclamation is issued pursuant to Section 7351.6, on the first day of the month following the issuance thereof, with respect to which a license tax of eight cents (\$0.08) per gallon has been imposed under Section 7351 of this part, shall be allowed a refund of one cent (\$0.01) for each gallon of such fuel. If the motor vehicle fuel with respect to which a refund is claimed hereunder was acquired tax paid on the temperature-corrected measure, the volumetric measure of the fuel owned and in storage on January 1, 1966, or, if a Governor's proclamation is issued pursuant to Section 7351.6, on the first day of the month following the issuance thereof, shall be adjusted to the temperature-corrected measure at 60 degrees Fahrenheit, and refund shall be

computed on that adjusted measure. The refund shall be made in the manner provided in Article 1 (commencing with Section 8101) of Chapter 7 of this part to the extent that the provisions thereof are not inconsistent herewith, and further provided that the claim for such refund shall be filed with the State Controller on or before February 1, 1966, or, if a Governor's proclamation is issued pursuant to Section 7351.6, on or before the first day of the second month following the issuance thereof.

(c) For the purposes of subdivision (a) of this section, "storing" includes the possession in a container of any kind, including the fuel tanks of motor vehicles, of motor vehicle fuel and such fuel purchased from, and invoiced by, the seller prior to April 1, 1965, and in transit on that date.

For the purposes of subdivision (b) of this section, "storing" includes the possession in a container of any kind, including the fuel tanks of motor vehicles, of motor vehicle fuel purchased from, and invoiced by, the seller prior to January 1, 1966 or, if a Governor's proclamation is issued pursuant to Section 7351.6, on the first day of the month following the issuance thereof, and in transit on that date.

For the purposes of this section, "owning" includes having title to, possession of as a consignee or agent, or any other possessory or beneficial interest in, motor vehicle fuel.

SEC. 2.5. Section 7351.6 is added to said code, to read:

7351.6. If, in any month prior to December, 1965, the Governor, acting upon the advice of the Departments of Finance and Public Works, finds either (1) that sufficient funds will be available from increased taxes and federal reimbursements for federally approved projects for the purpose of financing the repair or restoration of state highways and local streets, roads, and bridges damaged or destroyed by storm and flood or flood conditions which have occurred between December 1, 1964, and June 30, 1965, with the eight cents (\$0.08) per gallon rate of the tax imposed pursuant to Sections 7351 and 8651 remaining in effect only until the end of that month, or (2) that the sum of fifty-seven million dollars (\$57,000,000) will be available from said sources with such rate in effect only until the end of that month, whichever sum is the lesser, he shall, on or before the 10th day of that month, issue a proclamation making such declaration. Thereupon, the rate of the tax imposed pursuant to Section 7351 shall, on the first day of the month following the issuance of the Governor's proclamation, automatically revert to seven cents (\$0.07) per gallon for each gallon of fuel distributed.

SEC. 3. Section 7653 of said code is amended to read:

7653. On or before May 1, 1965, each person subject to the tax imposed under Section 7351.5 shall prepare and file with the board on forms prescribed by the board a return showing the total number of gallons of motor vehicle fuel owned by him on April 1, 1965, as to the distribution of which a license tax not exceeding seven cents (\$0.07) per gallon has been

imposed under Section 7351 and such other information as the board deems necessary for the proper administration of this part. The return must be accompanied by a remittance payable to the Controller in the amount of tax due.

SEC. 4. Section 8651 of said code is amended to read:

8651. An excise tax is hereby imposed at the rate of seven cents (\$0.07) for each gallon of fuel used, except that for the period commencing on April 1, 1965, to and including December 31, 1965, or such earlier date as may be established pursuant to Section 8651.5, the rate shall be eight cents (\$0.08) for each gallon of fuel used.

SEC. 4.5. Section 8651.5 is added to said code, to read:

8651.5. If, in any month prior to December, 1965, the Governor, acting upon the advice of the Departments of Finance and Public Works, finds either (1) that sufficient funds will be available from increased taxes and federal reimbursements for federally approved projects for the purpose of financing the repair or restoration of state highways and local streets, roads, and bridges damaged or destroyed by storm and flood or flood conditions which have occurred between December 1, 1964, and June 30, 1965, with the eight cents (\$0.08) per gallon rate of the tax imposed pursuant to Sections 7351 and 8651 remaining in effect only until the end of that month, or (2) that the sum of fifty-seven million dollars (\$57,000,000) will be available from said sources with such rate in effect only until the end of that month, whichever sum is the lesser, he shall, on or before the 10th day of that month, issue a proclamation making such declaration. Thereupon, the rate of the tax imposed pursuant to Section 8651 shall, on the first day of the month following the issuance of the Governor's proclamation, automatically revert to seven cents (\$0.07) per gallon for each gallon of fuel used.

SEC. 5. Section 186.9 is added to the Streets and Highways Code, to read:

186.9. The increased revenue derived from the increase in taxes provided for in the act adding this section and received in the Highway Users Tax Fund, together with any money received from the federal government as reimbursement to the state or any city or county for expenditures from funds allocated, transferred, or expended pursuant to this section or Section 186.95, for the repair or restoration of any state highway or local street, road, or bridge which has been or will be repaired or restored in part or in whole by such funds, is continuously appropriated, as follows:

(a) Forty percent of such increased tax revenues received in the Highway Users Tax Fund shall be transferred by the State Controller to the Street and Highway Disaster Fund created by Section 186.95 for expenditure, transfer, and allocation as provided therein.

(b) Sixty percent of such increased tax revenues received in the Highway Users Tax Fund shall be transferred by the State

Controller to the State Highway Fund and shall be subject to the provisions of Section 186.96.

(c) All money received from the federal government as such reimbursement shall be transferred to the Street and Highway Disaster Fund created by Section 186.95 for expenditure, transfer, and allocation as provided therein.

SEC. 6. Section 186.95 is added to the Streets and Highways Code, to read:

186.95. The Street and Highway Disaster Fund is hereby created in the State Treasury, to consist of the moneys referred to in Section 186.9.

The moneys in the Street and Highway Disaster Fund, which are appropriated by Section 186.9, shall be available for expenditure, transfer, and allocation, as follows:

(a) The money transferred to the fund pursuant to subdivision (a) of Section 186.9 shall be available for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law (Article 6 (commencing with Section 54150), Chapter 5, Part 1, Division 2, Title 5 of the Government Code), including the purposes provided for in Section 54160 of the Government Code, for damage or destruction to local streets, roads and bridges from storm and flood or flood conditions which have occurred between December 1, 1964, and June 30, 1965. Local agencies shall apply to the State Allocation Board for an allocation of funds on or before April 1, 1966. Notwithstanding any provisions to the contrary in the Emergency Flood Relief Law, the funds allocated pursuant to this subdivision may be used for the purpose of repairing, restoring or replacing such local streets, roads or bridges to present-day standards, such as those referred to in Section 186.8 of this code, and to accommodate present traffic.

(b) The money in the fund including the money received from the federal government as reimbursement to any city or county for the repair or restoration of any street, road or bridge which has been or will be repaired or restored in part or in whole by funds allocated pursuant to this section shall be available for allocation by the State Allocation Board for the purposes of the Emergency Flood Relief Law for the repair or restoration of any local street, road or bridge damaged or destroyed by any disaster, and the use of such money shall not be limited to the repair or restoration of streets, roads or bridges damaged or destroyed by storm and flood or flood conditions; provided, that no such money shall be allocated for expenditure in connection with any disaster, except the damage or destruction to local streets, roads or bridges damaged or destroyed by storm and flood or flood conditions which have occurred between December 1, 1964, and June 30, 1965, unless and until specifically authorized by the Legislature.

(c) The money in the fund received from the federal government as reimbursement to the state for the repair or restoration of any state highway which has been or will be repaired or restored in part or in whole by funds transferred to the

State Highway Fund pursuant to subdivision (b) of Section 186.9 or by funds expended pursuant to this section shall be available for transfer by the Department of Finance to the State Highway Fund for allocation by the California Highway Commission and expenditure by the Department of Public Works for the repair or restoration of any state highway damaged or destroyed by any disaster.

(d) Any money in the fund not necessary for immediate use for the purposes otherwise specified in this section shall be available for transfer by the Department of Finance to the State Highway Fund for allocation and expenditure for construction of state highways, but any amount so transferred shall, after receipt by the Department of Public Works of written demand from the Department of Finance, be returned from the State Highway Fund to the Street and Highway Disaster Fund upon determination by the Department of Finance of the necessity of such money for the purposes of this section within a period of not to exceed six months in such installments as may be agreed upon by the Department of Finance and the Department of Public Works.

SEC. 7. Section 186.96 is added to the Streets and Highways Code, to read:

186.96. It is the intent of the Legislature that certain highway users taxes should be increased by the act adding this section for a limited period to restore all damaged or destroyed highways, roads and bridges whether they are on the state highway system or under the jurisdiction of local agencies. Accordingly, the California Highway Commission is directed to use so much of the increased revenue transferred to the State Highway Fund pursuant to subdivision (b) of Section 186.9, without regard to the provisions of Sections 188, 188.8, or 188.9, not otherwise transferred to the State Allocation Board, pursuant to Section 186.9 of the Streets and Highways Code, for allocation to local agencies, as is necessary to finance the repair or restoration of highways and bridges on the state highway system damaged or destroyed by storm and flood or flood conditions which have occurred between December 1, 1964, and June 30, 1965, to present-day standards and to accommodate present traffic.

SEC. 8. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The recent storms and floods occurring in various areas of the state have caused severe damage and destruction to essential highways, roads and bridges. These highways, roads and bridges, in many cases, constitute the sole means of transportation in these areas. In order that the economy of the areas be maintained, it is necessary that funds be made available at

once for the restoration of such highways, roads and bridges. It is, therefore, essential that this act go into effect immediately.

CHAPTER 28

An act to amend Sections 375.7 and 377.3 of the Agricultural Code, relating to poultry meat inspection.

[Approved by Governor April 5, 1965. Filed with
Secretary of State, April 5, 1965.]

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

SECTION 1. Section 375.7 of the Agricultural Code is amended to read:

375.7. (a) Any person who violates any provisions of this article, or the regulations made under this article, or operates a poultry plant without a license, or who mislabels poultry meat is guilty of a misdemeanor.

(b) The director may bring an action to enjoin the violation or threatened violation of any provision of this article or the regulations thereunder in the superior court in and for the county in which the violation occurred or is about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show lack of adequate remedy at law or to show or tending to show irreparable damage or loss.

(c) The director may, after hearing, refuse to issue a license or renewal of a license and may revoke or suspend any license as the case may require for any violation of, or failure to comply with, the provisions of this article or the regulations adopted hereunder, or for any violation of or failure to comply with the provisions of subdivision (a) of Section 377.2 of this chapter. Any proceedings under this section shall be conducted in accordance with Chapter 5 (commencing at Section 11500), Part 1, Division 3 of Title 2 of the Government Code and the director shall have all powers granted therein.

SEC. 2. Section 377.3 of said code is amended to read:

377.3. (a) No person shall act as a poultry meat inspector without having obtained a license as provided in this article. Every person before acting as a poultry meat inspector shall apply to and receive from the director a license to inspect poultry meat. The application fee shall be ten dollars (\$10). All such licenses shall expire on the last day of the calendar year for which they were issued. Application for renewal of a license accompanied by a fee of five dollars (\$5) shall be made on or before the last day of the calendar year for which the license was issued. To any fee not paid when due, there shall

accrue and be added a penalty of five dollars (\$5). If a license lapses for two calendar years, such license shall not be subject to renewal and any application shall be considered a new application.

If an applicant does not take the required examinations within one year from the date of receipt of his application, the application will be deemed terminated.

(b) The director shall, after written and oral examination and demonstration to show the applicant's knowledge of conditions affecting wholesomeness in poultry meat and poultry meat products, the anatomy of poultry, routine processing techniques and equipment used in poultry processing plants, and poultry plant sanitation, and his ability to understand laws and regulations pertaining to poultry meat inspection, issue to persons who pass and are otherwise qualified, licenses to inspect poultry meat for wholesomeness.

(c) The director shall, forthwith after the passage of this article and from time to time, arrange for conducting schools of instruction for poultry meat inspectors.

CHAPTER 29

An act to amend Section 319 of the Agricultural Code, relating to meat inspection.

[Approved by Governor April 5, 1965. Filed with
Secretary of State, April 5, 1965.]

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

SECTION 1. Section 319 of the Agricultural Code is amended to read:

319. Nothing contained in this article shall restrict or prevent a retail meat market as a part of its retail meat business and as a consequence of same or as an incident to same, from making or preparing or selling prepared meat, or meat food products that are made or prepared on its own premises from meats which bear the inspected and passed stamp of federal inspection, state inspection or approved municipal inspection; provided, that said prepared meat or meat food products are sold on the premises of said retail meat market and are not made or prepared by cooking, curing, drying, smoking or rendering and are not made, prepared, or packaged at any place other than the immediate premises where sold, unless such place is operated under federal inspection, state inspection or approved municipal inspection.

No application is required of such retail meat markets, or the owners or operators thereof for the inspection service provided for in this article and no such inspection service is required to enable them to make, prepare or sell such prepared meat or meat food products. Nothing contained in this article

shall prohibit a retail meat market from selling or offering for sale meat, prepared meat, meat products, or meat food products which bear the inspected and passed stamp of federal inspection, state inspection or approved municipal inspection.

CHAPTER 30

An act to amend Section 200 of the Code of Civil Procedure, relating to persons exempted from jury duty.

[Approved by Governor April 5, 1965. Filed with Secretary of State, April 5, 1965.]

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

SECTION 1. Section 200 of the Code of Civil Procedure is amended to read:

200. A person is exempt from liability to act as a juror if he be:

1. A Member of the Legislature of this state; A Member of the Congress of the United States; a judicial, civil, naval or military officer of the United States, or of this state, or a member of the armed forces of the United States, while on active duty;

2. A person holding a county, city and county, city, town or township office of profit;

3. An attorney at law, or the clerk, secretary, or stenographer of an attorney at law;

4. A minister of the gospel, or a priest of any denomination following his profession;

5. A teacher in a university, college, academy, or school;

6. A practicing physician, or practicing licensed dentist, practicing podiatrist, or practicing registered optometrist, or druggist actually engaged in the business of dispensing medicines;

7. An officer, keeper or attendant of an almshouse, hospital, or other charitable institution;

8. Engaged in the performance of duty as officer or attendant of the state prison or of a county jail;

9. Employed on board of a vessel navigating the waters of this state;

10. An express agent, mail carrier, or a superintendent, employee, or operator of a telegraph or telephone company, doing a general telegraph or telephone business in this state, or keeper of a public ferry or tollgate;

11. An active member of the National Guard of California, or an active member of a paid fire department of any city and county, city, town or village in this state, or any exempt member of a duly authorized fire company;

12. A superintendent, engineer, fireman, brakeman, motorman, or conductor on a railroad;

13. A person drawn as a juror in any court of record in this state, upon a regular panel, who has served as such within a year, or a person drawn or summoned as a juror in any such court, who has been discharged as a juror within a year as hereinafter provided; or a person who is incompetent under subdivision 3 of the preceding section; provided, however, that in counties having less than 5,000 population the exemption provided by this subdivision shall not apply;

14. A practitioner who treats the sick by prayer in the practice of the religion of any well-recognized church or denomination, or a reader whose duty is to conduct regular religious services of such church or denomination; or,

15. A member of a religious order which is part of any well-recognized church or denomination who devotes his life to a cloistered contemplative existence.

CHAPTER 31

An act to add Section 1205.5 to the Education Code, relating to school districts.

[Approved by Governor April 5, 1965. Filed with
Secretary of State, April 5, 1965.]

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

SECTION 1. Section 1205.5 is added to the Education Code, to read:

1205.5. Notwithstanding the provisions of Section 1205, whenever the average daily attendance of a unified school district, which becomes effective for all purposes on or after July 1, 1966, is 2,000 or more, for all purposes the district shall be deemed a city school district governed by a city board of education and the governing board thereof shall be deemed a city board of education.

CHAPTER 32

An act to amend Section 12603 of, and to add Section 12603.5 to, the Business and Professions Code, relating to sales of commodities.

[Approved by Governor April 5, 1965. Filed with
Secretary of State, April 5, 1965.]

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

SECTION 1. Section 12603 of the Business and Professions Code is amended to read:

12603. The provisions of this chapter do not apply:

(a) To a sale of a commodity when such sale is made from

bulk and the quantity is weighed, measured or counted for the immediate purpose of such sale;

(b) To the sale of a commodity in any container of a net weight of one-half ounce or less avoirdupois, or of a net measure of one-half fluid ounce or less, or when the net count, other than by linear measure, is less than six and the contents are readily visible;

(c) To a sale of medicine when prescribed by a licensed physician, veterinarian, or dentist, or to a sale of medicinal or pharmaceutical preparations or mixtures of two or more medicinal substances.

SEC. 2. Section 12603.5 is added to said code, to read:

12603.5. Subdivision (c) of Section 12603 shall not be construed as exempting products from the requirements of accuracy in statements of total physical weight, counts and measures.

CHAPTER 33

An act to amend Section 12200 of the Penal Code, relating to machineguns.

[Approved by Governor April 5, 1965. Filed with
Secretary of State, April 5, 1965.]

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

SECTION 1. Section 12200 of the Penal Code is amended to read:

12200. The term machinegun as used in this chapter means any weapon which shoots, or is designed to shoot, automatically or semiautomatically, more than one shot, without manual reloading, by a single function of the trigger.

CHAPTER 34

An act to amend Section 24605 of, and to repeal Sections 25302, 25303, and 25304 of, the Vehicle Code, relating to equipment on vehicles.

[Approved by Governor April 5, 1965. Filed with
Secretary of State, April 5, 1965.]

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

SECTION 1. Section 24605 of the Vehicle Code is amended to read:

24605. (a) Tow cars used to tow a vehicle shall be equipped with and carry a taillamp, a stoplamp, and a portable electrical extension cord for use in displaying the lamps on the rear of a towed vehicle.

(b) Whenever a tow car is towing a vehicle and a stoplamp cannot be lighted and displayed on the rear of the towed vehicle, the tow car operator shall by means of an extension cord display to the rear a stoplamp mounted on the towed vehicle, except as provided in subdivision (c). During darkness, if a taillamp on the towed vehicle cannot be lighted, the tow car operator shall by means of an extension cord display to the rear a taillamp mounted on the towed vehicle. No other lighting equipment need be displayed on such towed vehicles.

(c) Whenever any motor vehicle is towing another motor vehicle, stoplamps and turn signal lamps are not required on the towed motor vehicle, provided a stoplamp and a turn signal lamp on each side of the rear of the towing vehicle is plainly visible to the rear of the towed vehicle. This subdivision shall not apply to driveaway-towaway operations.

SEC. 2. Section 25302 of said code is repealed.

SEC. 3. Section 25303 of said code is repealed.

SEC. 4. Section 25304 of said code is repealed.

CHAPTER 35

An act to add Section 13718.1 to the Education Code, relating to school district employees.

[Approved by Governor April 5, 1965. Filed with Secretary of State, April 5, 1965.]

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

SECTION 1. Section 13718.1 is added to the Education Code, to read:

13718.1. The provisions of Sections 13586, 13587, 13601, 13652, 13653, 13654, and 13655 are applicable to the employees of school districts which have adopted a merit system pursuant to the procedure set forth in this article.

This section is declaratory of existing law. The sections here enumerated are to be construed and applied in the same manner and with the same effect as when they were applicable to the employees of such school districts prior to the enactment of Section 13580 by Chapter 1267 of the Statutes of 1959, and in accordance with the applicable provisions of this article and the rules of the Personnel Commission.

CHAPTER 36

An act to add Section 12001.5 to, and to amend Section 12020 of, the Penal Code, relating to weapons.

[Approved by Governor April 5, 1965 Filed with
Secretary of State, April 5, 1965.]

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

SECTION 1. Section 12001.5 is added to the Penal Code, to read:

12001.5. Nothing in this chapter shall be construed as authorizing the manufacture, importation into the state, keeping for sale, offering for sale, or giving, lending, or possession of any sawed-off shotgun, as defined in Section 12020.

SEC. 2. Section 12020 of said code is amended to read:

12020. Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, sawed-off shotgun, or metal knuckles, or who carries concealed upon his person any explosive substance, other than fixed ammunition or who carries concealed upon his person any dirk or dagger, is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison for not less than one year nor more than five years.

As used in this section a "sawed-off shotgun" means a shotgun having a barrel or barrels of less than 18 inches in length, or a rifle having a barrel or barrels of less than 16 inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

CHAPTER 37

An act to amend Section 24409 of the Vehicle Code, relating to multiple-beam lights.

[Approved by Governor April 5, 1965 Filed with
Secretary of State, April 5, 1965]

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

SECTION 1. Section 24409 of the Vehicle Code is amended to read:

24409. Whenever a motor vehicle is being operated during darkness, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance

of the vehicle, subject to the following requirements and limitations:

(a) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, he shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

The lowermost distribution of light specified in this article shall be deemed to avoid glare at all times regardless of road contour.

(b) Whenever the driver of a vehicle follows another vehicle within 300 feet to the rear, he shall use the lowermost distribution of light specified in this article.

CHAPTER 38

An act to add Sections 1104.2, 1104.3, 1104.4, 1104.5, 1104.6, 1104.7 and 1104.8 to the Insurance Code, relating to activities of shareholders, directors and officers of insurers.

[Approved by Governor April 5, 1965. Filed with
Secretary of State, April 5, 1965.]

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

SECTION 1. Section 1104.2 is added to the Insurance Code, to read:

1104.2. 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 a director or officer of such insurer shall file in the office of the Insurance Commissioner on or before the 31st day of October, 1965, or within 10 days after he becomes such a beneficial owner, director or officer, a statement, in such form as the 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 commissioner a statement, in such form as the commissioner shall prescribe, indicating his ownership at the close of the calendar month and such changes in his ownership as have occurred during such calendar month.

SEC. 2. Section 1104.3 is added to said code, to read:

1104.3. For the purpose of preventing the unfair use of information which may have been obtained by any beneficial owner of an insurer, or director or officer thereof, described in Section 1104.2, by reason of his relationship to such insurer, any profit realized by him from any purchase and sale, or any sale or 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 the intent of the beneficial owner, director or officer who

entered into the 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 of and on 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 section shall not be construed to cover any transaction where a 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 commissioner may by rules and regulations exempt as not within the scope of this section.

SEC. 3. Section 1104.4 is added to said code, to read:

1104.4. It shall be unlawful for any beneficial owner of an insurer, or director or officer thereof, described in Section 1104.2, to, directly or indirectly, sell any stock of such insurer if he or his principal does not own the stock sold, or, if he or his principal owns the stock, he does not deliver it against such sale within 20 days thereafter, or does not within five 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 section 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.

SEC. 4. Section 1104.5 is added to said code, to read:

1104.5. The provisions of Section 1104.3 shall not apply to any purchase and sale, or sale and purchase, and the provisions of Section 1104.4 shall not apply to any sale of stock of a domestic insurer (not then or theretofore held in an investment account), by a dealer in the ordinary course of his business and incidental to the establishment or maintenance by him of a primary or secondary market (other than on an exchange as defined in the Securities Exchange Act of 1934) for such stock. The commissioner may, by such rules and regulations as he deems necessary or appropriate in the public interest, define and prescribe terms and conditions with respect to stock held in an investment account and transactions made in the ordinary course of business and incidental to the establishment or maintenance of a primary or secondary market.

SEC. 5. Section 1104.6 is added to said code, to read:

1104.6. The provisions of Sections 1104.2, 1104.3, and 1104.4 shall not apply to foreign or domestic arbitrage transactions unless made in contravention of such rules and regulations as the commissioner may adopt in order to carry out the purposes of this article.

SEC. 6. Section 1104.7 is added to said code, to read:

1104.7. The term "stock" as it is used in Sections 1104.2,

1104.3, 1104.4, 1104.5 and 1104.8 means any stock or similar security, or any security, convertible, with or without consideration, into such stock or carrying any warrant or right to subscribe to or purchase such stock, or any such warrant or right, or any other security which the commissioner shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as he may prescribe in the public interest or for the protection of investors, to treat as stock.

SEC. 7. Section 1104.8 is added to said code, to read :

1104.8. The provisions of Sections 1104.2, 1104.3, and 1104.4 shall not apply to a domestic insurer if:

(a) Its stock shall be registered, or shall be required to be registered, pursuant to Section 12 of the Securities Exchange Act of 1934, as amended; or if

(b) Such domestic insurer shall not have any class of its stock held of record by 100 or more persons on the last business day of the year next preceding the year in which stock of the insurer would be subject to the provisions of Sections 1104.2, 1104.3, and 1104.4 except for the provisions of this subdivision.

CHAPTER 39

An act to add Section 1140.5 to the Insurance Code, relating to incorporated insurers, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 5, 1965. Filed with
Secretary of State, April 5, 1965.]

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

SECTION 1. Section 1140.5 is added to the Insurance Code, to read:

1140.5. (a) Notwithstanding any other provision of law, a copy of every form of proxy or written consent or authorization for use at any meeting or proceeding of shareholders or stockholders of any domestic insurer to evidence authority to cast the vote of any shareholder or stockholder, or to record the consent or the authorization of any shareholder or stockholder to any action of the insurer, and a copy of every solicitation, announcement, or advertisement used to obtain, or to influence any shareholder or stockholder to sign, any proxy, or written consent or authorization shall be filed with the commissioner by the person intending to use, issue, publish, or circulate such document. No such document shall be used, issued, published, or circulated before a period of 10 days following the date of its filing, or any shorter period as may be designated by the commissioner, has elapsed. Within such 10-day or shorter period the commissioner may disapprove of any document filed with him pursuant to this section, stating his reasons therefor in writing, in which case such document shall not be used, issued, published, or circulated.

(b) Any person who fails to make the filing required by this section and who thereafter uses any document required to be filed, or who uses any such document before it has been filed with the commissioner for the period required, or who uses any such document after receiving written notice that the document has been disapproved by the commissioner is guilty of a misdemeanor. It shall be unlawful to use any proxy or consent obtained in violation of this section; and the superior court of the State of California in and for the county in which is located the principal place of business of such insurer shall have jurisdiction to enforce the provisions of this section and the regulations promulgated pursuant thereto, and to grant appropriate relief upon the verified petition of the commissioner, such domestic insurer or and any of its shareholders or stockholders.

(c) The purposes of this section are: to ensure that the shareholders, stockholders or other persons entitled to vote or give written consents or authorizations are provided with adequate and accurate information regarding the affairs of the insurers in which they have interests, the interests of those soliciting proxies or written consents or authorizations and of those upon whose behalf such solicitations are made, and the matters as to which proxies or written consents or authorizations are solicited; and to prevent fraud or deception in connection with proxies, proxy statements or other proxy solicitations. In furtherance of the purposes of this section the commissioner may make rules and regulations therefor. Such rules and regulations may differ as to different classes and types of insurers.

(d) The provisions of this section shall not apply to any domestic insurer having less than 100 shareholders or stockholders and shall not apply to any domestic insurer if 95 percent or more of its stock is owned or controlled by a parent or an affiliated insurer and the remaining shares of stock are owned by less than 500 shareholders or stockholders. Any domestic insurer which files with the Securities and Exchange Commission forms of proxies, consents and authorizations complying with the requirements of the Securities Exchange Act of 1934 and the amendments thereto and the applicable regulations thereunder, is exempt from the provisions of this section.

SEC. 1.5. This act shall become operative on April 29, 1965.

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 1964 Congress adopted certain amendments to the Securities Exchange Act of 1934 and the Securities Act of 1933 under which it is argued that unless the several states prior to April 30, 1965, enact statutes regulating the matters covered by this act the Securities and Exchange Commission would

assume jurisdiction over any insurer domiciled in such state having more than a specified number of shareholders or stockholders in accordance with a time schedule contained in such amendments.

Traditionally, the several states have regulated most activities of insurers and have taxed them. In the calendar year 1964, this state collected taxes from this source aggregating more than one hundred million dollars (\$100,000,000).

Should the federal government intrude into the regulation of insurers it would be only a matter of time until it would appropriate some or all of this state's revenue from this source.

Further, should this act not become effective before April 30, 1965, some 40 or more domestic insurers, including, without limitation, those issuing life, health and accident insurance policies, making extensive and comprehensive reports to the State of California would have to duplicate a portion of this reporting by filing reports with the Securities and Exchange Commission, thus increasing their expenses with a concomitant lessening of protection of the use and enjoyment of their property. Such additional expense would undoubtedly be passed on to the public by way of rate increases to be borne in large measure by the citizens of California.

CHAPTER 40

An act to amend Section 855 of, and to add Section 13468.1 to, the Education Code, relating to certificated employees.

[Approved by Governor April 5, 1965. Filed with
Secretary of State, April 5, 1965.]

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

SECTION 1. Section 855 of the Education Code is amended to read:

855. Each person employed by a county superintendent of schools in a position requiring certification qualifications, and whose salary is paid from the county school service fund, has the same right with respect to leaves of absence, sick leave, and bereavement leave as a person employed by a school district in a position requiring certification qualifications.

The provisions of Sections 13453 to 13466, inclusive, and Sections 13467, 13468, 13468.1, 13469, and 13470 apply to persons so employed by a county superintendent of schools and so paid from the county school service fund. Whenever, in such provisions, a duty or power is imposed upon or granted to the governing board of a school district or an employee thereof, such power or duty shall, for the purposes of this section, be deemed to be granted to or imposed on the county superintendent of schools or his employee, respectively. When

“district” is used in such provisions, it shall, for the purposes of this section, be deemed to mean “county superintendent of schools.” Compensation paid to such employees during such leaves shall be paid from the county school service fund.

The granting of leaves of absence to such employees pursuant to Section 13457 shall be by the county superintendent of schools, upon approval by the county board of education.

SEC. 2. Section 13468.1 is added to said code, to read:

13468.1. Any certificated employee of any school district who has been an employee of that district for a period of one school year or more and who accepts a position requiring certification qualifications in another school district at any time during the second or any succeeding school year of his employment with the first district, or who, within the school year succeeding the school year in which such employment is terminated, signifies acceptance of his election or employment in a position requiring certification qualifications in another school district, shall have transferred with him to the second district the total amount of leave of absence for illness or injury to which he is entitled under Section 13468. The State Board of Education shall adopt rules and regulations prescribing the manner in which the first district shall certify to the second district the total amount of leave of absence for illness or injury to be transferred. No governing board shall adopt any policy or rule, written or unwritten, which requires any certificated employee transferring to its district to waive any part or all of the leave of absence which he may be entitled to have transferred in accordance with this section.

CHAPTER 41

An act to add Section 1111.2 to the Education Code, relating to school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 5, 1965. Filed with
Secretary of State, April 5, 1965.]

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

SECTION 1. Section 1111.2 is added to the Education Code, to read:

1111.2. (a) Notwithstanding the provisions of Section 1111, whenever, in a district which has been wholly absorbed into one or more other districts and continues in existence as a district pursuant to Section 1706 until the reorganization in which it has been included is effective for all purposes and a governing board member election is otherwise required to be held prior to such effective date of the reorganization, no such election shall be held. Instead, the county superintendent of schools shall appoint successors to the members whose terms

expire on or before June 30th following the date upon which the election would otherwise have been held. Such appointees shall hold office until the reorganization becomes effective for all purposes.

(b) The provisions of subdivision (a) shall apply to any school district governed by a city board of education whenever such school district has been included with other school district territory within a unification effected pursuant to Chapter 9 (commencing with Section 3001) or Chapter 10 (commencing with Section 3101) of Division 5, where:

(1) The charter of the city involved requires an election of city school district governing board members to be held prior to the date the new unified district becomes effective for all purposes; and

(2) The governing board of the new unified school district is organized to be subject to the provisions of this code rather than the provisions of the city charter.

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

A number of school district reorganizations have recently taken place which will not become effective until midyear in 1965 or 1966. The component districts which must continue in existence during this short interim will be confronted with the need for conducting governing board member elections in April 1965. In order to avoid the expense and inconvenience involved in conducting such elections it is necessary for this act to take effect immediately.

CHAPTER 42

An act to add Section 1705.5 to the Water Code, relating to the State Water Rights Board.

[Approved by Governor April 7, 1965. Filed with
Secretary of State April 7, 1965.]

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

SECTION 1. Section 1705.5 is added to the Water Code, to read:

1705.5. Any petition for a writ of mandate to inquire into the validity of an order of the board granting or refusing to grant permission to change the point of diversion, place of use, or purpose of use, shall be filed within 30 days after the service of a copy of the order on the parties. Service shall be by personal delivery or registered mail. The right to petition shall not be affected by the failure to seek reconsideration before the board.

CHAPTER 43

An act to add Section 1527.5 to the Water Code, relating to water rights.

[Approved by Governor April 7, 1965. Filed with
Secretary of State April 7, 1965.]

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

SECTION 1. Section 1527.5 is added to the Water Code, to read:

1527.5. An applicant who withdraws his application after receiving the notice called for by Section 1527 or whose application has been rejected for failure to pay the full application fee within the time required by law, shall be ineligible to file another application for a permit to appropriate the same water for a period of six months after such withdrawal or rejection.

CHAPTER 44*An act to amend Section 1360 of the Water Code, relating to water rights.*

[Approved by Governor April 7, 1965. Filed with
Secretary of State April 7, 1965.]

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

SECTION 1. Section 1360 of the Water Code is amended to read:

1360. Any person interested in any application may, within 30 days after final action by the board, file a petition for a writ of mandate in the superior court in and for the county in which the applicant seeks to divert water to inquire into the validity of the action of the board. If the applicant seeks to divert water in more than one county, the petition may be filed in any one of the counties. The right to petition shall not be affected by the failure to seek reconsideration before the board.

CHAPTER 45

An act to amend Section 1300 of the Water Code, relating to water rights.

[Approved by Governor April 7, 1965. Filed with Secretary of State April 7, 1965.]

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

SECTION 1. Section 1300 of the Water Code is amended to read:

1300. As soon as practicable after the receipt of an application for a permit to appropriate water which conforms to the rules and regulations of the board and to law, the board shall issue and deliver a notice of the application (a) to the applicant, (b) to the district attorney of each county wherein the applicant proposes to divert water under the application, and (c) to the board of supervisors of each county wherein the applicant proposes to divert water under the application.

CHAPTER 46*An act to add Section 7106 to, and to amend Sections 6491 and 6509 of, the Elections Code, relating to filing nomination papers.*

[Approved by Governor April 7, 1965. Filed with Secretary of State April 7, 1965.]

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

SECTION 1. Section 7106 is added to the Elections Code, to read:

7106. Any person who was a candidate for any of the offices mentioned in Section 11564 in a previous election and has not filed a campaign statement, as required under Chapter 1 (commencing at Section 11500) of Division 8 of this code, shall not be allowed to file a declaration of candidacy for the same office or any other office for which a campaign statement is required to be filed with the Secretary of State, either by the candidate himself or by sponsors on his behalf, for a period of time equal to the period for which campaign statements for such office are required to be held under Section 11567 of this code, unless such campaign statement is subsequently filed prior to the filing of a declaration of candidacy. The provisions of Section 11563 of this code shall not be construed so as to prevent a candidate from filing a late statement in order to qualify for candidacy under this section.

The county clerk shall accept a declaration of candidacy for filing if the declaration indicates either that the candidate

has never been a candidate for any of the offices mentioned in Section 11564, or, if he has been a candidate for any such office, that he has filed the campaign statement required by law. If the declaration indicates that the candidate has not filed a required campaign statement, and the clerk ascertains that such failure was in the period stated in this section, the clerk shall refuse to accept the declaration until the candidate files his campaign statement as provided in this section.

SEC. 2. Section 6491 of said code is amended to read:

6491. The personal declaration of candidacy by a candidate shall be substantially as follows:

DECLARATION OF CANDIDACY

I hereby declare myself a ----- party candidate for nomination to the office of ----- to be voted for at the primary election to be held -----, 19--, and declare the following to be true:

My name is -----

My present residence is -----

My present occupation is -----

My present business address is -----

The name of my employer (if any) is -----

The address of my employer (if any) is -----

My occupation for the past three years has been as follows:

The duration of my residence in California is ----- years.

I have been a citizen of the United States for ----- years

My address for the past five years has been as follows:

I solemnly swear (or affirm) that I am not engaged in one way or another in any attempt to overthrow the government by force or violence, and that I am not knowingly a member of any organization engaged in such an attempt.

I am at present an incumbent of the following public office (if any): -----

I have held the following public office (if any): -----

----- for ----- years,

----- for ----- years.

I (have) (have not) in the past been a candidate for a federal, statewide, or legislative office, or the office of member of the State Board of Equalization or judge of the superior court, and (have) (have not) filed the campaign statement required by law.

I am registered as affiliated with the ----- Party. (The candidate may here insert, at his option, in not over 50 words, a statement of what he considers to be his special fitness, training or experience in the line of work which he will be called upon to perform in case of his election.)

If nominated, I will accept the nomination and not withdraw and will qualify for that office if nominated and elected.

Signature of candidate

State of California }
County of ----- } ss.

Subscribed and sworn to before me this ----- day of -----, 19----.

Notary public (or other official)

Examined and certified by me this ----- day of -----, 19----.

Registrar of voters—county clerk

SEC. 3. Section 6509 of said code is amended to read:

6509. A candidate nominated by sponsors shall, if he accepts the nomination, file an affidavit of acceptance, which affidavit shall be substantially as follows:

DECLARATION OF ACCEPTANCE OF NOMINATION

I hereby accept the nomination as proposed by a certain declaration of candidacy by sponsors, as a candidate of the ----- Party for nomination to the office of -----, to be voted for at the primary election to be held -----, 19----, and declare the following to be true:

My name is -----

My present residence is -----

My present occupation is -----

My present business address is -----

The name of my employer (if any) is -----

The address of my employer (if any) is -----

My occupation for the past three years has been as follows: -----

The duration of my residence in California is ----- years.

I have been a citizen of the United States for ----- years.

My address for the past five years has been as follows: -----

I solemnly swear (or affirm) that I am not engaged in one way or another in any attempt to overthrow the government by force or violence, and that I am not knowingly a member of any organization engaged in such an attempt.

I am at present an incumbent of the following public office (if any): -----

I have held the following public offices (if any):

----- for ----- years,
----- for ----- years.

I (have) (have not) in the past been a candidate for a federal, statewide, or legislative office, or the office of member of the State Board of Equalization or judge of the superior court, and (have) (have not) filed the campaign statement required by law.

I am registered as affiliated with the ----- Party. (The candidate may here insert, at his option, in not over 50 words, a statement of what he considers to be his special fitness, training or experience in the line of work which he will be called upon to perform in case of his election.)

If nominated I will accept the nomination and not withdraw and will qualify for the office if nominated and elected.

Signature of candidate

State of California }
County of ----- } ss.

Subscribed and sworn to before me this ----- day of -----, 19-----.

Notary public (or other official)

CHAPTER 47

An act to amend Sections 17 and 20 of the Orange County Water District Act (Chapter 924, Statutes of 1933), relating to the Orange County Water District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 7, 1965. Filed with Secretary of State April 7, 1965.]

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

SECTION 1. Section 17 of the Orange County Water District Act (Chapter 924, Statutes of 1933) is amended to read:

Sec. 17. The board of directors, on or before the first meeting of the board of supervisors of said Orange County in August of each year, must furnish said board of supervisors and the auditor of said Orange County with an estimate in writing of the amount of money needed for the initiated or authorized purposes of the district for the current fiscal year, including the purchase of supplemental water for the replenishment of ground water supplies of said district and amounts necessary for the payment of the principal of and interest on any bonded debt of the district as it becomes due. This amount, less available funds on hand, shall be deemed to be sufficient to provide the necessary funds to initiate, carry on and complete any of the powers, projects, and purposes for which this district is organized, and which the board of directors shall deem advisable to be initiated or

authorized for the current fiscal year other than projects and works which the board of directors shall deem advisable or necessary to finance by bonded indebtedness; to pay the estimated cost of maintenance, operation and repairs of works and projects of said district, the incidental expenses of said district, and the estimated amount necessary for the payment of the costs of any action or proceeding which may be taken or assumed by said district, including the cost of employment of attorneys and engineers; to purchase supplemental water, in addition to water purchased from replenishment funds, for the replenishment of ground water supplies of the district. In estimating the general funds needed by said district, all general funds on hand which are or will be unexpended at the end of the fiscal year, other than (1) funds allocated to the general reserve by said board of directors; (2) funds allocated to the unappropriated reserve by said board of directors, shall be considered as funds on hand.

Provided, that the amount of the general assessment levied during any year, excluding the amounts necessary for the payment of the principal of and interest on any bonded debt of the district, shall not exceed twenty cents (\$0.20) for each one hundred dollars (\$100), or fraction thereof, of assessable property in said district, excluding personal property, according to the last assessment rolls of Orange County. Provided, further, however, that a tax rate in excess of eight cents (\$0.08) for each one hundred dollars (\$100), or fraction thereof, of assessable property in said district, excluding personal property, according to the last assessment rolls of Orange County, shall not be established unless authorized by an affirmative vote of eight of the members of the board of directors of the Orange County Water District. The general assessments provided for in this section shall in no event exceed eight cents (\$0.08) for each one hundred dollars (\$100), or fraction thereof, of mineral rights, where such mineral rights are assessed separately from the land. All funds derived from said general assessment in excess of those derived from eight cents (\$0.08) for each one hundred dollars (\$100), or fraction thereof, of assessable property in said district, as hereinabove provided, of any general assessment shall be deposited and applied to the water reserve fund. The amounts deposited and applied to the water reserve fund shall be used solely and exclusively for the purpose of:

(a) The purchase of supplemental water for the replenishment of the ground water supplies of said district; and

(b) Acquiring, constructing or developing intrusion prevention projects, spreading grounds or basins, waste water reclamation and water salvage projects, canals, conduits, pipelines, wells, or other works useful or necessary for the purposes of the district and to carry out the provisions of this act; and

(c) Acquiring any real or personal property or rights or privilege therein useful or necessary for the foregoing projects

or works or for the purposes of the district and to carry out the provisions of this act.

In addition to the purchase of supplemental water for the ground water supplies of said district from the water reserve fund and from the replenishment fund, the board of directors may purchase water for the replenishment of the ground water supplies of said district from the general fund upon the affirmative vote of at least eight members of the board of directors.

SEC. 2. Section 20 of said act is amended to read:

Sec. 20. The following funds are hereby created and established for said district to which the moneys of the district shall be deposited and applied, to wit, the general fund, the replenishment fund, the water reserve fund, the bond fund, and various improvement funds. All funds collected and received by said district from the levy of said district's replenishment assessment shall be deposited with the county treasurer and applied to the replenishment fund for the use of said district. All funds collected and received by said district from the levy of the general assessment, other than those derived from the portion thereof in excess of those derived from eight cents (\$0.08) for each one hundred dollars (\$100), or fraction thereof, of assessable property in said district as provided in Section 17 of this act, shall be deposited and applied to the general fund. All funds collected and received by said district from the levy of assessments for the payment of the principal of and interest on the bonded debt of the district shall be deposited and applied to the bond fund. All funds collected and received by said district from the levy of the general assessment derived from that portion thereof in excess of eight cents (\$0.08) for each one hundred dollars (\$100), or fraction thereof, of assessable property in said district, as provided in Section 17 of this act, shall be deposited and applied to the water reserve fund. All other funds received by said district shall be deposited in the fund designated by the board of directors. The board of directors of said district may, from time to time, upon an affirmative vote of eight of the members of said board, transfer funds in such amounts as they deem advisable from the general fund to the water reserve fund.

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

In order that the Orange County Water District receive the benefits of this act and in order to assure an adequate supply of water for the replenishment of ground water supplies and the acquisition of such lands and the development of such projects as may be useful or necessary to assure the continued efficient functioning of the Orange County Water District for the benefit of its members, it is imperative that this act take effect immediately.

CHAPTER 48

An act to amend Section 1260 of the Water Code, relating to appropriation of water.

[Approved by Governor April 7, 1965. Filed with
Secretary of State April 7, 1965.]

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

SECTION 1. Section 1260 of the Water Code is amended to read:

1260. Every application for a permit to appropriate water shall set forth all of the following:

- (a) The name and post office address of the applicant.
- (b) The source of water supply.
- (c) The nature and amount of the proposed use.
- (d) The location and description of the proposed headworks, ditch, canal, and other works.
- (e) The proposed place of diversion.
- (f) The place where it is intended to use the water.
- (g) The time within which it is proposed to begin construction.
- (h) The time required for completion of the construction.
- (i) The time for the complete application of the water to the proposed use.
- (j) All data and information reasonably available to applicant or that can be obtained from the Department of Fish and Game concerning the extent, if any, to which fish and wildlife would be affected by the appropriation, and a statement of any measures proposed to be taken for the protection of fish and wildlife in connection with the appropriation.

CHAPTER 49*An act to amend Section 68541 of the Government Code, relating to courts.*

[Approved by Governor April 9, 1965. Filed with
Secretary of State April 9, 1965.]

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

SECTION 1. Section 68541 of the Government Code is amended to read:

68541 The extra compensation of a judge of a justice court sitting in another justice court or a municipal court under assignment made by the Chairman of the Judicial Council shall be paid by the county which by law is charged with the payment of the compensation of the judge of the court to which the assignment is made. In the event that a judge of a justice court is assigned to sit in a justice court or municipal

court in a different county, that county, rather than the county in which his court is located, shall pay, during the period of the assignment and in addition to any extra compensation to which the judge may become entitled, the compensation he would have received had the assignment not been made.

CHAPTER 50

An act to amend Section 102 of the Agricultural Code, relating to pest control.

[Approved by Governor April 9, 1965. Filed with Secretary of State April 9, 1965.]

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

SECTION 1. Section 102 of the Agricultural Code is amended to read:

102. Each commissioner is an enforcing officer of all laws, rules and regulations relative to the prevention of the introduction into, or the spread within the state of pests, and as to such activities is under the supervision of the director.

Commissioners, deputy commissioners, and inspectors, holding valid certificates of eligibility for the office to which they have been appointed, are hereby appointed state plant quarantine officers for the purpose of certifying to the pest condition or pest treatment of shipments, when certification as a condition of movement or entry is officially required, and for the purpose of enforcing of laws, rules and regulations, relative to plant quarantine.

The board of supervisors may at their option establish a schedule of fees for any or all classes of certificates to be paid by shippers requesting such certificates. Upon receipt of such scheduled fee, or in the event no schedule has been established, then upon request of the shipper it is the duty of commissioners to make such inspections as may be necessary to determine the facts required by the state or country of intended destination and to issue a certificate stating the facts determined; provided, that no fee shall be charged for certification required by any law, regulation or requirement of the United States or of this state or by any ordinance, regulation or requirement of any county of this state. The schedule of fees established by the boards of supervisors for such certificates shall be based upon the approximate cost of the inspection. It shall be unlawful for any person to alter, deface or wrongfully use a certificate issued under the provisions of this chapter.

The board of supervisors of any county may designate a place or places within such county as fumigation or treatment stations for the purpose of enabling the commissioners to make the inspections referred to in this section, if fumigation

or other treatment is required by the state or country of destination as a condition of shipment to such state or country. Upon such designation by the board of supervisors, the inspection of shipments to the state or country of destination requiring fumigation or treatment as a condition of shipment, shall be made by the commissioners at said fumigation or treatment stations.

CHAPTER 51

An act to amend Section 1248 of the Code of Civil Procedure, relating to valuation of condemned property.

[Approved by Governor April 9, 1965. Filed with
Secretary of State April 9, 1965.]

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

SECTION 1. Section 1248 of the Code of Civil Procedure is amended to read:

1248. The court, jury, or referee must hear such legal testimony as may be offered by any of the parties to the proceeding, and thereupon must ascertain and assess:

1. The value of the property sought to be condemned, and all improvements thereon pertaining to the realty, and of each and every separate estate or interest therein; if it consists of different parcels, the value of each parcel and each estate or interest therein shall be separately assessed;

2. If the property sought to be condemned constitutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff;

3. Separately, how much the portion not sought to be condemned, and each estate or interest therein, will be benefited, if at all, by the construction of the improvement proposed by the plaintiffs. If the benefit shall be equal to the damages assessed under subdivision 2, the owner of the parcel shall be allowed no compensation except the value of the portion taken. If the benefit shall be less than the damages so assessed, the former shall be deducted from the latter, and the remainder shall be the only damages allowed in addition to the value. If the benefit shall be greater than the damages so assessed, the owner of the parcel shall be allowed no compensation except the value of the portion taken, but the benefit shall in no event be deducted from the value of the portion taken;

4. If the property sought to be condemned be water or the use of water, belonging to riparian owners, or appurtenant to any lands, how much the lands of the riparian owner, or the lands to which the property sought to be condemned is appurtenant, will be benefited, if at all, by a diversion of water

from its natural course, by the construction and maintenance, by the person or corporation in whose favor the right of eminent domain is exercised, of works for the distribution and convenient delivery of water upon said lands; and such benefit, if any, shall be deducted from any damages awarded the owner of such property;

5. If the property sought to be condemned be for a railroad, the cost of good and sufficient fences, along the line of such railroad, and the cost of cattle guards, where fences may cross the line of such railroad; and such court, jury or referee shall also determine the necessity for and designate the number, place and manner of making such farm or private crossings as are reasonably necessary or proper to connect the parcels of land severed by the easement condemned, or for ingress to or egress from the lands remaining after the taking of the part thereof sought to be condemned, and shall ascertain and assess the cost of the construction and maintenance of such crossings;

6. If the removal, alteration or relocation of structures or improvements is sought, the cost of such removal, alteration or relocation and the damages, if any, which will accrue by reason thereof;

7. As far as practicable, compensation must be assessed for each source of damages separately.

8. When the property sought to be taken is encumbered by a mortgage or other lien, and the indebtedness secured thereby is not due at the time of the entry of the judgment, the amount of such indebtedness may be, at the option of the plaintiff, deducted from the judgment, and the lien of the mortgage or other lien shall be continued until such indebtedness is paid; except that the amount for which, as between the plaintiff and the defendant, the plaintiff is liable under Section 1252.1 may not be deducted from the judgment.

CHAPTER 52

An act to amend Section 31000 of the Government Code, relating to county supervisors' contracts.

[Approved by Governor April 9, 1965. Filed with
Secretary of State April 9, 1965.]

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

SECTION 1. Section 31000 of the Government Code is amended to read:

31000. The board of supervisors may contract with and employ any person for the furnishing to the county, or for and on behalf of any district within the county for furnishing to the district, of special services and advice in financial, economic, accounting, engineering, legal, medical or administrative matters by any persons specially trained and experienced and who is competent to perform the special services required.

The board may pay from any available funds such compensation to any such expert as it deems proper for the services rendered.

CHAPTER 53

An act to amend Sections 2526, 2528, 2575, 2576, 2625, 2626, 2627, 2628, 2653, 2655, 2656, 2702, 2703, 2802, 2803, and 2810 of, to amend and renumber the title of Article 10 (commencing with Section 2750) of Chapter 3 of Part 3 of Division 2 of, to add Article 10 (commencing with Section 2780) to Chapter 3 of Part 3 of Division 2 of, to add Sections 2819 and 2820 to, to repeal Sections 2577, 2578, 2800, 2804, and 2805 of, and to repeal Article 9 (commencing with Section 2725) of Chapter 3 of Part 3 of Division 2 of, the Water Code, relating to adjudication of water rights.

[Approved by Governor April 9, 1965. Filed with
Secretary of State April 9, 1965.]

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

SECTION 1. Section 2526 of the Water Code is amended to read:

2526. As soon as practicable after granting the petition the board shall prepare a notice setting forth the following:

(a) The facts of the entry of the order and of the pendency of the proceedings;

(b) The date when the board is to begin the investigation of the stream system;

(c) The date prior to which all claimants to rights to the water of the stream system shall notify the board in writing of their intention to file proof of claim and the address to which all subsequent notices to the claimant relating to the proceedings may be sent;

(d) A statement that all claimants will be required to make proof of their claims at a time to be fixed by the board after the conclusion of its investigation.

SEC. 2. Section 2528 of said code is amended to read:

2528. Whenever proceedings are instituted for the determination of rights to water, it is the duty of all claimants interested therein and having notice thereof as provided in this chapter, to notify the board of their intention to file proof of claim and to appear and submit proof of their respective claims at the time and in the manner required by this chapter.

SEC. 3. Section 2575 of said code is amended to read:

2575. Upon the completion of the measurements and maps and the filing of the observations, data, information, and measurements, the board shall prepare a notice setting forth the date prior to which the proofs as to the rights to the water of the stream system shall be filed. A copy of the notice shall be sent by registered mail to each person who has notified the board of his intention to file proof of claim and to each other

claimant to rights to water of the stream system, insofar as such claimant can be reasonably ascertained, at his last-known place of address

SEC. 4. Section 2576 of said code is amended to read:

2576. The date prior to which the proofs shall be filed shall not be less than 30 days from the date of mailing notice thereof.

SEC. 5. Section 2577 of said code is repealed.

SEC. 6. Section 2578 of said code is repealed.

SEC. 7. Section 2625 of said code is amended to read:

2625. As soon as practicable after the expiration of the period for filing proofs, the board shall, if 25 or more proofs have been filed, and may, if less than 25 proofs have been filed, prepare an abstract of them. The abstract of proofs shall be filed in the office of the board and may be printed in the State Printing Office.

SEC. 8. Section 2626 of said code is amended to read:

2626. As soon as practicable after the proofs have been assembled and an abstract, if any, filed, the board shall prepare a notice setting a time and fixing a place, reasonably convenient to the claimants, when and where the proofs and the evidence taken by or filed with the board will be open to the inspection of all interested persons.

SEC. 9. Section 2627 of said code is amended to read:

2627. The period of inspection shall be fixed by the board but shall be not less than five days.

SEC. 10. Section 2628 of said code is amended to read:

2628. A copy of the notice and a copy of the abstract of proofs, if any, shall be sent by registered mail, at least 15 days prior to the first day of the period of inspection, to each claimant who has appeared and filed proof.

SEC. 11. Section 2653 of said code is amended to read:

2653. The statement shall be verified by the affidavit of the contestant, his agent or attorney. The contestant shall send a copy of the notice of contest by registered mail to the claimant whose proof of claim is contested and shall include a statement of mailing same with the notice filed with the board.

SEC. 12. Section 2655 of said code is amended to read:

2655. Within 10 days after the period for filing notices of contest has expired, the board shall notify by registered mail the contestants and the claimants whose rights are contested to appear before it at a time and place specified and that at said time and place the contests will be heard.

SEC. 13. Section 2656 of said code is amended to read:

2656. The time specified for the hearing shall be as soon as practicable but not less than 15 days from the date of the mailing of the notice of hearing.

SEC. 14. Section 2702 of said code is amended to read:

2702. The order of determination may be printed in the State Printing Office.

SEC. 15. Section 2703 of said code is amended to read:

2703. A copy of the order of determination shall be sent by registered mail to each person who has filed proof of claim.

SEC. 16. Article 9 (commencing with Section 2725) of Chapter 3 of Part 3 of Division 2 of said code is repealed.

SEC. 17. The title to Article 10 (commencing with Section 2750) of Chapter 3 of Part 3 of Division 2 of said code is amended and renumbered to read:

Article 9. Hearing and Decree of Court

SEC. 18. Article 10 (commencing with Section 2780) is added to Chapter 3 of Part 3 of Division 2 of said code, to read:

Article 10. Intervention

2780. Any claimant who, prior to entry of the order of determination by the board, had no actual knowledge or notice of the pendency of the proceedings may, at least 10 days prior to the date set for hearing by the court or within such further time prior to the decree as the court may allow, intervene in the proceedings by filing with the court an exception to the order of determination and a proof of claim which shall contain all the matters required by this chapter of claimants who have been served with notice of the proceeding.

2781. Upon filing his exception and proof of claim, the intervenor shall make application to the court for an order prescribing the time and manner of service of the exception and proof upon other claimants and the time within which contests of the proof may be filed with the court and served upon the intervenor.

2782. After expiration of the time fixed by the court for filing contests, the court shall proceed to hear and determine the exception and proof of intervenor and any contest thereto in accordance as near as may be with Article 9 (commencing with Section 2750) of this chapter.

2783. The court may refer the matter for such further evidence to be taken by the board as the court may direct, and may require a further determination by the board, in which event the board shall be entitled to reimbursement for expenses incurred by it in the manner provided in Article 13 (commencing with Section 2850) of this chapter.

SEC. 19. Section 2800 of said code is repealed.

SEC. 20. Section 2802 of said code is amended to read:

2802. In determining rights based on an incomplete appropriation initiated according to law prior to December 19, 1914, and since prosecuted with reasonable diligence in accordance with Section 1416 of the Civil Code, the board shall prescribe such reasonable time for the completion of the appropriation and the application of the water to a beneficial use as will enable the claimant acting in good faith and with due diligence to complete the appropriation.

SEC. 21. Section 2803 of said code is amended to read:

2803. The order of determination shall provide that within the time prescribed for completion of the appropriation, or

such further time as the court may allow, the claimant shall submit to the court proof of completion and the amount of water actually applied to beneficial use.

SEC. 22. Section 2804 of said code is repealed.

SEC. 23. Section 2805 of said code is repealed.

SEC. 24. Section 2810 of said code is amended to read:

2810. The court may refer the matter of the motion to the board for its report and recommendation thereon.

SEC. 25. Section 2819 is added to said code, to read:

2819. Incomplete appropriations initiated by application under the provisions of the Water Commission Act or this code shall be included in the decree but shall continue to be administered by the board as in other cases. Upon issuance of a license by the board, and upon motion of the licensee or the board, the court shall enter a supplemental decree confirming the right in accordance with the license. Any change authorized by the board pursuant to Chapter 10 (commencing with Section 1700), Part 2, of this division, shall in like manner be the subject of a supplemental decree.

SEC. 26. Section 2820 is added to said code, to read:

2820. After revocation by the board of a permit or license relating to a right included in the decree, the court shall, upon motion of the board or any interested party, enter a supplemental decree denying the right involved.

CHAPTER 54

An act to amend Sections 16877 and 16884 of the Public Utilities Code, relating to public utility districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 9, 1965. Filed with
Secretary of State April 9, 1965.]

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

SECTION 1. Section 16877 of the Public Utilities Code is amended to read:

16877. No agreement under Sections 16873 to 16876, inclusive, shall run for a longer period than twenty-five (25) years; provided that in case bonds are issued to finance sewage disposal facilities, such agreement may be extended until such bonds are matured and redeemed.

SEC. 2. Section 16884 of said code is amended to read:

16884. No agreement under Sections 16880 to 16883, inclusive, shall run for a longer period than 30 years; provided that in case bonds are issued to finance such waterworks, such agreement may be extended until such bonds are matured and redeemed. Any contract made with the federal government or any branch thereof is not subject to this restriction or limitation.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Article 4 of the Constitution and shall go into effect immediately. The facts that constitute such necessity are:

The Lamont Public Utility District in Kern County, California, is constructing a sewage system for its inhabitants and the outfall of such system is adjacent to the exterior boundaries of Plainview Public Utility District. The Plainview Public Utility District is a small district of 160 homes and has insufficient assessed valuation to finance a sewer project alone. Lamont Public Utility District is willing to permit the Plainview Public Utility District to use its outfall sewer under a joint exercise of powers agreement, but in order for the Plainview Public Utility District to do that it must issue bonds to pay for the distribution system. This will require a bond issue of thirty-five (35) years which is in excess of the twenty-five (25) year limitation on joint exercise of powers agreements in the Public Utility District Act.

CHAPTER 55

An act to add Chapter 5 (commencing with Section 450) to Division 1 of the Water Code, relating to the powers and duties of the Governor with respect to reports from federal agencies on proposed flood control and reclamation projects.

[Approved by Governor April 9, 1965. Filed with
Secretary of State April 9, 1965.]

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

SECTION 1. Chapter 5 (commencing with Section 450) is added to Division 1 of the Water Code, to read:

CHAPTER 5. FEDERAL REPORTS ON PROPOSED FLOOD CONTROL AND RECLAMATION PROJECTS

450. The Governor is hereby designated as the state official to receive the reports of the Chief of Engineers, Department of the Army, and the Secretary of the Interior required by the Flood Control Act of 1944 (58 Stat. 887, 33 U.S.C. 701-1) with respect to proposed flood control or reclamation projects, or both.

451. Within 10 days after the receipt by him of any such report, the Governor shall transmit copies thereof to both houses of the Legislature, if the Legislature is then in session. If not, the Governor shall transmit copies thereof to the Rules Committees of the Assembly and the Senate of the Legislature, which committees shall immediately assign them to appropriate interim committees for study.

452. Any legislative committee to which such a report has been assigned may submit written comments thereon to the Governor.

453. The Governor shall transmit, within the time period specified in the applicable federal law, to the appropriate federal agency, together with his comments and the comments of any state department or commission as to any such report, the written comments, if any, as to such report submitted to him by either house of the Legislature, or by both houses, or by any committee of the Legislature.

CHAPTER 56

An act to codify Section 2 of Chapter 1774, Statutes of 1961, by repealing said section and adding Section 2418.5 to the Vehicle Code, relating to operation and equipment of ambulances.

[Approved by Governor April 9, 1965. Filed with
Secretary of State April 9, 1965.]

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

SECTION 1. Section 2 of Chapter 1774, Statutes of 1961, is repealed.

SEC. 2. Section 2418.5 is added to the Vehicle Code, to read:

2418.5. It is the intent of the Legislature that the regulations adopted by the Department of the California Highway Patrol pursuant to Section 2418 of the Vehicle Code shall be the minimum necessary to protect public health and safety, and shall not be so restrictive as to preclude compliance by ambulances operated in sparsely populated areas.

CHAPTER 57

An act to amend Section 1 of Chapter 2114 of the Statutes of 1959, relating to the Plumas County Flood Control and Water Conservation District.

[Approved by Governor April 9, 1965. Filed with
Secretary of State April 9, 1965.]

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

SECTION 1. Section 1 of Chapter 2114 of the Statutes of 1959 is amended to read:

Section 1. A flood control and water conservation district is hereby created, to be known and designated as "Plumas County Flood Control and Water Conservation District," and the boundary and territory of said district are as follows: all

that territory of the County of Plumas lying within the exterior boundaries thereof, except the territory included within the exterior boundaries of the Last Chance Creek Water District.

CHAPTER 58

An act to amend Section 12047 of the Elections Code, relating to campaign literature.

[Approved by Governor April 9, 1965. Filed with
Secretary of State April 9, 1965.]

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

SECTION 1. Section 12047 of the Elections Code is amended to read:

12047. Every person is guilty of a misdemeanor who writes or causes to be written, printed, posted, or distributed any circular, pamphlet, letter, or poster which is designed to injure or defeat any candidate for nomination or election to any public office by reflecting upon his personal character or political action, unless there appears upon the circular, pamphlet, letter, or poster, in a conspicuous place, the name and address of the printer and either:

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

(b) The name and residence address, with the street and number, if any, of some person, who is responsible for it.

CHAPTER 59

An act to amend Section 599 of the Penal Code, relating to mistreatment of poultry and rabbits, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 9, 1965. Filed with
Secretary of State April 9, 1965.]

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

SECTION 1. Section 599 of the Penal Code is amended to read:

599. Every person is guilty of a misdemeanor who:

(a) Sells or gives away, any live chicks, rabbits, ducklings, or other fowl as a prize for, or as an inducement to enter, any contest, game or other competition or as an inducement to enter a place of amusement or place of business; or

(b) Dyes or otherwise artificially colors any live chicks, rabbits, ducklings or other fowl; or

(c) Maintains or possesses any live chicks, rabbits, ducklings, or other fowl for the purpose of sale or display without adequate facilities for supplying food, water and temperature control needed to maintain the health of such fowl or rabbit; or

(d) Sells, offers for sale, barter, or for commercial purposes gives away, any live chicks, rabbits, ducklings, or other fowl on any street or highway. This section shall not be construed to prohibit established hatchery management procedures or the display, or sale of natural chicks, rabbits, ducklings, or other fowl in proper facilities by dealers, hatcheries, poultrymen, or stores regularly engaged in the business of selling the same.

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 law presently makes it a misdemeanor for any person to give away any live baby chicks, rabbits, ducklings, or other fowl as a prize for, or as an inducement to enter, any contest, game or other competition or as an inducement to enter a place of amusement. Certain of these animals, male baby chicks, for example, are economically valueless, and must be given away or disposed of through the limited number of outlets available. To prevent the needless destruction of these animals, immediate action is necessary.

This act would also prohibit the use of dyes or artificial coloring on any fowl or rabbit, would prohibit selling, offering for sale, bartering or displaying any fowl or rabbit which has been artificially dyed or colored, and would require adequate facilities needed to maintain the health of fowls or rabbits kept for the purposes of sale. To insure the health and vigor of rabbits and fowl currently being maintained for sale, immediate action is necessary.

CHAPTER 60

An act to amend Section 42201 of the Vehicle Code, relating to the disposition of fines and forfeitures, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 9, 1965. Filed with
Secretary of State April 9, 1965]

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

SECTION 1. Section 42201 of the Vehicle Code is amended to read:

42201. Of the total amount of fines and forfeitures received by a county under subsection (a) of subdivision (1) of Section 1463 of the Penal Code, that proportion which is represented by fines and forfeitures collected from any person charged with

a misdemeanor under this code following arrest by any officer employed by the state or by the county shall be paid into the treasury of the county and deposited in the road fund.

The board of supervisors of a county may enter into a contract with the Department of the California Highway Patrol for the purpose of providing adequate protection for school pupils who are required to cross heavily traveled streets, highways, and roadways in the unincorporated areas of the county, and may reimburse the state for salaries and wages of crossing guards furnished by the Department of the California Highway Patrol pursuant to such contract, including any necessary retirement and general administrative costs and expenses in connection therewith, and may pay the costs thereof from amounts deposited in the road fund pursuant to 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:

It has been found that revenues appropriated to counties under the Motor Vehicle Fuel Tax Law cannot be used to reimburse the Department of the California Highway Patrol for protecting school pupils required to cross heavily traveled roadways in unincorporated areas and that many counties do not have other funds available to do this. Because of an immediate need to protect schoolchildren from the hazards of road traffic, authorization to use funds from the road fund for this purpose is presently necessary.

CHAPTER 61

An act to amend Sections 13902 and 14152 of the Health and Safety Code, relating to fire protection district accounting procedures.

[Approved by Governor April 9, 1965 Filed with
Secretary of State April 9, 1965]

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

SECTION 1. Section 13902 of the Health and Safety Code is amended to read:

13902. On or before the 15th day of May of each year the district board shall estimate and determine the annual amount of money required for the district and shall adopt a preliminary budget which shall be detailed in conformity with the Uniform Accounting Procedures for Districts set forth in the California Administrative Code.

SEC. 2. Section 14152 of said code is amended to read:

14152. On or before the 15th day of May of each year the district board shall estimate and determine the annual amount

of money required for the district and shall adopt a preliminary budget which shall be detailed in conformity with the Uniform Accounting Procedures for Districts set forth in the California Administrative Code.

CHAPTER 62

An act to amend Section 4129 of the Penal Code, relating to the superintendent of a county industrial farm or camp.

[Approved by Governor April 9, 1965. Filed with
Secretary of State April 9, 1965.]

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

SECTION 1. Section 4129 of the Penal Code is amended to read:

4129. For the purpose of making the payments designated in this article the board of supervisors shall by order provide the superintendent with a revolving fund. Upon order of the board of supervisors the county auditor shall draw a warrant in favor of the superintendent of an industrial farm or camp and the county treasurer shall cash it. Thereafter the superintendent shall receive from the county general fund upon demands supported by receipts all sums paid out by him under the provisions of this section and shall return all sums so received to the revolving fund.

The provisions of Section 29323 of the Government Code are applicable to a revolving fund established pursuant to this section.

CHAPTER 63

An act to amend Section 30818 of the Water Code, relating to county water districts.

[Approved by Governor April 9, 1965. Filed with
Secretary of State April 9, 1965.]

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

SECTION 1. Section 30818 of the Water Code is amended to read:

30818. Notice that such appointment may be made in the event that only one or no nomination is made and no petition requesting an election is filed, shall be given by the board by publication in a newspaper of general circulation in the district, once, not less than 7 days and not more than 14 days prior to the final day on which nominations may be made. The board shall certify the fact of such publication to the board of supervisors of the county in which the district is situated.

CHAPTER 64

An act to amend Sections 1073 and 1327 of the Streets and Highways Code, relating to county highways.

[Approved by Governor April 9, 1965 Filed with
Secretary of State April 9, 1965.]

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

SECTION 1. Section 1073 of the Streets and Highways Code is amended to read:

1073. At the time specified in the notice, the board shall publicly open all bids received and shall award the contract for the work to the lowest responsible bidder, unless the board finds that the bids are too high, and that the work can be done more cheaply by day labor. In such case the board shall reject the bids and order the work to be done by the road commissioners in whose districts the work is situated. In any case the board may reject all bids and advertise for new bids in the manner specified in this article. The board may provide by resolution that the bids be opened, examined, and declared by an officer designated in the resolution. Any such resolution shall require that the bids be opened at a public meeting called by the officer and that the results of the bidding be reported to the board at its next regular meeting. The notice inviting bids shall state the time and place of the public meeting and the name of the designated officer.

SEC. 2. Section 1327 of said code is amended to read:

1327. The board shall afford all bidders an opportunity to examine such plans, specifications, and working details, and shall award the contract to the lowest responsible bidder. The board may provide by resolution that the bids be opened, examined, and declared by an officer designated in the resolution. Any such resolution shall require that the bids be opened at a public meeting called by the officer and that the results of the bidding be reported to the board at its next regular meeting. The notice inviting bids shall state the time and place of the public meeting and the name of the designated officer. The person to whom the contract is awarded shall execute a bond, approved by the board for the faithful performance of the contract. Such person shall perform the work in accordance with the plans, specifications, and working details, unless all or any of them are modified by a four-fifths vote of the members of the board. In every such case if the cost of the work is reduced by reason of the modification, the person to whom the contract is awarded shall make an allowance on the contract price to the extent of such reduction.

CHAPTER 65

An act to amend Section 387 of the Streets and Highways Code, relating to state highway routes, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 9, 1965. Filed with
Secretary of State April 9, 1965]

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

SECTION 1. Section 387 of the Streets and Highways Code is amended to read:

387. Route 87 is from:

(a) Route 85 in the vicinity of Pearl Avenue to Route 101 in the vicinity of Guadalupe River. Construction of subdivision (a) of Route 87, or any portion thereof, may be commenced at the time the City of San Jose and the County of Santa Clara have acquired all rights-of-way necessary to construct a freeway, or any such portion thereof, on this route to state freeway standards and have conveyed said rights-of-way to the state without charge.

(b) San Jose easterly of the Bayshore Freeway to Route 230.

(c) Route 230 to Route 480 near the San Francisco-Oakland Bay Bridge.

Notwithstanding the provisions of Section 89 of Chapter 1062 of the Statutes of 1959, construction of all or any portion of subdivision (c) of Route 87 may be commenced at any time, if the City and County of San Francisco has conveyed or does convey to the State of California, without charge, all real property presently acquired by it for the construction of said subdivision (c) of this route or such portion thereof.

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 state and the federal government are in the process of planning Interstate Route 680. This act would allow the construction of State Highway Route 87 which would intersect Route 680. The construction on Route 680 starts in 1968. In order to have a coordinated solution to the highways system, Route 87 must be incorporated in the design of Route 680. This can only be accomplished if the state owns the right-of-way and can assure the United States of the ultimate construction of Route 87.

CHAPTER 66

An act to maintain the Vehicle Code by amending Sections 22951 and 41103 and repealing Section 246 as added by Chapter 237 of the Statutes of 1963, relating to motor vehicles.

[Approved by Governor April 9, 1965. Filed with Secretary of State April 9, 1965.]

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

SECTION 1. Section 246 of the Vehicle Code, as added by Chapter 237 of the Statutes of 1963, is repealed.

SEC. 2. Section 22951 of said code is amended to read:

22951. The provisions of Section 22950 shall be applicable only in cities having a population of over 2,000,000 inhabitants.

SEC. 3. Section 41103 of said code is amended to read:

41103. The method of giving notice for the purposes of the provisions of Section 41102 is as follows:

(1) During the time of the violation a notice thereof shall be securely attached to the vehicle setting forth the violation including reference to the section of this code or of such ordinance so violated, the approximate time thereof and the location where such violation occurred and fixing a time and place for appearance by the registered owner in answer to said notice.

Such notice shall be attached to said vehicle either on the steering post or front door handle thereof or in such other conspicuous place upon the vehicle as to be easily observed by the person in charge of such vehicle upon his return thereto.

(2) Before any warrant of arrest shall issue following the filing of a complaint charging such a violation, a notice of the violation must be given to the person so charged. Such notice shall contain the information required in paragraph (1) above and shall also inform such registered owner that unless he appears in the court to be designated in said notice within five days after service of such notice and answers said charge, a warrant or citation to appear will be issued against him.

Such notice shall be given, either by personal delivery thereof to such owner or by deposit in the United States mail of an envelope with postage prepaid which said envelope shall contain such notice and shall be addressed to such owner at his address as shown by the records of the department. The giving of notice by personal delivery is complete upon delivery of a copy of said notice to said person. The giving of notice by mail is complete upon the expiration of 10 days after said deposit of such notice.

Proof of giving such notice may be made by the certificate of any traffic or police officer or affidavit of any person over 18 years of age naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof.

CHAPTER 67

An act to add Section 17601.5 to the Education Code, relating to the adjustment of assessed valuation for the computation of allowances to schools from the State School Fund, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 12, 1965 Filed with
Secretary of State April 12, 1965.]

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

SECTION 1. Section 17601.5 is added to the Education Code, to read:

17601.5. The tax collector of a county in an area proclaimed by the Governor to be in a state of disaster as a result of storms and floods occurring between December 1, 1964, and June 30, 1965, shall certify in writing to the Superintendent of Public Instruction on or before May 15, 1965, the amount of school district taxes due and uncollected for each school district of the county for the fiscal year 1964-65 resulting from such disaster.

Whenever any allowance from the State School Fund is required to be computed by the Superintendent of Public Instruction, the assessed valuation of a school district as adjusted under other provisions of this code for the fiscal year 1964-65 shall be decreased by an amount computed under the provisions of this section.

The decrease determined by the Superintendent of Public Instruction shall be an amount which would, if the tax rate of such district were levied on such amount, produce the amount by which the due and uncollected taxes exceeds five percent (5%) of the total taxes computed by the application of the tax rate of the district to the assessed valuation of the district.

On or before May 15 of each of the succeeding five fiscal years, the county tax collector shall notify the Superintendent of Public Instruction the amount of the due and uncollected taxes, as previously certified by the county tax collector for the fiscal year 1964-65, which were collected, together with any interest and penalties on such taxes which were collected, during such fiscal year for each school district. The Superintendent of Public Instruction shall withhold from apportionments made from the State School Fund to such school district during such fiscal year the same proportion of the additional state aid computed on account of the decrease in assessed valuation pursuant to this section that the collections of taxes, interest and penalties bear to the total of the due and uncollected taxes previously certified. In no case shall the total amount withheld during the five-year period exceed the additional state aid allowed on account of the decrease in assessed valuation authorized in this section and the additional amounts allowed under Section 17253.

For the purposes of this section, the school district tax rate shall be the sum of the tax rates levied for the purpose of producing revenue for the school district general fund, and the amount certified by the county tax collector shall consist solely of the due and uncollected taxes from such levies.

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 storms and floods in the northern part of the state have caused severe damage and destruction to real and personal property. The resulting loss of revenues from the levy of school district taxes places an unusual burden upon the school district. In order that school funds may be made available during the current budget year for the education of pupils in the public schools of the area, it is necessary that this act go into immediate effect.

CHAPTER 68

An act to amend Section 17001 of the Public Utilities Code, relating to public utility district bonds, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 12, 1965. Filed with
Secretary of State April 12, 1965.]

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

SECTION 1. Section 17001 of the Public Utilities Code is amended to read:

17001. District bonds shall be of such form and shall be redeemed at such times and in such amounts as the board may from time to time prescribe. However, the redemption of the bonds shall begin in not more than 15 years and shall be completed in not more than 75 years from the date of issue.

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:

District projects to furnish vitally needed services, such as water, to the inhabitants of the district may take several years to complete and unless the bonds approved for such construction can be authorized as provided in this act such construction will be more costly and such vital service delayed and therefore this act must take effect immediately.

CHAPTER 69

An act to amend Sections 21655, 22412, 22414, and 31614 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor April 12, 1965. Filed with Secretary of State April 12, 1965.]

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

SECTION 1. Section 21655 of the Vehicle Code is amended to read:

21655. (a) Whenever the State Department of Public Works or local authorities with respect to highways under their respective jurisdictions determines upon the basis of an engineering and traffic investigation that the designation of a specific lane or lanes for the travel of vehicles required to travel at reduced speeds would facilitate the safe and orderly movement of traffic, the department or local authority may designate specific lane or lanes for the travel of vehicles which are subject to the provisions of Sections 22406 through 22414, inclusive, or to the provisions of subdivision (a) of Section 31614, and shall erect signs at reasonable intervals giving notice thereof.

(b) Any vehicle subject to the provisions of Sections 22406 through 22414, inclusive, or to the provisions of subdivision (a) of Section 31614, shall be driven in the lane or lanes designated pursuant to subdivision (a) whenever signs have been erected giving notice of such designation. When specific lane or lanes have not been so designated, any such vehicle shall be driven in the right-hand lane for traffic or as close as practicable to the right edge or curb. When overtaking and passing another vehicle proceeding in the same direction, such drivers shall use either the designated lane, the lane to the immediate left of the right-hand lane, or the right-hand lane for traffic as permitted under the provisions of this code.

This subdivision shall not apply to a driver who is preparing for a left- or right-hand turn or who is in the process of entering a highway.

SEC 2. Section 22412 of said code is amended to read:

22412. In no event shall the driver of a schoolbus operate the same in excess of a maximum of 50 miles per hour when transporting any school pupil.

SEC. 3. Section 22414 of said code is amended to read:

22414. In no event shall the driver of a farm labor bus or a farm labor truck operate such vehicle in excess of a maximum speed of 50 miles per hour when transporting passengers.

SEC. 4. Section 31614 of said code is amended to read:

31614. The following provisions shall apply to any vehicle transporting explosives subject to this division:

(a) No person shall operate any vehicle transporting explosives in excess of a maximum speed of 50 miles per hour,

subject to other and more restrictive limits set forth in this code.

(b) When transporting explosives through or into a city or any other congested area for which a route has not been designated by the State Fire Marshal, drivers shall follow such routes as may be prescribed or established by local authorities.

(c) Where routes are not prescribed by local authority, every driver of a vehicle transporting explosives shall avoid, so far as practicable, and, where feasible, by prearrangement of routes, driving into or through congested thoroughfares, places where crowds are assembled, streetcar tracks, tunnels, viaducts, and dangerous crossings.

(d) No driver or other person in charge of any vehicle on any public or private property shall permit any explosive to be loaded into, or on, or to be unloaded from any motor vehicle with the engine running, and, whenever any loading operation is in progress, the parking brake on the motor vehicle shall be securely set and all reasonable precautions taken to prevent movement of the motor vehicle during loading or unloading.

(e) No driver or other person in charge of such vehicle shall operate or permit the operation of any vehicle transporting explosives unless the explosives are contained entirely within the body of the vehicle and if the vehicle has a tailboard or tailgate it shall be closed and secured in place during transportation.

(f) No driver or other person in charge of such vehicle shall operate or permit the operation of any vehicle transporting explosives unless the vehicle has a closed body or the body thereof is covered with a flame retardant tarpaulin and in either event the driver shall exercise care to protect the load from moisture and sparks.

(g) No person shall operate any vehicle transporting explosives past any fire of any kind burning on or near the highway until the driver ascertains that such passing can be made with safety.

(h) No motor vehicle transporting explosives shall be left unattended upon any street or highway except in extreme emergency. The vehicle shall be deemed attended whenever a driver or person in charge thereof is in or upon the vehicle or is in a position to observe the vehicle at all times. The driver or person in charge of a vehicle transporting explosives may, however, leave the vehicle unattended at any place designated as a safe parking place on the list of safe stopping places prepared by the State Fire Marshal unless conditions exist, which are known to the driver, which make it unreasonable to do so.

(i) No driver or other person shall smoke or light any match or otherwise have or produce any fire or flame while in, upon, or near any vehicle transporting explosives.

CHAPTER 70

An act to maintain the Public Resources Code by amending Section 2207.1 thereof, relating to public resources.

[Approved by Governor April 12, 1965. Filed with
Secretary of State April 12, 1965.]

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

SECTION 1. Section 2207.1 of the Public Resources Code is amended to read:

2207.1. A manufacturer or processor, at his option, may upon request report to the State Geologist data on consumption or utilization of mineral materials. Such reports shall be confidential. Publications issued as commodity or marketing studies under the provisions of Section 2205 of this code may contain figures from such reports, provided that these figures are presented so as not to disclose the consumption or utilization of minerals by any user.

CHAPTER 71*An act to amend Sections 10060 and 10575 of the Health and Safety Code, relating to recordation of vital statistics.*

[Approved by Governor April 12, 1965. Filed with
Secretary of State April 12, 1965.]

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

SECTION 1. Section 10060 of the Health and Safety Code is amended to read:

10060. Each local registrar of births and deaths, except a local registrar of a city and county shall transmit to the county recorder for a special county record at the same time the original certificates are forwarded to the State Registrar a copy of each original birth certificate and death certificate.

In lieu of the procedure outlined above in this section, the county recorder may make the copies of certificates for the special county record, in which case the original certificates shall be transmitted by the local registrar to the county recorder for this purpose, after which the county recorder shall forward the original certificates to the State Registrar pursuant to Section 10061.

SEC. 2. Section 10575 of said code is amended to read:

10575. The State Registrar, local registrar or county recorder shall, upon request and payment of the required fee, supply to any applicant a certified copy of the record of any birth, fetal death, death, or marriage registered with him.

When the original forms of certificates of live birth furnished by the State Registrar contain a printed section at the bottom entitled "Medical and Health Data," that section shall not be reproduced in a certified copy of the record except when specifically requested.

CHAPTER 72

An act to amend Sections 12510 and 12515 of the Business and Professions Code, relating to weighing and measuring devices.

[Approved by Governor April 12, 1965. Filed with Secretary of State April 12, 1965.]

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

SECTION 1. Section 12510 of the Business and Professions Code is amended to read:

12510. Any person, who by himself, or through or for another, does any of the following is guilty of a misdemeanor:

(a) Uses, in the buying or selling of any commodity, or retains in his possession a false weight or measure or weighing or measuring instrument.

(b) Sells any weight or measure or weighing or measuring instrument which has not been sealed within one year, except weighing or measuring instruments required to be assembled prior to use.

(c) Uses any condemned weight or measure or weighing or measuring instrument contrary to law.

(d) Uses in the buying or selling of any commodity, or for determining the charge for a service, any weight or measure or weighing or measuring instrument which is not kept at a fixed location, which does not bear a current or previous year's seal and which, upon test by the sealer is found to be incorrect, unless a written request for an inspection of the weighing or measuring instrument has been made to the county sealer; provided, however, the use of any weight or measure or weighing or measuring instrument used by a public utility in connection with measuring gas, electricity, water, steam, or communication service subject to the jurisdiction of the California Public Utilities Commission shall be exempt from the requirements of this chapter.

(e) Sells or uses any device or instrument to be used or calculated to falsify any weight or measure.

(f) So locates or positions a weighing or measuring device used in retail trade, except as used exclusively in preparation of packages put up in advance of sale, that its indications cannot be accurately read or the weighing or measuring operation cannot be observed by the purchaser under ordinary circumstances.

(g) Uses, in the buying or selling of any commodity, a weighing or measuring device designed to automatically compute price unless the computed price is a true mathematical computation of the amount times the price per unit.

Possession of a false weight or measure or weighing or measuring instruments or records thereof is prima facie evidence of intention to violate the law.

SEC. 2. Section 12515 of said code is amended to read:

12515. Any person having made repairs or adjustments to any weighing instrument or to any measuring instrument, or any person having sold or installed any such instrument, who within 24 hours after such instrument has been sold, installed, repaired or adjusted, fails to notify the sealer of the county in which such instrument has been sold, installed, repaired or adjusted, that such sale, installation, repair or adjustment has been made, is guilty of a misdemeanor.

The provisions of this section do not require notification to the sealer for an adjustment to a weighing or measuring instrument only for the purpose of maintaining it in a zero or balance condition.

CHAPTER 73

An act to amend Section 29800 of the Government Code, relating to numbering of warrants.

[Approved by Governor April 12, 1965. Filed with
Secretary of State April 12, 1965.]

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

SECTION 1. Section 29800 of the Government Code is amended to read:

29800. All warrants issued by the county auditor shall be numbered consecutively within each series. The number, date, amount of each, and the name of the person to whom payable, shall be stated thereon. The auditor shall enter the warrants in his register at the time they are issued.

CHAPTER 74

An act to amend Section 8151 of the Fish and Game Code, relating to sardines.

[Approved by Governor April 12, 1965. Filed with
Secretary of State April 12, 1965.]

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

SECTION 1. Section 8151 of the Fish and Game Code is amended to read:

8151. Sardines for use in a reduction plant, or by a packer, may be taken only in accordance with this article, and at the following times in the following places:

(a) In Districts 4, 4 $\frac{1}{2}$ and those portions of Districts 3 $\frac{1}{2}$ and 18 lying south of a line running east and west through Point Arguello, 19, 20A and 21, between September 1st and March 1st, inclusive.

(b) In District 19A between October 1st and March 1st.

(c) Elsewhere in the state, except in District 20 where they may not be so taken, between August 1st and March 1st.

The amendment to this section made by the Legislature at the 1961 Regular Session shall remain in effect until October 1, 1967, and thereafter shall be of no force or effect.

CHAPTER 75

An act to add Division 21 (commencing with Section 74000) to the Water Code, thereby revising and consolidating the law relating to water conservation districts operating under the Water Conservation Act of 1931, including provisions for the supervision, regulation, and conduct of such districts, and to repeal the Water Conservation Act of 1929 and the Water Conservation Act of 1931.

[Approved by Governor April 12, 1965. Filed with Secretary of State April 12, 1965.]

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

SECTION 1. Division 21 (commencing with Section 74000) is added to the Water Code, to read:

DIVISION 21. WATER CONSERVATION DISTRICTS

PART 1. INTRODUCTORY PROVISIONS

CHAPTER 1. SHORT TITLE AND GENERAL PROVISIONS

74000. This division shall be known and may be cited as the Water Conservation District Law of 1931.

74001. This division shall be liberally construed to carry out the purposes and intent hereof.

CHAPTER 2. DEFINITIONS

74010. Unless the context otherwise requires, the provisions of this chapter govern the construction of this division.

74011. The definition of a word applies to any of its variants.

74012. "District" means a water conservation district formed pursuant to the Conservation Act of California (Chapter 332, Statutes of 1919), the Water Conservation Act of

1929 (Chapter 166, Statutes of 1929), the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), or this division.

74013. "Board" means the board of directors of a district.

74014. "Principal county" means the county in which the lands within a district or a proposed district, or the greater portion thereof, are situated, and is the county in which the petition for the formation of a district is filed.

74015. "Affected county" means any county in which the land of a district is situated.

74016. "Board of supervisors" means the board of supervisors of the principal county.

74017. "President" means the president of the board of directors of a district and "secretary" means the secretary of the board of directors.

74018. "Treasurer" means the treasurer of the principal county.

74019. "District general election" means the election held on the first Tuesday in February of each odd-numbered year, after the organization of the district, at which directors for the district shall be elected to fill the offices of the directors whose terms of office shall then expire, in accordance with the provisions of this division.

PART 2. FORMATION

CHAPTER 1. GENERAL PROVISIONS

74030. A district may be organized and established by the board of supervisors of any county in this state, as expressly provided in this part, when the conditions stated in this part are found to exist, and may exercise the powers expressly granted in this division, or necessarily implied.

74031. A district may be organized upon petition by the qualified electors in an area comprising the whole or a part or parts of one or more watersheds of any stream or streams of water or unnavigable river or rivers, or territory adjacent to such watershed or watersheds, or deriving such area's water supply, in whole or in part, from such stream or streams, or river or rivers, or the subterranean supply of waters therefrom, for the conservation of the waters of such stream or streams or unnavigable river or rivers.

74032. A district may be entirely within unincorporated territory or partly within unincorporated and partly within incorporated territory, and may be within one or more counties.

74033. The territory to be included within a district need not be contiguous.

CHAPTER 2. FORMATION PETITION

74050. A petition for the formation of a district, signed by at least 20 percent or 500 of the qualified electors within

the proposed district, shall be presented to the board of supervisors of the principal county. The petition shall be presented at a regular meeting of the board of supervisors.

74051. Any elector residing within the proposed district, whose name appears on the register of voters of the last general election, or on the register of voters at any time within 30 days preceding the presentation of a petition for the formation of a district, shall be deemed to be a qualified elector of the proposed district eligible to sign the petition.

74052. The petition shall set forth and particularly describe the proposed boundaries of the district, shall pray that the district be organized under the provisions of this division, and shall propose a name by which the district shall be known. The petition shall also request the board of supervisors, upon its definition and establishment of the proposed boundaries of the district, to divide the district into either three, five, or seven divisions.

74053. The petition shall be published once a week for at least three weeks before the presentation to the board of supervisors in some newspaper printed and published in the principal county, together with a notice stating the date of the meeting of the board at which the petition will be presented.

If any portion of the proposed district lies within another county, or counties, the petition and notice shall be likewise published in a newspaper printed and published in each of such counties.

74054. The petition may consist of any number of separate instruments, and, when contained upon more than one instrument, one copy only of the petition need be published, but the names of all the petitioners shall be published the same as if appended to the original petition.

74055. All copies of the petition filed prior to the hearing of the petition shall be considered by the board of supervisors the same as though filed with the petition first placed on file.

74056. The petition may include a statement that all bonds of the district and all bonds of any improvement district created therein shall be payable from assessments to be levied upon all real property in the proposed district or in the improvement district created therein. If such a statement is included in the petition, the notice of hearing of the petition and the notice of election for the formation of the district shall so state, and, if the district is formed, all bonds thereafter issued by the district and all bonds of any improvement district organized therein shall be payable from assessments levied upon all real property in district or improvement district, as the case may be, and such real property shall be liable to be taxed for the payment of principal and interest of such bonded indebtedness until the bonds are fully paid. Any such assessment shall be levied in the manner provided in this division.

CHAPTER 3. HEARING

74070. When a formation petition is presented, the board of supervisors shall hear it, and may adjourn the hearing from time to time. If any hearing or continued hearing is continued to a time more than 60 days from the date of the order making the continuance, a notice of the continued hearing shall be published in some newspaper or newspapers printed and published in each of the counties in which any portion of the proposed district lies once a week for at least two weeks immediately prior to the time appointed for the continued hearing.

74071. On the final hearing the board of supervisors shall make such changes in the proposed boundaries as may be deemed advisable, and shall define and establish such boundaries. The board of supervisors shall not modify such boundaries so as to exclude from the proposed district any territory which would be benefited by the formation of the district; nor shall any land be included within the proposed district which will not, in the judgment of the board, be benefited by the formation of the district.

74072. Any person whose lands would be benefited by the district may, upon his application and in the discretion of the board of supervisors, have such lands included within the proposed district.

74073. Upon the hearing of the formation petition the board of supervisors shall determine whether or not the petition complies with the requirements of this division, and for that purpose shall hear all competent and relevant testimony offered in support thereof or in opposition thereto.

74074. No defect in the contents of the formation petition, or in the title to or form of the notice, or signature, shall vitiate any proceedings thereon; provided, such petition or petitions have a sufficient number of qualified signatures attached thereto.

74075. The determination of the board of supervisors shall be entered upon the minutes of the board.

74076. If the board of supervisors finds that protest has been made prior to its final determination for formation of the district, by the owners of land, or by the owners of real property in the event of the applicability of the provisions of Section 74056, within the proposed district the assessed value of which, as shown by the last equalized assessment roll, constitutes more than one-half of the total assessed value of the land or real property, as the case may be, within the proposed district, the proceeding shall terminate. The board of supervisors shall order the proceeding terminated when such protests are received

CHAPTER 4. FORMATION ELECTION

74090. When the boundaries of the proposed district are defined and established by the board of supervisors, it shall

make an order dividing the district into three, five, or seven divisions, as requested in the formation petition. Such divisions shall be as nearly equal in area as practicable and shall be numbered consecutively.

74091. One director, who shall be an elector of the division, shall be elected from each division by vote of the electors of the division in which such director resides. In order to qualify to be elected a director, a person shall be a qualified elector of the district and shall be a resident of the county, or of one of the counties, in which the district is situated.

74092. When the order dividing the proposed district into divisions has been made, the board of supervisors shall call an election within the proposed district to determine whether the district shall be formed and also to elect the first board of directors if the district is formed.

74093. The formation election shall be held within 40 days from the date of the order calling the election, and within 120 days of the date of filing the formation petition.

74094. The board of supervisors shall divide the district, and the divisions thereof, into convenient precincts and fix a polling place in each precinct. There shall be at least one precinct in each division of the district.

74095. The board of supervisors shall appoint an inspector, a judge, and two clerks for each of the precincts established to conduct the election. The inspector, judge, and clerks of election in each precinct shall constitute the board of election for such precinct.

If the board of election, or any member thereof, fails to appear at the opening of the polls on the morning of the election, the electors of the precinct present at that hour may appoint a board or supply the place of an absent member thereof.

74096. The inspector shall be chairman of the election board, and may appoint judges and clerks, if, during the progress of the election, any judge or clerk cease to act. The chairman or any member of the board of election may administer and certify oaths required to be administered during the progress of the election.

74097. The formation election shall be called by publication of notice thereof in a daily or weekly paper in each of the counties in which the district is situated, if there is one, at least once a week for three weeks previous to the election, and by posting notice thereof in three public places.

74098. The notice of the formation election shall designate a name for the proposed district and describe the boundaries thereof. The notice shall also designate the respective election precincts and the polling place in each, the election officers, the time of the election, and the hours during which the polls will be kept open; provided, that the polls shall be opened not later than 8 o'clock a.m. and kept open until 7 o'clock p.m.

74099. The board of supervisors shall require the clerk of the board to provide and furnish ballots for the formation

election. No particular form of ballot shall be required except that the ballot shall contain the words "Water conservation district—Yes" or "Water conservation district—No," or words equivalent thereto, and shall also contain the names of candidates for the position of director of the district who shall have been endorsed by petitions to the board of supervisors in the manner prescribed in Section 74100.

74100. A nominating petition for a director in any division shall be signed by 10 or more electors entitled to vote in such division and shall be filed with the board of supervisors calling the formation election within 15 days from the first publication of the notice calling the election.

74101. The ballots shall contain instructions that the voters shall write, print, or stamp a cross after the words that indicate his choice.

74102. The ballots shall contain as many blank spaces for the names of directors as there are directors to be elected, and the writing of the name of any qualified person in any of the spaces shall be deemed to be a vote for such person.

74103. Except as otherwise provided in this chapter, the formation election shall be conducted in accordance with the general election laws of this state so far as applicable.

74104. The election officers shall publicly count the votes immediately after the close of the formation election, and shall make a report of the result of the election to the board of supervisors within five days subsequent to the holding thereof.

74105. The board of supervisors shall, on the first Monday succeeding the formation election, if then in session, or at its next meeting, general or special, proceed to canvass the votes cast at the election.

74106. Where a vote to form a district is lost, no petition for the formation of a district comprising any portion of the same territory shall be presented or considered for a period of 12 months thereafter.

CHAPTER 5. ESTABLISHMENT OF DISTRICT

74120. If a majority of all the votes cast at the formation election are "Water conservation district—Yes," the board of supervisors shall by an order entered in its minutes declare the territory duly formed as a water conservation district, under the designated name, and shall declare the persons receiving, respectively, the highest number of votes for director to be duly elected to such offices.

74121. The board of supervisors shall immediately cause a copy of the order declaring the district formed, duly certified by the clerk of the board, to be filed for record in the office of the county recorder of any county in which any portion of the lands embraced in the district is situated, and shall also immediately forward a copy thereof to the clerk of the board of supervisors of each of such counties. From and after such filing, the formation of the district is complete.

74122. The clerk of the board of supervisors shall immediately file with the Secretary of State a certificate listing:

(a) The name of the district.

(b) The date of formation.

(c) The county or counties in which the district is located, and a description of the boundaries of the district, or reference to a map showing such boundaries, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order declaring the district formed contains all of the information required to be in the certificate, the clerk of the board may file a copy of the order in lieu of the certificate.

CHAPTER 6. CONTEST OF ELECTION

74130. The formation election may be contested by any person holding property within the proposed district liable to be assessed for the raising of funds to carry out the purposes of the district.

74131. The directors elected at the formation election shall be made parties defendant in the election contest.

74132. The election contest shall be brought in the superior court of the principal county. If more than one contest is pending, they shall be consolidated and tried together.

74133. The court shall immediately try the election contest, and determine, upon the hearing, whether the election was fairly conducted and in substantial compliance with the requirements of this division. The court shall enter its judgment accordingly.

74134. The election contest shall be brought within 20 days after the canvass of the votes and declaration of the result by the board of supervisors.

74135. Either party to the record may appeal to the Supreme Court of this state within 30 days from entry of judgment.

74136. The appeal shall be heard and determined by the Supreme Court within 60 days from the time of filing the notice of appeal.

PART 3. INTERNAL ORGANIZATION

CHAPTER 1. DIRECTORS

74200. The board of directors shall consist of three, five, or seven members, depending on the number of divisions in the district. Each director shall be an elector of the division for which he is elected, a qualified elector of the district, and a resident of the county, or of one of the counties, in which the district is situated.

74201. The directors elected at the formation election shall immediately enter upon their duties as such upon qualifying in the manner provided in this chapter. Such directors shall

hold office respectively until their successors are elected and qualified.

74202. The directors elected at the formation election, on the first Tuesday after their election, after they have qualified, shall meet and classify themselves by lot into two classes, as nearly equal in number as possible. The term of office of the class having the greater number shall expire at the next district general election and the term of office of the class having the lesser number shall terminate at the next district general election thereafter.

74203. Each director elected subsequent to the formation election shall hold office for a term of four years and until his successor is elected and qualified.

74204. Vacancies occurring in the board, by reason of death, resignation, or otherwise, shall be filled by appointment by the board of supervisors of the principal county. A director so appointed shall hold the office for the unexpired term of his predecessor.

74205. Within 10 days after receiving his certificate of election, or notice of appointment, each person elected or appointed to the office of director shall qualify as such by taking and subscribing to an official oath and executing and filing a bond as provided in Section 74206.

74206. Each director shall execute an official bond in the sum of one thousand dollars (\$1,000), which shall be approved by the judge of the superior court of the principal county and shall be recorded in the office of the county recorder of such county. The director shall file such official bond, together with his official oath, with the secretary.

74207. All official bonds shall be in the form prescribed by law for the official bonds of county officers.

74208. Each director shall receive twenty-five dollars (\$25) for each day's attendance at the meetings of the board. He shall also receive actual and necessary expenses and a per diem not exceeding twenty-five dollars (\$25) per day while engaged in official business under an order of the board.

CHAPTER 2. THE BOARD

74220. On the first Tuesday next following the formation election, as to the first board, and on the first Tuesday in March next following each general district election, as to subsequent boards, the directors shall meet and organize as a board.

74221. The board shall manage and conduct the business and affairs of the district.

74222. The office of the board may be established by it at some proper and convenient place within or near the district, but after the office is once established, it shall not be changed without giving notice thereof by posting in three public places in the district and by publishing a similar notice at least once a week for 30 days in some newspaper of general circulation published in the principal county.

74223. The board shall hold regular meetings in its office on the first Tuesday in March, June, September, and December, and such special meetings as may be required for the proper transaction of business.

74224. The board may by resolution change the day for holding regular meetings from the first Tuesday in March, June, September, and December to any other day in such months. Notice of any such change shall be published once a week for at least two consecutive weeks before the time for a regular meeting on the new meeting date in a newspaper of general circulation circulated in the district.

74225. Special meetings may be ordered by the president or by a majority of the members of the board, specifying in writing the business to be transacted. The order calling for a special meeting shall be entered in the minutes of the board. Three days' notice shall be given by the secretary to any member not joining in the order, by mailing the notice to him at his last address. Only the business specified in the order shall be transacted at the special meeting.

74226. All meetings of the board shall be open to the public.

74227. A majority of the members of the board shall constitute a quorum for the transaction of business.

74228. A minute of all proceedings of the board shall be kept by the secretary, and all records of the board shall be open to public inspection during business hours.

74229. The board shall, annually, make and render a verified statement of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of such receipts and purpose of such disbursements. This statement shall be placed on file in the office of the district and be open to public inspection during office hours.

CHAPTER 3. OFFICERS

74250. At each of its organization meetings the board shall elect a president from their number, and shall appoint a secretary, who shall each hold office at the pleasure of the board.

74251. The secretary need not be one of the directors.

74252. The salary of the secretary and the amount of the bond to be given for the faithful performance of his duties shall be fixed by the board.

74253. The bond of the secretary shall be recorded in the office of the recorder of the principal county and then filed with the district.

CHAPTER 4. PROHIBITED INTERESTS IN CONTRACTS

74270. No director or any other officer 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.

74271. For any violation of Section 74270, a director or officer is guilty of a misdemeanor, and conviction therefor shall work a forfeiture of his office.

PART 4. ELECTIONS

CHAPTER 1. DISTRICT GENERAL ELECTION

Article 1. Conduct of the Election

74350. At a meeting of the board, to be held not less than 20 days before any district general election, the board shall divide the district into convenient election precincts, may appoint election boards, and shall do all things applicable thereto for the holding of such election, in the manner required to be done by the board of supervisors for the holding of the formation election.

74351. The clerk of the board shall cause notice of the election to be given by having such notice published and posted in the manner required by Chapter 4 (commencing with Section 74090) of Part 2 of this division for giving notice of the formation election, except that the notice shall be published once a week for not less than two weeks and posted for not less than 15 days prior to the election.

74352. Notice of the election shall also be posted in a conspicuous place in the office of the board.

74353. The notice of the election shall designate the directors to be elected, the term for which each is to be elected, the respective election precincts and the polling place in each, the time of the election, and the hours during which the polls will be kept open.

74354. The board may give such other notice of the election as it deems necessary.

74355. No particular form of ballot is required to be used. The clerk of the board shall, however, furnish ballots which contain the names of the candidates for the offices who are endorsed by petition signed as provided in Section 74100 and filed with the clerk of the board within seven days after the first publication of the notice of election.

74356. The ballot shall contain as many blank spaces as there are directors to be elected.

74357. The election shall be conducted in the manner required by Chapter 4 (commencing with Section 74090) of Part 2 of this division for the conduct of formation elections.

74358. If, by the eighth day after the first day of publication of the notice of the election, no action is taken to appoint the sole nominees pursuant to Chapter 2 (commencing with Section 74410) of this part, and if the necessary election boards have not been previously appointed, the clerk of the board shall appoint the necessary election boards.

Article 2. Counting of Ballots

74370. As soon as all the votes are read off and counted, a certificate shall be drawn up on each of the papers containing the poll lists and tallies, or attached thereto, stating the number of votes each person voted for has received and designating the office to fill which he was voted for. The number of votes shall be written in figures and in words at full length.

74371. Each certificate required by Section 74370 shall be signed by the election officers. One of such certificates, together with the poll list and the tally paper to which it is attached, shall be retained by the inspector and preserved by him for at least six months.

74372. The ballots shall be strung upon a cord or thread by the inspector during the counting thereof in the order in which they are entered upon the tally list by the clerks.

74373. The ballots, together with the certificate required by Section 74370 and the poll list and tally paper to which such certificate is attached, shall be sealed by the inspector in the presence of the judges and clerks and endorsed "election returns of (naming the precinct) precinct" and shall be directed and immediately delivered to the secretary by the inspector or by some other safe and responsible carrier designated by the inspector.

74374. The ballots shall be kept unopened for at least six months, and if any person claims that the vote of any precinct has not been correctly counted he may appear on the day appointed for the board to open and canvass the returns and demand a recount of the vote of the precinct that is so claimed to have been incorrectly counted.

74375. No list, tally paper, or certificate from any election shall be set aside or rejected for want of form if it can be satisfactorily understood.

Article 3. Canvassing of Returns and Declaration of Results

74390. The board shall meet at its usual place of meeting on the first Monday after each district general election to canvass the returns.

74391. If, at the time of the meeting, the returns of each precinct in the district in which the polls were opened have been received, the board shall then and there proceed to canvass the returns; but if all the returns have not been received, the canvass shall be postponed from day to day until the returns have been received, or until six postponements have occurred.

74392. The canvass shall be made in public and by opening the returns and determining the vote of the district for each person voted for and declaring the result thereof.

74393. The secretary shall, as soon as the result is declared, enter in the records of the board a statement of such result, which statement shall show:

(a) The total number of votes cast in the district and in each precinct thereof if there is more than one precinct.

(b) The names of the persons voted for.

(c) The office to fill which each person was voted for.

(d) The number of votes given in each precinct to each person.

(e) The number of votes given in each division for the office of director.

74394. The board shall declare elected to each office of director to be filled the person having the highest number of votes given for such office.

74395. The secretary shall immediately make out and deliver to each person elected to an office of director a certificate of election, signed by him and authenticated with the seal of the board.

CHAPTER 2. APPOINTMENT IN LIEU OF ELECTION

74410. If, on the eighth day after the first publication of the notice of any district general election of officers, only one candidate has been nominated to fill each office of a director whose term of office expires at such election, the board shall appoint the nominees to fill the expiring offices of director and the election shall not be held.

74411. If there is only one nominee in one division, but more than one nominee in another division, and no petition has been filed requesting that the election be held pursuant to Section 74412, the board shall appoint the sole nominated candidate for the division concerned, and no election need be held within that division.

74412. The provisions of this chapter are not applicable when there is filed with the board, on or before the eighth day after first publication of the election notice, a petition signed by 5 percent or more of the qualified electors of the district requesting that the election be held.

74413. Notice that an appointment pursuant to this chapter may be made, in the event that only one nomination is made and no petition requesting an election is filed, shall be published in a newspaper of general circulation in the district once, not less than 7 days and not more than 14 days prior to the final day on which nominations may be made.

CHAPTER 3. RELOCATION OF DIVISION BOUNDARIES

74430. The board, when it deems it advisable or for the best interests of the district and for the convenience of the electors thereof, may at any time, but not less than 60 days before an election to be held in the district, change the boundaries of the divisions of the district. Such changes shall

be made to keep each division as nearly equal in area as may be practicable. Such changes of boundaries of the divisions shall be shown on the minutes of the board.

74431. Before any change of the boundaries of the divisions is made pursuant to Section 74430, the board shall give notice of its intention to do so. Such notice shall specify, in a general way, the changes which the board proposes to make and a time and place for a hearing at which any owner of land in the district may appear before the board and object to the making of the proposed change or changes or petition that a change be made otherwise than as proposed.

74432. The notice of intention to change the boundaries of the divisions shall be published at least once a week for two weeks before the time appointed for the hearing in some newspaper or newspapers published in each of the counties in which any part of the district is situated.

At the time and place appointed for the hearing, or at the time and place to which the hearing may be adjourned, the board shall hear all the objections and petitions which are presented to the board, and, thereupon, the board may make such change or changes in the boundaries of the divisions as it determines to be for the best interests of the district.

74433. If land is excluded from a district pursuant to Chapter 1 (commencing with Section 75750) of Part 10 of this division, the board not less than 30 days before any election in the district, may reestablish the boundaries of the divisions and election precincts within the district.

74434. If land is included within a district pursuant to Chapter 2 (commencing with Section 75850) of Part 10 of this division, the board shall, not less than 30 days before any election in the district, reestablish the boundaries of the divisions and election precincts within the district so as to include such lands therein and so as to make such divisions as nearly equal in area as may be practicable. In case of the inclusion of any land less than 30 days before an election within the district, the inhabitants of the land so included shall not be entitled to vote at such election.

74435. If another district is annexed to a district pursuant to Chapter 3 (commencing with Section 75940) of Part 10 of this division the board of the annexing district shall reestablish the boundaries of the divisions and election precincts within the district in the same manner as provided in Section 74434.

PART 5. POWERS AND PURPOSES

CHAPTER 1. POWERS AND DUTIES GENERALLY

74500. A district may:

(a) Have perpetual succession.

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

74501. A district may make contracts and do all acts necessary for the full exercise of its powers.

74502. A district may appoint and employ such engineer or engineers and such attorney or attorneys as the board deems necessary or advisable to accomplish the purposes of the district.

74503. A district may employ and hire such men, teams, tools, implements, machinery, and equipment as the board deems expedient or advisable to perform the work which it deems necessary or advisable to accomplish the purposes of the district.

74504. A district shall cause such work to be done and shall acquire such property as the board deems necessary or advisable to accomplish the purposes of the district, and the board shall estimate the cost thereof, together with rights-of-way for the purpose of ingress to and egress from the works of the district.

74505. A district shall provide for the payment, from the proper fund, of all the debts and just claims against the district.

74506. A district may disseminate information concerning the rights, properties, activities, plans, and proposals of the district; provided, however, that expenditures during any fiscal year for such purposes shall not exceed three cents (\$.03) for each one hundred dollars (\$100) of assessed valuation of the district.

74507. A district may vote bonds, cause assessments to be levied, cause elections to be held for the voting of bonds, or on the question of special assessments.

If special assessments are voted, the district may cause them to be levied, as provided by Chapter 3 (commencing with Section 75390) of Part 8 of this division, for the purpose of paying any obligation of the district, and for the purpose of raising money to further accomplish the purposes of this division in the manner provided in this division.

74508. A district may levy and collect a ground water charge for the production of water from the ground water supplies within the district or within a zone or zones thereof in the manner prescribed in Part 9 (commencing with Section 75500) of this division.

CHAPTER 2. WATER

74520. A district may make surveys and investigations of the water supply and resources of the district.

74521. A district may appropriate, acquire, and conserve water and water rights for any useful purpose.

74522. A district may conserve, store, spread, and sink water and for such purposes may acquire or construct dams, damsites, reservoirs and reservoir sites, canals, ditches and conduits, spreading basins, sinking wells, and sinking basins.

74523. A district may maintain, operate, and repair any of the works described in Section 74522.

74524. A district may provide for the construction, operation, and maintenance of such works, facilities, or operations within or without the district boundaries as the board deems necessary to protect the land or property in the district from damage by flood or overflow.

74525. A district may drill, construct, install, and operate wells, pumps, pipelines, conduits, valves, gates, meters, and other appurtenances to such wells, pipelines and conduits, and may pump water therefrom and thereby for sale, delivery, distribution, or other disposition.

74526. A district may sell, deliver, distribute, or otherwise dispose of any water that may be stored or appropriated, owned, or controlled by the district.

74527. A district may fix the rates at which water may be sold by the district. The rates shall be uniform for like classes of service throughout the district.

CHAPTER 3. RECREATIONAL FACILITIES

74540. A district may acquire, construct, maintain, and operate recreational facilities in connection with any dams, reservoirs, or other works owned or controlled by the district.

74541. A district may fix and assess reasonable charges for the use of the recreational facilities by members of the public, and may deposit any funds collected thereby with the treasurer to the credit of the district as provided in Section 74750.

CHAPTER 4. PROPERTY

74550. A district, for the full exercise of its powers and the accomplishment of the purposes of this division, may within or without the district:

(a) Take real and personal property of every kind by grant, appropriation, purchase, gift, devise, condemnation, or lease.

(b) Hold, use, enjoy, manage, occupy, possess, lease, or dispose of real and personal property of every kind.

74551. The legal title to all property acquired by a district shall immediately and by operation of law vest in such district, and shall be held in trust for and set apart for the uses and purposes set forth in this division.

74552. A district may take conveyances or other assurances for all property acquired by it.

74553. A district may exercise the right of eminent domain and, in the manner provided by law for the condemnation of private property for public use, may take any property necessary to be used for dams, damsites, reservoirs, reservoir sites, canals, ditches and conduits, spreading basins, sinking wells or sinking basins, or otherwise necessary to accomplish the purposes of this division, or to operate or to make use of such works.

74554. The right of eminent domain shall not extend to any property used for, or dedicated to, cemetery purposes.

74555. Whenever real property which is devoted to or held for some other public or quasi-public use is required by a district for any purpose authorized by this division, the district may acquire by condemnation or agreement real property adjacent thereto or in the immediate vicinity thereof to be exchanged for the real property so required by the district.

CHAPTER 5. CONTRACTS WITH OTHER AGENCIES

Article 1. In General

74570. A district may cooperate and contract with one or more other districts or public corporations or agencies, whenever, in the opinion of the board, such cooperation or contract is desirable or advantageous to the district.

74571. In furtherance of such cooperation a district may:

(a) Join with another district or districts organized under the laws of this state in the acquisition, purchase or construction of works or other property, real or personal, for the joint use or benefit of the cooperating districts, and may raise any necessary funds by assessments, bonds, or any other means authorized by law.

(b) Empower a cooperating district to conduct the actual construction and operation of the works, or the actual acquisition of the property, and may pay its agreed share of the cost or expense thereof by delivering and turning over to the cooperating district its bonds authorized therefor, such bonds to be received in payment at not less than par value.

74572. If the district is annexed to a cooperating district, all bonds of the annexed district authorized for payment of its agreed share of the cost and expense of the construction and operation of works or the acquisition of property by the annexing cooperating district, shall be issued and shall be delivered to and received by the annexing district at not less than par value. Such bonds shall become the property of the annexing district and they may be collected at maturity or sold by the annexing district at not less than par value and the proceeds of sale applied to the purpose for which the bonds were issued.

Article 2. Contracts for Supply of Water and Construction of Works

74590. A district may contract with any city, city and county, county, or district organized under the laws of this state for a water supply.

74591. A district may enter into contracts with municipalities, water districts of any type or kind, counties, cities and counties, the State of California, or the United States, under such terms as may be mutually advantageous, for the acquisition or construction of the works authorized by this division, and each of the parties to such contract may contrib-

ute to the cost of such acquisition or construction such sums of money as may be agreed upon. Such contracts shall provide for the operation and maintenance of the works thus acquired and for the distribution and sale of any water that may be stored or controlled by the parties thereto. Any surplus revenue derived from such sale, after paying the cost of the operation and maintenance of the works, may be distributed to the parties to the contract in such proportions as may be agreed upon, or may be used for extensions and improvements.

74592. A district may enter into contracts with municipalities, water districts of any type or kind, counties, cities and counties, the State of California, or the United States, under such terms as may be mutually advantageous, for the acquisition or disposal of water or water rights or water storage facilities and rights, or any interest in such water, water rights, or water storage facilities and rights for any useful purpose.

74593. A district, whenever the board deems it to be to the advantage of the district so to do, may:

(a) Enter into contracts with municipalities, sanitary districts or other incorporated bodies, either within or without the district, providing for the delivery to the district of sewage or storm water produced by or coming from such municipalities, sanitary districts, or other incorporated bodies.

(b) Treat, purify, and reclaim such water for beneficial use

(c) Store, distribute, sell, or otherwise dispose of the water and byproducts resulting from such treatment, purification, or reclamation.

The district may construct and operate the works necessary for such purposes, and may acquire or construct and may maintain pipelines, flumes, ditches, and reservoirs suitable or adaptable for the prevention of the wastage of water.

Whenever the district receives a revenue from the sale of water and byproducts in excess of the cost of operating and maintaining the works authorized in this section, it may, for the purpose of enlarging, extending, or improving such works, issue its certificates of indebtedness payable out of such excess revenues, and pledge the same for the payment of the indebtedness so created.

Article 3. Cooperation With the United States

74610. A district may cooperate and contract with the United States either under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto, or under any other act of Congress heretofore or hereafter enacted authorizing or permitting such cooperation or contract.

74611. The cooperation or contract may be for any or all of the following purposes:

(a) Acquisition or construction of works authorized by this division.

(b) A water supply.

(c) Acquisition or disposal of water or water rights or water storage or conservation facilities and rights, and any interest in such water, water rights, or water storage or conservation facilities.

(d) Acquisition or construction of works for any useful purpose.

(e) Investigation, study, or preparation of proposals or plans for any or all of the above purposes.

(f) Obligation of the district to repay to the United States advances of funds made by the United States to the district for any or all of the above purposes.

(g) Assumption as principal or guarantor of indebtedness to the United States.

74612. A district may carry out and perform the terms of any contract so made.

74613. As used in this article, "United States" includes the United States, and any board, bureau, agency, office or officers, department, or corporation of the United States.

74614. The board shall generally perform all acts necessary to exercise the authority conferred by this article, except that if the issuance of bonds of the district is necessary for such purposes, the bonds shall be voted upon and issued in the manner provided in this division for the incurring of bonded indebtedness of the district.

74615. When, in furtherance of a contract made with the United States, bonds of a district are authorized, such bonds may be transferred to or deposited with the United States, at not less than their par value. In such case, the interest or principal, or both, of such bonds may be legally paid to the United States and applied to the amount, or any part thereof, to be paid by the district to the United States, as provided in the contract.

74616. The board may accept, on behalf of the district, appointment of the district as fiscal agent of the United States, or authorization of the district by the United States to make collection of money for, and on behalf of, the United States, and to assume the duties and liabilities incidental thereto. The board may do any and all things required by the federal statutes now or hereafter enacted in connection therewith, and all things required by any rules or regulations now or hereafter established under any such federal statutes.

74617. A contract entered into between a district and the United States may provide that the district shall not be dissolved, nor shall the boundaries be changed except upon the written consent of an official of the United States filed with the official records of the district. If such consent is given and the lands excluded, the area excluded shall be free from all liens and charges for payments to become due to the United States under any such contract.

74618. As whole or partial consideration for any privileges obtained by a district under any contract with the United States, any rights-of-way or rights to water or to the property

owned or acquired by the district may be conveyed by the board to the United States insofar as they may be needed for the construction, operation, and maintenance of works by the United States for the benefit of the district pursuant to such contract.

Article 4. Approval of Contracts by Voters

74630. If a district undertakes to execute a contract pursuant to this chapter, no part of the annual payments for the obligations assumed therein, as principal or guarantor, or the interest thereon, or the costs of maintenance and operation of the works so acquired or constructed, over and above the amounts available therefor from revenues, that is in excess of the limitations on assessment taxes provided in Sections 75357 and 75358, shall be levied until such contract has been approved by the voters of the district, or of the improvement district, for which such contract was made, by a majority of the voters thereof voting on the proposition, in the manner provided for the incurring of a bonded indebtedness. In the event of the approval of such contract by the voters, the limitations provided in Sections 75357 and 75358 shall not apply.

CHAPTER 6. CONTROVERSIES

74640. A district may sue and be sued, except as otherwise provided in this division or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.

74641. A district may commence, maintain, intervene in, and compromise, in the name of the district, and assume the costs of, any action or proceeding involving or affecting the ownership or use of water or water rights within the district, used or useful for any purposes of the district, or of common benefit to the lands situated therein.

74642. A district may commence, maintain, intervene in, defend, and compromise actions and proceedings to prevent interference with or diminution of the natural flow of any stream or streams or unnavigable river, or rivers, including the natural subterranean supply of water therefrom, which may be used or useful for any purpose of the district, or a common benefit to the lands within the district or its inhabitants; and may commence, maintain, and defend actions and proceedings to prevent any such interference with such waters as may endanger the inhabitants or lands of the district.

74643. A district may institute and maintain any and all actions, proceedings, and suits at law or in equity necessary or proper to fully carry out the provisions of this division, or to enforce, maintain, protect, or preserve any and all rights, privileges, and immunities created by this division or acquired in pursuance thereof.

74644. In all courts, actions, suits, or proceedings, the board may sue, appear, and defend in the name of the district in person or by attorneys.

74645. 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.

PART 6. FINANCIAL PROVISIONS

CHAPTER 1. FUNDS AND WARRANTS

74750. The treasury of the principal county is the repository of all the funds of a district. For this purpose, the treasurers of any other counties wherein is situated a portion of the district, shall, at any time, not more often than twice a year, upon the order of the board, settle with the board and pay over to the treasurer of the principal county all moneys in their possession belonging to the district. The treasurer of the principal county shall receive and receipt for such moneys, and place such moneys to the credit of the district. He shall be responsible upon his official bond for the safekeeping and disbursement, in the manner provided in this division, of these and all moneys of the district held by him.

74751. No claim shall be paid by the treasurer until allowed by the board.

74752. The treasurer shall pay out the moneys of the district only upon warrants of the county auditor, drawn upon order of the board signed by the president and attested by the secretary.

74753. Upon presentation of any matured bond, or any matured interest coupon on any bond of the district, the treasurer shall pay it from the bond fund. If funds are not available for the payment of any such matured bond or interest coupon, it shall draw interest at the rate of 7 percent per annum from the date of its presentation for payment until notice is given that funds are available for its payment, and it shall be stamped and provision made for its payment, as in the case of a warrant for the payment of which funds are not available on its presentation.

74754. The treasurer shall report in writing at each regular meeting of the board, and as often thereafter as requested by the board, the amount of money on hand, the amount of receipts since his last report, and the amounts paid out. Such reports shall be verified and filed with the secretary.

CHAPTER 2. LIMITATION ON INDEBTEDNESS

74770. The board has no power, except as provided in this division as to certificates of indebtedness, special assessments, and the issuance of bonds by the district, to incur any debt or liability whatever in excess of the express provisions of this division. Any debt or liability incurred in excess of such express provisions, except as to certificates of indebtedness, special assessments, and the issuance of bonds, is absolutely void.

74771. For the purposes of organization, or for any of any purpose for which the board is authorized to expend the collection of the first assessment, an indebtedness not exceeding in the aggregate an amount equivalent of twenty-five cents (\$0 25) for each acre of land in the district, and it may cause warrants of the district to issue therefor bearing interest at 7 percent per year from date of issue until the treasurer has funds available for the payment thereof.

74772. The expenses of organization, including the fees of attorneys and others employed to conduct the organization proceedings, are a charge upon the district, and are payable by the district.

CHAPTER 3. BONDS

Article 1. In General

74790. A district may incur a bonded indebtedness for any purpose for which the board is authorized to expend the funds of the district, including any works, property, or rights, contract or otherwise, acquired under or pursuant to the provisions of Chapter 5 (commencing with Section 74570) of Part 5 of this division, or the refunding of any obligations incurred pursuant to that chapter.

74791. Bonds issued by a district, and bonds issued for any improvement district therein, shall be payable, both principal and interest, from assessments upon the lands in the district or improvement district, as the case may be, unless proceedings have been taken substantially as provided in this division for such bonds to be payable from assessments levied upon all real property in the district or in the improvement district, as the case may be.

74792. Bonds of the district may be issued in the manner provided in this chapter payable, both principal and interest, from assessments levied upon all real property in the district in the manner provided in this division for the levy of assessments upon land only.

If the board determines that the bonds shall be payable from assessments upon all such real property, or if the proceedings for the formation of the district require that the bonds be so payable, the board shall so state in the resolution calling the bond election, and the notice of the election shall contain a statement to that effect. If the bonds receive the necessary two-thirds vote at the bond election, then they shall be payable from assessments upon all real property in the district, and such real property shall be subject to taxation for the payment of principal and interest of such bonds.

Article 2. Initiation of Proceedings

74800. The board, whenever the interest of the district shall require it, may cause a report to be made to the effect that the acquisition of certain property or works or the con-

struction of such works is convenient or necessary to serve or fulfill the purposes of the district and that the cost thereof cannot be paid for out of the annual revenue of the district. The report shall be in such detail and shall be accompanied by such exhibits as will disclose the purpose sought to be accomplished and the means to be employed therefor. The report shall be printed in convenient form for distribution to the electors of the district.

74801. After the printing of the report the board, by resolution adopted by a majority of its members, may call an election to be held in the district for the purpose of authorizing the incurring of a bonded indebtedness by the district.

74802. The resolution shall specify all of the following:

(a) The purpose for which the indebtedness is to be incurred.

(b) The amount of bonds proposed to be issued.

(c) The maximum rate of interest the bonds shall bear.

(d) The number of years, not exceeding 40, the whole or any part of the bonds are to run until maturity.

74803. The resolution shall further provide for submitting the question of the incurring of the indebtedness to the qualified electors of the district at an election called for that purpose.

Article 3. Notice of Bond Election

74820. Notice shall be given of the bond election by publication pursuant to Section 6062 of the Government Code in a newspaper of general circulation published in the district and the first publication shall be at least 30 days prior to the date fixed for the election.

74821. The notice of the bond election shall state all of the following:

(a) The time and place for holding the election.

(b) The names or numbers of election precincts, which may be the general election precincts established by the boards of supervisors for general state or county elections, or a consolidation of such precincts, or such other special precincts for the purpose of the bond election as the board may designate and establish.

(c) The location of the polling places and the names of the election officers appointed to conduct the election.

74822. The notice of the bond election shall also state all of the following:

(a) The amount of the debt proposed to be incurred.

(b) The purpose thereof, in brief form, with a reference to the report required by Section 74800 for further particulars.

(c) The number of years the bonds or any part thereof are to run until maturity.

(d) The maximum rate of interest the bonds shall bear.

Article 4. Bond Election

74830. The manner of holding and conducting the bond election, the selection of officers to conduct the election, the designation of precincts and polling places, the preparation, receipt, counting, and return of ballots, and the canvassing and determining of the results of the election shall be as provided for the election of directors as nearly as practicable, and in particulars not so provided shall be in accordance with the general laws of the state relative to elections whereat propositions are submitted and voted upon.

74831. Several propositions may be submitted at the same bond election.

74832. Only qualified electors of the district may vote at the bond election.

74833. The ballots at the bond election shall contain the words "Bonds—Yes," and "Bonds—No," or words of similar import, together with a general statement of the amount and purpose of the bonds to be issued.

74834. If a bond election has been fairly held and conducted, no informality or omission to perform a prescribed duty shall be held to invalidate or affect the legality of any bonded debt authorized to be incurred.

Article 5. Issuance and Terms

74850. If two-thirds of the votes cast upon the proposition at the bond election are marked and counted "Bonds—Yes" or appear to favor the proposition submitted, the proposition shall be deemed to have been accepted by the voters and to authorize the incurring of a bonded debt and the issuance of bonds in the amount of and for the purpose stated in the proposition.

74851. The board may issue the bonds of the district for the whole or any part of the amount of the indebtedness authorized, and may, from time to time, provide for the issuance of such amounts as are necessary, until the full amount of the bonds authorized have been issued. Each separate issue shall be given a serial number or letter.

74852. The board shall, by a resolution adopted by a majority of its members, prescribe the form of the bonds and of the coupons attached thereto and fix the time when the whole or any part of the principal shall become due and payable. The payment of the first installment may be deferred for a period not longer than five years from the date of the bond.

74853. The bonds shall bear interest at a rate not exceeding 6 percent per year, payable semiannually.

74854. The board may provide for redemption of bonds before maturity at prices determined by it. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect.

74855. The denomination of the bonds shall be stated in the resolution providing for their issuance, but shall not be less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

74856. The principal and interest shall be payable in lawful money of the United States at the office of the treasurer or such other place as may be designated or at either place at the option of the holder of the bond.

74857. The bonds shall be dated, numbered consecutively, signed by the president, and attested by the secretary with the official seal of the district. The interest coupons shall bear the actual or facsimile signature of the president.

Article 6. Sale of Bonds and Use of Proceeds

74870. The bonds as issued may be sold at such times and in such amounts as the board deems expedient, after a notice inviting bids therefor has been published in the district pursuant to Section 6062 of the Government Code. A certified check payable to the district for at least 5 percent of the amount of the bonds offered shall accompany each bid, conditioned that the bidder will accept and pay for the bonds bid for if awarded to him, otherwise such check shall be forfeited to the district and the amount thereof paid into the treasury. If no bids are received the bonds offered may be sold at private sale.

74871. The proceeds from the sale of bonds shall be paid into the treasury of the district, placed to the credit of a special fund, and expended only for the purpose for which the indebtedness was created.

74872. If the board determines by resolution that (1) the expenditure of money raised by the sale of bonds for the purpose for which the bonds were voted is impracticable or unwise, or (2) that all of the purposes for which money raised by the sale of bonds have been fulfilled but that there is a surplus of such money remaining, the board may call a special election to obtain the consent of the voters to use the money for some other purpose for which the district may issue bonds.

The procedure shall be the same as when the bond proposition was originally submitted and the election may be consolidated with any other election, in which case one ballot may be used in the discretion of the board.

Article 7. Certification of Bonds

74880. The board may at any time apply to the California Districts Securities Commission for certification of the bonds of the district pursuant to Division 10 (commencing with Section 20000) of this code. When such certification has been given, the bonds of the district shall be acceptable for investment and surety purposes to the same extent as are county or municipal bonds.

CHAPTER 4. ADOPTION OF IMPROVEMENT ACTS

74900. A district, in the construction of any work to be done or improvement made by it or within an improvement district formed pursuant to Part 7 (commencing with Section 75000) of this division and in the levying of assessments and reassessments and the issuing of bonds to pay for costs and expenses of the work and improvements done or to be done, may use the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Improvement Bond Act of 1915, the Street Opening Act of 1903, or the Street Improvement Act of 1913. These acts are hereafter referred to in this chapter as the "improvement acts."

74901. Notwithstanding the provisions or limitations of any of the improvement acts relating to the work authorized to be done or the improvements authorized to be made thereunder, a district may acquire or construct, by the procedures permitted by this article, any improvements authorized by this division, and the improvements authorized to be constructed or acquired by the procedure permitted by this article, are restricted to those permitted by this division.

74902. In the application of the improvement acts to proceedings under this division, the terms used in those acts shall have the following meanings:

- (a) "City council" or "council" means the board.
- (b) "City" or "municipality" means the district.
- (c) "Clerk" or "city clerk" means the secretary.
- (d) "Superintendent of streets," "street superintendent," or "city engineer" means the chief engineer of the district or any other person appointed to perform such duties.
- (e) "Tax collector" means the county tax collector.
- (f) "Treasurer" or "city treasurer" means the treasurer.
- (g) "Right-of-way" means any right-of-way owned or held by the district for the purpose of constructing or maintaining any work or improvements which the district is authorized to do.

74903. The powers and duties conferred by the improvement acts upon boards, officers, and agents of cities shall be exercised by the board, officers, and agents of the district, respectively.

74904. No assessment or bond levied or issued pursuant to proceedings under any of the improvement acts, as authorized by this chapter, shall become a lien, and no person shall be deemed to have notice thereof, until a certified copy of the assessment in the proceedings under the improvement act being utilized, and the diagram attached to the assessment, are recorded in the office of the county recorder of each county in which any part of the lands assessed are located.

PART 7. IMPROVEMENT DISTRICTS

CHAPTER 1. IMPROVEMENT DISTRICTS
FOR ISSUANCE OF BONDS

Article 1. Initiation of Proceedings

75000. Whenever 1,000 or more of the holders of title or evidence of title of land within a district, as shown by the records of the county assessor, desire to form an improvement district within a district, they may propose the formation of such an improvement district by filing a petition with the board. The petition shall contain a statement of the plan of the proposed improvement district and a description of the boundaries thereof.

75001. Upon receipt of the formation petition the board shall cause a survey to be made of the proposed improvement, and if it is found that the plan of improvement is feasible, the board shall cause to be prepared a report containing the plans and specifications of the improvement and an estimate of the cost thereof. The report shall be in such detail and be accompanied by such exhibits as will disclose the purpose sought to be accomplished and the means to be employed therefor.

75002. The report shall be filed in the office of the district and shall be subject to the inspection of all parties interested.

Article 2. Hearing and Formation

75010. After the filing of the report required by Section 75001, the board shall give notice of a hearing upon the formation petition by posting a notice thereof in three public places within the proposed improvement district and publishing such notice once a week for two weeks in some newspaper published in the county in which the office of the district is situated. The notice shall be posted not later than 20 days prior to the date set for the hearing.

75011. At the hearing the board shall hear such objections to the formation petition, the formation of the improvement district and its boundaries, and the plans, specifications, and estimates as may come before it, and shall make such changes in reference thereto as it considers proper.

75012. At the hearing the board may make such changes in the boundaries of the proposed improvement district as it deems advisable and shall define and establish the boundaries, but the board shall not modify the boundaries so as to exclude from the proposed improvement district any territory which may be benefited by the improvement district, or include within the proposed improvement district any land which will not in its judgment be benefited by the formation thereof.

If any additional lands are included in the proposed improvement district, the hearing of the petition shall be con-

tinued and the owners of the added lands shall be given not less than 20 days' personal notice of the addition of such lands to the improvement district.

75013. At the hearing the board shall determine whether the petition complies with the requirements of Section 75000 and for that purpose shall hear all competent and relevant testimony in support or in opposition thereto. No defect in the form or contents of the petition or any proceeding therein shall invalidate any proceeding, but the petition shall have a sufficient number of qualified signatures attached thereto.

75014. If more than one-third of the holders of title or evidence of title of lands within the proposed improvement district object in writing at the hearing to the formation of the proposed improvement district, the board shall deny the formation petition and no further proceedings shall be had thereon.

75015. At the conclusion of the hearing, if the board determines that the improvement district should be formed, it shall make a final order approving the formation petition.

75016. The order shall be entered in the minutes of the board and a copy thereof shall be recorded in the office of the county recorder of each county in which any of the lands of the improvement district are located.

Article 3. Calling of Bond Election

75030. If the board makes the final order approving the formation petition, it may, by resolution adopted by a majority of its members, call an election for the purpose of authorizing the incurring of a bonded indebtedness by the improvement district.

75031. The resolution shall specify all of the following:

- (a) The purpose for which bonds are proposed to be issued.
- (b) The maximum rate of interest the bonds shall bear.
- (c) The number of years, not exceeding 25, the whole or any part of the bonds are to run until maturity.

75032. The resolution shall further provide for submitting the question of the incurring of the indebtedness to the qualified electors of the improvement district at an election called for that purpose.

Article 4. Notice of Bond Election

75050. Notice shall be given of the bond election by publication in a newspaper published in each of the counties in which the improvement district is situated, if there is one, at least once a week for three weeks previous to the election, by posting notice thereof in three public places in the improvement district, and by posting a copy in the office of the district.

75051. The notice of the bond election shall designate a name for the improvement district and describe the boundaries thereof. The notice shall also designate the respective election

precincts and the polling place in each, the election officers, the time of the election, and the hours during which the polls will be kept open; provided, that the polls shall be opened not later than 8 o'clock a.m. and kept open until 7 o'clock p.m.

Article 5. Bond Election

75060. The bond election shall be conducted in accordance with the general election laws of the state as far as applicable and except as otherwise provided in this chapter.

75061. Several propositions may be submitted at the same bond election.

75062. Only qualified electors of the improvement district may vote at the bond election.

All electors residing within the improvement district whose names appear on the register of voters of the last general election and at any time within 40 days preceding the bond election are qualified electors of the improvement district eligible to vote at the bond election.

75063. The ballots at the bond election shall contain the words "Improvement District Bonds—Yes," and "Improvement District Bonds—No," or words of similar import, together with a general statement of the amount and purpose of the bonds to be issued.

75064. Immediately after the bond election, the election officers shall publicly count the votes and make and transmit a report of the result of the election to the board.

75065. If two-thirds of the votes cast upon the proposition are marked and counted "Improvement District Bonds—Yes" or appear to favor the proposition submitted, the proposition shall be deemed to have been accepted by the voters and to authorize the incurring of a bonded indebtedness and the issuance of bonds in the amount and for the purpose stated in the proposition.

75066. If the bond election has been fairly held and conducted, no informality or omission to perform a prescribed duty shall be held to invalidate or affect the legality of any bonded debt authorized to be incurred.

Article 6. Powers of the Board

75080. Any improvement district formed pursuant to this chapter shall be under the supervision, direction, and control of the board.

75081. The board shall have the same power, authority, and jurisdiction over and with reference to an improvement district formed pursuant to this chapter that it possesses over and with reference to the district and improvements made within and chargeable to the entire district; provided, that any obligation created in behalf of such an improvement district shall be a charge against only the property situated within the improvement district.

75082. All provisions of this division, insofar as they are applicable, including provisions for bonds and assessments, shall apply to and govern improvement districts formed pursuant to this chapter.

Article 7. Payment of Bonds from Assessments Upon Real Property

75090. The bonded indebtedness of an improvement district formed pursuant to this chapter may be made payable from assessments to be levied upon all real property in the improvement district by proceedings taken in the manner provided in this article and shall be so payable if the proceedings for the formation of the district so require.

In either case, the petition for the formation of the improvement district, the notice of hearing, the resolution calling the bond election, and the notice of the bond election shall contain a statement that any bonds authorized to be issued by the improvement district shall be payable, both principal and interest, from assessments to be levied upon all real property in the improvement district as finally formed.

If the bonds then receive the vote required under Section 75065, all the bonds shall be payable solely from assessments levied upon all real property in the improvement district, and all such real property therein shall be liable to be taxed for the purpose of paying principal and interest of such bonds

CHAPTER 2. SPECIAL IMPROVEMENT DISTRICTS

Article 1. In General

75110. A special improvement district may be formed of an area benefited thereby, a bonded indebtedness of such special improvement district may be incurred under Chapter 3 (commencing with Section 74790) of Part 6 of this division, contracts therefor under Chapter 5 (commencing with Section 74570) of Part 5 of this division may be entered into by the board and approved by the voters of such special improvement district, the tax base therein may be changed from land to land and improvements, special assessments may be authorized to be levied therein under Chapter 3 (commencing with Section 75390) of Part 8 of this division, and annual assessment taxes may be levied therein under Chapters 1 (commencing with Section 75350) and 2 (commencing with Section 75370) of Part 8 of this division, all as provided in this chapter

Article 2. Initiation of Proceedings

75120. Whenever the board deems it necessary for the district to form a special improvement district and to perform the other acts provided in this chapter as to an area less than

the entire district, it shall adopt a resolution of intention to form such a special improvement district.

75121. The resolution of intention shall set forth all of the following:

(a) A declaration of the necessity for the special improvement district.

(b) The purpose of forming the special improvement district and of performing the other acts authorized in this chapter.

(c) The amount of the proposed bonded indebtedness or contract or special assessment.

(d) If it is proposed that the basis of taxation shall be changed from land to land and improvements, a statement to that effect.

(e) The boundaries of the proposed district that will be benefited.

(f) The title of the proposed special improvement district, which shall be "----- Water Conservation District Special Improvement District No. ----"

(g) The date on which a hearing will be held in the office of the board upon the proposal to form the special improvement district.

75122. A copy of the resolution of intention shall be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation published in the proposed special improvement district, if there is one, and if none, then in a newspaper published in the district. If no newspaper is published in the district, the resolution of intention shall be published in a newspaper published in the county and circulated in the district, and copies shall be posted in three public places in the proposed special improvement district at least 10 days before the day fixed for the hearing.

Article 3. Hearing and Formation

75130. At the hearing, any person interested, including persons owning property within the proposed special improvement district, may appear and present any matters material to the matters set forth in the resolution of intention.

75131. The board may exclude from the proposed special improvement district any territory that, in its opinion, would not be benefited by being in the proposed special improvement district.

75132. Lands not included in the original resolution of intention shall not be included within the proposed special improvement district except at a hearing held by the board on the inclusion thereof, after notice of such hearing has been duly given in the manner provided for the principal hearing.

75133. The board shall not modify the boundaries of the proposed special improvement district so as to exclude therefrom any land which would be benefited by the formation

thereof, nor shall it include therein land which will not, in the judgment of the board, be benefited.

75134. If protest has been made, prior to its final determination for formation of the district, by the owners of land (or by the owners of real property, in the event of the applicability of the provision of Section 74056) within the proposed special improvement district the assessed value of which, as shown by the last equalized assessment roll, constitutes more than one-half of the total assessed value of the land or real property, as the case may be, within the proposed special improvement district, the board shall so find and the proceeding shall terminate. The board shall order the proceeding terminated when such protests are received.

75135. At the conclusion of the hearing, after making all necessary and proper changes in the boundaries, the board shall, by resolution, form the special improvement district and fix and determine its boundaries.

The determination of the board as to the area benefited by the bond or other proceedings shall be final and conclusive.

Article 4. Election

75150. After the formation of the special improvement district, the board shall call an election for the purpose of submitting to the voters therein the question of incurring the bonded indebtedness, approving the contract, or levying the special assessment for which it was formed, which election shall be conducted in the manner provided for incurring of a bonded indebtedness.

75151. When a district has not been formed pursuant to Section 74056, and it is proposed that the basis of taxation in the special improvement district shall be changed from land to land and improvements, a statement to that effect shall be contained in the proposition submitted to the electors of the special improvement district.

75152. If a proposition of incurring the bonded indebtedness is approved by two-thirds of the voters voting on such proposition, or if a proposition of approving a contract, of levying a special assessment, or of changing the basis of taxation is approved by a majority of the voters voting on such proposition, such proposition has carried.

75153. No informality in any proceeding under this chapter, including the conduct of any election, not substantially affecting adversely the legal rights of any person, shall invalidate any such proceedings.

Any action wherein the validity of any such proceeding is denied shall be commenced within three months of the date of such proceeding.

Article 5. Inclusion of Territory

75160. Territory may be added to a special improvement district in the manner provided in this chapter for its formation.

CHAPTER 3. BENEFIT ASSESSMENT IMPROVEMENT DISTRICTS

Article 1. Initiation of Proceedings

75170. As an additional and alternative method of creating improvement districts of parts of the area within districts two-thirds of the holders of title or evidence of title of any tract or contiguous tracts of land, situated within any district, susceptible of conservation of water, or capable of development separate and apart from the main project or the development of the water resources of the entire district, may petition the board to form an improvement district within the district for the purpose of conserving and developing the water resources of such improvement district and for the levying of assessments to pay the costs thereof.

75171. Said formation petition shall contain a statement of the plan of the proposed improvement, a description of the boundaries of the proposed improvement district, and the names of the owners of all lands within the improvement district, with their last known addresses, and a description of the lands owned thereby. The petition shall be signed and acknowledged by the requisite number of landowners.

75172. The formation petition, and all proceedings in reference thereto, and the lands affected thereby, shall be designated by number, and the description of the parcels of land shall be according to the last duly equalized assessment book of the county assessor.

75173. Upon receipt of the formation petition the board shall cause a survey to be made of the proposed improvement and if it is found that the plan of improvement is feasible, the board shall cause to be prepared plans and specifications of the improvement and an estimate of the cost thereof, together with a statement and assessment of the amount of such costs apportioned to each tract of land in the improvement district, as such tracts of land are shown upon the last equalized assessment book of the county assessor, according to the benefits that will accrue to each of such tracts of land, respectively, by reason of the expenditures of such sums of money for the improvements.

75174. The board constitutes a board of assessment commissioners to levy and apportion such assessment.

75175. The formation petition, plans, specifications, estimate, and statement and assessment shall be filed in the office of the district and shall be subject to the inspection of all parties interested.

Article 2. Hearing and Formation

75190. After the filing of the plans, specifications, estimate, and statement and assessment, the board shall give notice of a hearing upon the formation petition and whether a special assessment shall be levied upon the lands within the improvement district for the purpose of raising money to pay for the improvements, as set forth in the petition, plans, specifications, and statement and assessment.

75191. Notice of the hearing shall be given by posting a notice thereof in three public places within the proposed improvement district, by publishing the notice once a week for two weeks in some newspaper published in the county in which the office of the district is situated, and by mailing a copy thereof to the last known address of all the owners of lands in the improvement district, as such addresses appear in the formation petition.

The notice shall be posted and mailed not less than 20 days prior to the date set for the hearing.

75192. At the hearing the board shall hear such objections to the formation petition, to the formation of the improvement district and its boundaries, to the plans, specifications, and estimates, and to the proposed assessment and the apportionment thereof as may come before it, and shall make such changes in reference thereto as it may consider proper.

75193. The board may exclude any part or portion of the lands described in the formation petition from the improvement district, and may include additional lands.

If any additional lands are included in the proposed improvement district, the hearing of the petition shall be continued and the owners of the added lands shall be given not less than 20 days' personal notice of the addition of such lands to the improvement district.

75194. If more than one-third of the holders of title or evidence of title of lands within the proposed improvement district object, at the hearing, to the formation of the improvement district and the levy of the proposed assessment, the board shall deny the petition and no further proceeding shall be had thereon.

75195. At the conclusion of the hearing, if the board determines that the improvement district should be formed and assessments levied to pay the costs of the proposed improvement, it shall make a final order approving the formation petition, the improvement district assessment, and the apportionment thereof.

75196. The order shall be entered in the minutes of the board and a copy thereof shall be recorded in the office of the county recorder of each county in which any of the lands of the improvement district are located.

Article 3. Assessment and Warrants

75210. The improvement district assessment shall include a sum that equals interest on any deferred payments at a rate not to exceed 7 percent per year, and 10 percent additional for anticipated delinquencies.

75211. The improvement district assessment may be made payable in not to exceed 10 annual installments and the board shall, at the time of the levy of the annual assessments of the district, if any, add to the amount of the annual assessment levied upon the lands within the improvement district, such amount for which they may be liable by reason of the levying of the improvement district assessment, and if the annual district assessment is made payable in two installments, the improvement district assessment or installment thereof shall likewise be made payable in two installments.

75212. The improvement district assessment, or any installment thereof, shall be and remain a lien on the lands in the same manner as, and shall be a part of, the annual district assessment.

75213. The district shall issue warrants for the amount of the improvement district assessment, which warrants shall be made payable in amounts and at the times corresponding substantially to the payment of the installments of the improvement district assessment and shall bear interest at such rate of interest as may have been fixed on the levy of the improvement district assessment. Such warrants shall be payable only out of funds derived from the levy and collection of the improvement district assessment.

75214. If the improvement district assessment is insufficient to pay in full the cost of the improvements or pay the warrants issued for such improvements, an additional and supplemental assessment shall be made and levied upon all of the lands in the improvement district sufficient to pay such cost or warrants in full, and the procedure followed in making such additional and supplemental levy of assessment shall be substantially the same as the levy of the original assessment, but without the necessity of a petition.

If the proceeds from such additional and supplemental assessment exceeds the final amount necessary to pay such cost or warrants in full, the land paying such assessment shall be entitled to a credit of such excess amount upon the next succeeding district annual assessment levied upon such land.

Article 4. Powers and Duties of the Board

75230. The board and all other officers of the district shall have all the rights, powers, and privileges concerning an improvement district formed pursuant to this chapter, the lands thereof, and the proceedings provided for in this chapter, as the board has concerning the district, including the right of the district to condemn lands and to acquire, own, and hold property within the improvement district.

75231. The work of improvement for which the improvement district is formed, and the purchase of all necessary supplies, material, and equipment therefor, shall be performed and done by the district or, in the discretion of the board, bids may be received for such work and material; provided, however, that the cost thereof shall be paid only out of the improvement district assessment levied.

PART 8. ASSESSMENTS

CHAPTER 1. ANNUAL ESTIMATE

75350. As used in this part:

(a) "Ensuing fiscal year" means the fiscal year in which the board is required to furnish the annual estimate, as provided in this chapter.

(b) "Following fiscal year" means the fiscal year which next follows the ensuing fiscal year.

75351. The board shall, on or before the 10th day of July of each fiscal year, furnish the board of supervisors and the auditor of each affected county, an estimate in writing of the amount of money needed for the purposes of the district for the ensuing fiscal year, for any reserve funds necessary for the first six months of the following fiscal year, and to provide for the prompt payment, when due, of principal and interest on bonds.

75352. The amount in the annual estimate shall be sufficient to raise a sum of money which shall be sufficient to pay all of the following:

(a) The incidental expenses of the district.

(b) The costs of the work of spreading and sinking waters which the board deems advisable to be done during the ensuing fiscal year.

(c) The estimated costs of repairs to and maintenance of any property or works of the district.

(d) The amount of any indebtedness (other than bonded debt) of the district currently due or to become due in the ensuing fiscal year.

(e) The amount deemed necessary by the board for reserve funds to meet the costs and expenses of the district during the first six months of the following fiscal year.

(f) The estimated amount necessary for the payment of the costs of any action or proceeding which may be taken by the district, including the cost of employment of attorneys and engineers.

75353. If bonds have been voted and sold by the district, the board shall include in the annual estimate an amount which, together with any moneys available therefor in the bond fund, shall be at least sufficient to pay all bond principal and interest coming due during the ensuing fiscal year and also during that part of the following fiscal year before the proceeds of an assessment tax levied at the time for making the general tax levy in such following fiscal year can be made

available for the payment thereof, and such estimate each year shall include an amount clearly sufficient to provide for the payment of principal of and interest on bonds of the district as the same become due.

75354. If bonds have been voted but not sold, and the board expects to sell such bonds prior to the end of the ensuing fiscal year, there shall be included in the annual estimate an amount estimated to be sufficient to provide for the payment of all principal and interest of such unsold bonds which the board believes will come due during the ensuing fiscal year and also during that part of the following fiscal year before the proceeds of an assessment tax levied at the time for making the general tax levy in such following fiscal year can be made available for the payment thereof.

75355. If the district has voted a special assessment as provided in Chapter 3 (commencing with Section 75390) of this part, the board shall include in the annual estimate the amount of the installment of the special assessment to be levied each year.

75356. The annual estimate may also include such an amount as the board deems advisable to expend in the acquisition or construction of settling basins, wells, dams, reservoirs, and other works for the storing, spreading, and sinking of waters, together with canals, ditches, conduits, and necessary rights-of-way for use of all such works.

75357. Except as provided in Section 75358, the assessment levied during any year pursuant to this chapter shall not exceed two and one-half mills (\$.0025) on each one hundred cents (\$1) of the assessed value of the lands within the district, according to the last assessment rolls. This limitation shall not apply to a special assessment levied pursuant to Chapter 3 (commencing with Section 75390) of this part or assessments for the payment of the principal and interest on bonds.

75358. If the proceeds of bonds voted for the acquisition of properties for, or the construction of, any works or projects of the district are insufficient to pay the cost of such properties, works, or projects, then, in addition to the assessments mentioned in Section 75357, an assessment may be levied not to exceed one mill (\$.001) on each one hundred cents (\$1) of the assessed value of lands within the district for not to exceed five fiscal years, for the payment of the remaining cost of such properties, works, or projects; provided, however, that no district shall levy more than one such special one mill (\$.001) assessment at any one time.

75359. When a district is in more than one county, the total annual estimate shall be divided by the board in proportion to the value of the land of the district in each county. This value shall be determined from the equalized values of the last assessment rolls of such counties, as revised by the boards of supervisors. When such division of the estimate has been made, the board shall furnish the board of supervisors

and auditor of each affected county a written statement of the part of the estimate apportioned to that county.

CHAPTER 2. LEVY OF ASSESSMENTS

75370. The board of supervisors of each affected county shall, annually, at the time of levying county taxes, levy an assessment tax to be known as the "----- (name of district) water conservation district assessment," sufficient to raise the amount (except the amount required to pay principal and interest of bonds) reported to it by the board, and shall also levy an assessment tax to be known as the "----- (name of district) water conservation district bond fund assessment," sufficient to raise the amount for bond service reported to it by the board.

75371. The board of supervisors of each affected county shall determine the rate of each of the assessments referred to in Section 75370 by deducting 15 percent for anticipated delinquencies from the total assessed value of the land in the district within the county, as it appears on the assessment roll of the county, and then dividing the sum reported by the board, as required to be raised in the county, by the remainder of such total assessed value. If a fraction of a cent occurs on a valuation of one hundred dollars (\$100), it shall be taken as a full cent.

75372. The assessment tax levied to pay bond principal and interest, when collected, shall be paid into the bond fund of the district and shall be used only for the payment of principal and interest of the bonds of the district and for no other purpose until such principal and interest have been fully paid.

75373. If the provisions of Section 74056 are complied with in the formation of a district so that all bonds of the district and of any improvement district created therein are payable from assessments levied upon all real property within the district or improvement district, as the case may be, annual assessments for the purposes provided in Chapter 1 (commencing with Section 75350) of this part shall be upon all real property within the district and shall be levied in the manner generally provided in Chapter 1 and this chapter for the levy of assessments upon land only; except that all references to "land" therein, including such references in Sections 75357 and 75358, shall be deemed to refer to "real property."

75374. The assessments levied pursuant to this chapter shall be computed and entered on the assessment roll by the county auditor, and if the board of supervisors fails to levy the assessments the county auditor shall do so. Such assessments shall be collected at the same time and in the same manner as state and county taxes and when collected shall be paid into the county treasury for the use of the district.

75375. The provisions of the Revenue and Taxation Code, prescribing the manner of levying and collecting assessments

and the duties of the several county officers with respect thereto, are, so far as they are applicable and not in conflict with the specific provisions of this division, hereby adopted and made a part hereof. Such officers shall be liable upon their several official bonds for the faithful discharge of the duties imposed upon them by this division.

CHAPTER 3. SPECIAL ASSESSMENTS

75390. The board may at any time call an election and submit to the qualified electors of the district the question whether a special assessment shall be levied for the purpose of raising money to be applied to any of the purposes of this division.

75391. The election shall be called upon the notice prescribed in, and shall be held and the result thereof determined and declared in all respects in conformity with, the provisions of Chapter 4 (commencing with Section 74090) of Part 2 of this division.

75392. The notice of election shall specify the amount of money proposed to be raised and the purpose or purposes for which it is intended to be used, and it may state that the assessment shall be levied in two, three, four, or not to exceed 40 annual installments and specify the amount of the installment to be levied in each year.

75393. At the election the ballots shall contain the words "Assessment—Yes" or "Assessment—No," or words equivalent thereto.

75394. If a majority of the votes cast are "Assessment—Yes," the board shall at the time of the annual estimate under Chapter 1 (commencing with Section 75350) of this part, include in the estimate the amount voted, or if the notice of election has provided for levying the special assessment in annual installments, the board shall, at the time of the annual estimate in each of the years specified in the notice include in the estimate the amount of the installment provided in the notice to be raised in that year.

75395. The special assessment shall be levied as generally provided in Chapters 1 (commencing with Section 75350) and 2 (commencing with Section 75370) of this part and when collected shall be paid to the treasurer for the purpose or purposes specified in the notice of election.

75396. If the provisions of Section 74056 are complied with in the formation of a district so that all bonds of the district and of any improvement district created therein are payable from assessments levied upon all real property within the district or improvement district, as the case may be, special assessments may be levied upon all real property within the district in the manner provided in this chapter for the levy of special assessments upon land only. In such case, the resolution of the board and the notice of election shall each con-

tain a statement that the special assessment will be levied upon all real property within the district.

CHAPTER 4. PROJECT ASSESSMENTS

Article 1. Initiation of Proceedings

75410. If the board determines, by resolution, that it would be inequitable to secure all or any portion of the money necessary for any project of the district (including obligations of the district arising from contracts with local, state, or federal agencies, bureaus, or authorities for the furnishing of a water supply to the district, or the construction of works for the district, where the actual construction is undertaken and financed in the first instance by such agency, bureau, or authority, subject to later repayment in whole or in part by the district), through the levy of assessments on land or real property in accordance with the assessed value thereof, the board may levy a project assessment in the manner prescribed in this chapter.

75411. The resolution of the board shall also designate that portion of the cost of the project, if any, that the board determines can be secured equitably by means of an assessment on all lands in the district, or if so determined by the board, on all real property within the district, in accordance with the assessed value of the land (or real property) as it appears on the county assessment roll, payable in not to exceed 40 annual installments at an annual rate not to exceed 7 percent.

In lieu of securing such portion of the cost through a separate assessment levied on the land (or real property), the board may elect to pay such portion of the cost from funds secured for general purposes by assessments levied on all of the land within the district pursuant to the provisions of Chapters 1 (commencing with Section 75350) and 2 (commencing with Section 75370) of this part and subject to the limitations contained therein. If the board so elects, it shall so state in the resolution and the amount of money so paid shall not be considered by the electors in the election provided in this chapter.

75412. After the adoption of the resolution, the board shall cause to be prepared any necessary plans and specifications of the project, and estimates of the repayment obligations of the district, together with an assessment of the amount of the cost, or portion thereof as determined by the board, apportioned to the various tracts of land in the district according to the benefits that will accrue to each such tract by reason of the expenditures of the money for the project, or for the repayment obligations of a contract.

75413. The assessment shall be payable in not to exceed 40 annual installments, with interest at an annual rate not to exceed 7 percent.

75414. The board constitutes a board of commissioners to levy and apportion the assessment.

75415. The resolution, plans, specifications, estimate, and proposed assessment shall be filed in the district office and shall be subject to public inspection.

Article 2. Hearing

75430. After the filing of the resolution, plans, specifications, estimate, and proposed assessment, the board shall hold a hearing upon the matter, notice of which shall, not later than three weeks prior to the date of the hearing, be posted in three public places within the district and published in the district pursuant to Section 6062 of the Government Code. The first publication shall be at least 30 days prior to the date fixed for the hearing.

75431. At the hearing the board shall hear such objections to the resolution, plans, specifications, estimates, and the proposed assessment and apportionment thereof as may come before it and shall make such changes in reference thereto as it considers proper.

75432. If (a) more than 40 percent of the holders of title or evidence of title to land within the boundaries of all cities within the district, or (b) more than 40 percent of the holders of title or evidence of title to land within the unincorporated areas of the district, object, at the hearing, to the levy of the proposed assessment, the board shall take no further action on the matter.

Article 3. Election

75440. If sufficient objections are not presented to the board at the hearing, it shall call an election to be held in the district for the purpose of authorizing the assessment.

75441. Notice of the election shall be posted and published and the election shall be conducted, insofar as practicable, in accordance with the provisions of Chapter 3 (commencing with Section 74790) of Part 6 of this division.

75442. Several purposes may be submitted at the same election.

75443. Only qualified electors of the district may vote at the election.

75444. The ballots at the election shall contain the words: "Project assessment—Yes," and "Project assessment—No," or words of similar import, together with a general statement of the amount and purpose of the assessment to be levied.

75445. If a majority of the votes cast by the qualified electors in cities and a majority of the votes cast by the qualified electors residing in unincorporated areas for the proposition are marked and counted "Project assessment—Yes" or appear to favor the proposition submitted, the proposition shall be deemed to have been accepted by the voters and to authorize

the levy of the project assessment in the amount of and for the purpose stated in the proposition.

Article 4. Assessment and Warrants

75460. The project assessment, or any installment thereof, shall be and remain a lien on the lands in the same manner as, and shall be part of, the annual district assessment.

75461. The district shall issue warrants for the amount of the project assessment, which warrants shall be made payable in the amount and at times corresponding substantially to the payments of the installments of the project assessment, plus any money to be paid from funds secured by assessments for general district purposes as provided in Section 75411, and which warrants shall bear interest at such rate of interest as may have been fixed in the levy of the project assessment.

75462. Such warrants shall be payable only out of funds derived from the levy and collection of the project assessment and, if so stated in the resolution proposing the project, from the assessments made for general district purposes.

75463. The proceeds arising from the sale of the warrants shall be paid into the treasury of the district and placed to the credit of a special project fund and expended only for the purpose for which the project assessment was authorized to be levied.

PART 9. GROUND WATER CHARGE

CHAPTER 1. IN GENERAL

Article 1. Definitions

75500. Unless the context otherwise requires, the provisions of this article shall govern the construction of this part.

75501. "Person" or "operator" means public agencies, federal, state, and local, private corporations, firms, partnerships, individuals, or groups of individuals, whether legally organized or not. "Owner" or "operator" also means the person to whom a water-producing facility is assessed by the county assessor of an affected county, or, if not separately assessed, the person who owns the land upon which a water-producing facility is located.

75502. "Ground water" means all water beneath the earth's surface, but does not include water which is produced with oil in the production of oil and gas, or in a bona fide mining operation, or during construction operations, or from gravity or artesian springs

75503. "Production" or "producing" means the act of extracting ground water by pumping or otherwise.

75504. "Water-producing facility" means any device or method, mechanical or otherwise, for the production of water from the ground water supplies within the district.

75505. "Accumulated overdraft" means the amount of water necessary to be replaced in the intake areas of the ground water basins within the district or any zone or zones thereof to prevent the landward movement of salt water into the fresh ground water body, or to prevent subsidence of the land within the district or any zone or zones thereof, as determined by the board from time to time.

75506. "Annual overdraft" means the amount, determined by the board, by which the production of water from ground water supplies within the district or any zone or zones thereof during the water year exceeds the natural replenishment of such ground water supplies in such water year.

75507. (a) "Water year" means July 1st of one calendar year to June 30th of the following calendar year.

(b) "Current water year" means the water year in which the investigation and report on the ground water conditions of the district is made, the hearing thereon held, and the determination is made by the board as to whether a zone or zones should be established and a ground water charge levied therein.

(c) "Preceding water year" means the water year immediately preceding the current water year

(d) "Ensuing water year" means the water year immediately following the current water year.

75508. "Agricultural water" means water first used on lands in the production of plant crops or livestock for market.

Article 2. General Provisions

75520. The provisions of Articles 1 (commencing with Section 75560), 2 (commencing with Section 75570), and 3 (commencing with Section 75590) of Chapter 3 of this part apply only to districts in which a ground water charge is levied or proposed to be levied.

75521. Ground water charges levied pursuant to this part are declared to be in furtherance of district activities in the protection and augmentation of the water supplies for users within the district or a zone or zones thereof which are necessary for the public health, welfare, and safety of the people of this state.

75522. The ground water charges are authorized to be levied upon the production of ground water from all water-producing facilities, whether public or private, within the district or a zone or zones thereof for the benefit of all who rely directly or indirectly upon the ground water supplies of the district or a zone or zones thereof and water imported into the district or a zone or zones thereof.

75523. The proceeds of ground water charges levied and collected upon the production of water from ground water supplies within the district or a zone or zones thereof shall be used exclusively by the board for the district purposes authorized by this division.

CHAPTER 2. ESTABLISHMENT OF ZONES AND REGISTRATION OF WATER-MEASURING DEVICES

75540. Prior to the establishment of any ground water charge, the board shall establish a zone or zones within the district within which the ground water charge will be effective. Such zone or zones shall be established and may be amended to the extent and in the manner prescribed in Chapter 3 (commencing with Section 75560) of this part. A zone may include the entire district.

75541. Within six months after the date of establishing a zone or zones, all water-producing facilities located within the boundaries of such zone or zones shall be registered with the district and, if required by the board, shall be measured with a water-measuring device satisfactory to the district, which shall be installed by the district or, at the district's option, by the operator thereof.

75542. Any new water-producing facility constructed or re-established after the period prescribed in Section 75541 shall be registered with the district and, if required by the board, measured with a water-measuring device satisfactory to the district within 30 days after the completion or reestablishment thereof.

75543. Any water-measuring device required by and satisfactory to any other public agency, county, or district, or zone thereof, the boundaries of which substantially contain the area of the district, may be declared by the board to be sufficient compliance with this chapter.

75544. The registration form for water-measuring devices shall contain all of the following:

(a) Information as to the owner or owners of the land upon which each water-producing facility is located.

(b) A general description and location of each water-producing facility.

(c) The name and address of the person charged with the operation of each water-producing facility.

(d) The name or names and addresses of all persons owning or claiming to own an interest in the water-producing facility.

(e) Such other information as the district determines is necessary and requires.

CHAPTER 3. PROCEDURE FOR LEVY AND COLLECTION

Article 1. Investigation and Report

75560. The district shall annually cause to be made an engineering investigation and report upon ground water conditions of the district.

75561. The engineering investigation and report shall include all of the following:

(a) Information for the consideration of the board in its determination of the annual overdraft.

(b) Information for the consideration of the board in its determination of the accumulated overdraft as of the last day of the preceding water year.

(c) A report as to the total production of water from the ground water supplies of the district for the preceding water year.

(d) An estimate of the annual overdraft for the current water year and for the ensuing water year.

(e) The amount of water the district is obligated to purchase during the ensuing water year, and a recommendation as to the quantity of water needed for surface delivery and for replenishment of the ground water supplies of the district for the ensuing year.

(f) Such other information as the district desires.

Article 2. Hearing

75570. On the second Tuesday in March of each year the engineering investigation and report shall be delivered to the secretary in writing.

75571. The secretary shall publish a notice of the receipt of the engineering investigation and report and of a public hearing thereon to be held on the second Tuesday of April. The notice shall be published, pursuant to Section 6061 of the Government Code, in a newspaper of general circulation printed and published within the district, at least 10 days prior to the date at which the public hearing is held.

75572. The notice, among other information which the district may provide therein, shall contain an invitation to all operators of water-producing facilities within the district to call at the office of the district to examine the engineering investigation and report.

75573. The board shall hold a public hearing on the second Tuesday of April of each year, in the regular meeting place of the board, at which time any operator of a water-producing facility within the district, or any person interested in the condition of the ground water or surface water supplies of the district, may in person, or by representative, appear and submit evidence concerning the ground water conditions and the surface water supplies of the district. Appearances also may be made supporting or protesting the engineering investigation and report.

75574. The board shall, before the levy of the ground water charge, find and determine all of the following:

(a) The average annual overdraft for the immediate past 10 water years.

(b) The estimated annual overdraft for the current water year.

(c) The estimated annual overdraft for the ensuing water year.

(d) The accumulated overdraft as of the last day of the preceding water year.

(e) The estimated accumulated overdraft as of the last day of the current water year.

(f) The estimated amount of agricultural water to be withdrawn from the ground water supplies of the district for the ensuing water year.

(g) The amount of water other than agricultural water to be drawn from the ground water supplies of the district for the ensuing water year.

(h) The estimated amount of water necessary for surface distribution for the ensuing water year.

(i) The amount of water which is necessary for the replenishment of the ground water supplies of the district.

(j) The amount of water the district is obligated by contract to purchase.

75575 The findings and determinations by the board are conclusive and binding upon all persons and parties.

Article 3. Levy

75590. Prior to the end of the water year in which the hearing is held, and based upon the findings and determinations from the hearing, the board shall determine whether or not a zone or zones should be established and a ground water charge levied therein.

75591. If the board determines that a zone or zones should be established and a ground water charge levied therein, it shall establish such zone or zones and levy, assess, and affix such charge against all persons operating ground water-producing facilities within such zone or zones during the ensuing water year.

75592. The charge shall be computed at a fixed and uniform rate per acre-foot for agricultural water, and at a fixed and uniform rate per acre-foot for all water other than agricultural water.

75593. Different rates may be established in different zones; provided, however, that in each zone the rate for agricultural water shall be fixed and uniform and the rate for water other than agricultural water shall be fixed and uniform.

75594. Except as provided in Section 75595, any ground water charge in any year shall be established at a fixed and uniform rate for each acre-foot for water other than agricultural water which is not less than three times nor more than five times the fixed and uniform rate established for agricultural water.

75595. In any county which has a population of 503,000 or more and less than 600,000, any ground water charge in any year shall be established at a fixed and uniform rate for each acre-foot for water other than agricultural water in such proportion to the fixed and uniform rate established for agricultural water as the board shall determine.

75596. Any ground water charge levied pursuant to this part shall be in addition to any general tax or assessment levied within the district or a zone or zones thereof; provided, that in any fiscal year the sums raised by any ground water charge levied by the district in any zone or zones, together with any sums raised in that fiscal year by any general tax or assessment in such zone or zones, shall not produce funds for district purposes in excess of the maximum which the district could have raised by such general tax or assessment under this division in such zone or zones without the addition of any ground water charge.

75597. If in any fiscal year the sum of ground water charges and of any general tax or assessment levied and collected by the district shall in fact produce revenues from a zone or zones in excess of the maximum to which the district is limited under this division, the excess amount so collected shall be deducted by the board from the amount of money to be raised in the following fiscal year from such zone or zones.

75598. In addition to the information required to be given to the board of supervisors and the auditor of each affected county pursuant to Chapter 1 (commencing with Section 75350) of Part 8 of this division, the board shall at the same time annually furnish the board of supervisors and the auditor of each affected county the estimated sum of a ground water charge which the board intends to levy in any zone or zones.

75599. The estimated sum of the ground water charge shall be deducted from the assessments provided to be levied annually in any zone or zones pursuant to Chapter 2 (commencing with Section 75370) of Part 8 of this division, first from the assessment of the amount reported to the board of supervisors and the auditor as required for district purposes other than that required to pay principal and interest of district bonds and second from the assessment to raise the amount reported to them as required for bond service.

75600. Clerical errors occurring or appearing in the name of any person or in the description of the water-producing facility where the production of water therefrom is otherwise properly charged, or in the making or extension of any charge upon the records which do not affect the substantial rights of the assessee or assesseees, shall not invalidate the ground water charge.

Article 4. Collection

75610. The district, after the levying of the ground water charge, shall give notice thereof to each operator of each water-producing facility in the zone or zones as disclosed by the records of the district, which notice shall state the rate for each class of water of the ground water charge for each acre-foot of water to be produced during the ensuing water year. The

notice may be sent by postal card or by other first-class mail and with postage prepaid by the district.

75611. After the establishment of a ground water charge, each operator of a water-producing facility within the affected zone or zones of the district, until such time as such water-producing facility has been permanently abandoned, shall file with the district, on or before the 31st day of January and on or before the 31st day of July in each year, a statement setting forth the total production in acre-feet of water for the preceding six-month period (excluding the month in which the statement is due), a general description or number locating each water-producing facility, and the method or basis of the computation, of such water production.

75612. If no water has been produced from a water-producing facility during the preceding six-month period, a statement shall be filed with the district, setting forth that no water has been produced during such period. Such statement shall be verified by a written declaration that it is made under the penalties of perjury.

75613. The ground water charge is payable to the district on or before the last date upon which the water production statement is required to be filed and is computed by multiplying the production in acre-feet of water for each classification as disclosed in the statement by the ground water charge for each classification of water.

75614. Whenever any water-producing facility in an affected zone is permanently abandoned, the operator thereof shall give written notice of such abandonment to the district.

75615. If any operator of a water-producing facility fails to pay the ground water charge when due, the district shall charge interest at the rate of one percent (1%) each month on the delinquent amount of the ground water charge.

75616. If any operator of a water-producing facility fails to register the water-producing facility, or fails to file the water production statements as required by this article, the district shall, in addition to charging interest as provided in Section 75615, assess a penalty charge against such operator in an amount of 10 percent of the amount found by the district to be due.

75617. The board may, at the time of fixing the ground water charge, establish a method or methods to be used in computing the amount of water produced from a water-producing facility which is not measured by a measuring device.

Such methods may be based upon any or all or a combination of the following criteria:

- (a) The size of water-producing facility discharge opening.
- (b) The area served by the water-producing facility.
- (c) The number of persons served by the water-producing facility.
- (d) The use of land served by the water-producing facility.
- (e) The crops grown on land served by the water-producing facility.

(f) Any other criteria which may be used to determine with reasonable accuracy the amount of water produced from a water-producing facility.

75618. Upon good cause shown, an amended statement of water production may be filed or a correction of the records may be made at any time prior to the final date for filing the next semiannual water production statement.

75619. If the district has probable cause to believe that the production of water from any water-producing facility is in excess of that disclosed by the sworn statements covering such water-producing facility, or if no statements are filed covering any water-producing facility, the district may cause an investigation and report to be made concerning the production of water from such water-producing facility.

The district may fix the amount of water production from such water-producing facility at an amount not to exceed the maximum production capacity of such water-producing facility; provided, however, that where a water-measuring device is permanently attached thereto, the record of production, as disclosed by such water-measuring device, shall be presumed to be accurate and the burden is upon the district to establish to the contrary.

75620. After the determination has been made by the district pursuant to Section 75619, a written notice thereof shall be mailed to the person operating the water-producing facility at his address as shown by the district's records.

75621. A determination made by the district pursuant to Section 75619 shall be conclusive on all persons having an interest in the water-producing facility involved, and the ground water charge, and the interest and penalties thereon, shall be paid forthwith, unless any such person files with the board, within 10 days after the mailing of the notice of the determination, a written protest setting forth the ground or grounds for protesting the amount of production so fixed.

75622. Upon the filing of a protest, the board shall hold a hearing, at which time the total amount of the water production and the ground water charge thereon shall be determined. Such determination shall be conclusive if based upon substantial evidence.

75623. A notice of the hearing shall be mailed to the protestant at least 10 days before the date fixed for the hearing.

Notice of the determination by the board at the hearing shall be mailed to each protestant, who shall have 10 days from the date of mailing to pay the ground water charge, and the interest and penalties thereon.

75624. Notice as required in Sections 75620 and 75623 shall be given by deposit thereof in any postal facility regularly maintained by the government of the United States in a sealed envelope with postage paid, addressed to the person on whom it is served at his name and address as disclosed by the records of the district. The service is complete at the time of deposit.

Article 5. Court Actions

75630. The superior court of the county in which a water-producing facility within the district lies may issue a temporary restraining order upon the filing by the district of a petition or complaint setting forth that the person named therein as defendant is the operator of a water-producing facility which has not been registered with the district, or that such defendant is delinquent in the payment of a ground water charge.

Such temporary restraining order shall be returnable to the court on or before 10 days after its issuance.

Service of process is completed by posting a copy of the summons and complaint upon the water-producing facility or the parcel of land upon which it is located and by personal service upon the named defendant.

75631. The court in such action may issue and grant an injunction restraining and prohibiting the named defendant from the operation of any water-producing facility when it is established at the hearing that the defendant has failed to register such water-producing facility with the district or that the defendant is delinquent in payment of ground water charges thereon.

The court may provide that the injunction so made and issued shall be stayed for a period not to exceed 10 days to permit the defendant to register the water-producing facility or to pay the delinquent ground water charge.

75632. The right to proceed for injunctive relief granted by this article is an additional right to those which may be provided elsewhere in this division or otherwise allowed by law. The procedure provided in Chapter 3 (commencing with Section 525), Title 7, Part 2, of the Code of Civil Procedure, regarding injunctions, shall be followed except insofar as it is otherwise provided in this article. The district shall not be required to provide an undertaking or bond as a condition to granting injunctive relief.

75633. The district may bring a suit in any court having jurisdiction against any operator of a water-producing facility within the district for the collection of any delinquent ground water charge.

The court may, in addition to allowing recovery of costs to the district as allowed by law, fix and allow as part of the judgment interest and penalties as provided in Sections 75615 and 75616.

If the district, as a provisional remedy in bringing such suit, seeks an attachment against the property of any named defendant therein, the district shall not be required to provide a bond or undertaking as is otherwise provided for in Chapter 4 (commencing with Section 537), Title 7, Part 2, of the Code of Civil Procedure.

CHAPTER 4. CRIMES

75640. Any person who fails to register a water-producing facility, as required by Chapter 2 (commencing with Section 75540) of this part, is guilty of a misdemeanor.

75641. Any person who produces water from any water-producing facility required to be registered pursuant to Chapter 2 (commencing with Section 75540) of this part is guilty of a misdemeanor unless such facility has been registered with the district within the time required by Chapter 2 and, if required by the board, has a water-measuring device affixed thereto capable of registering the accumulated amount of water produced therefrom.

Each day of operation in violation of this section shall constitute a separate offense.

75642 Any person who injures, alters, removes, resets, adjusts, manipulates, obstructs, or in any manner interferes or tampers with, or procures or causes or directs any person to injure, alter, remove, reset, adjust, manipulate, obstruct, or in any manner interfere or tamper with, any water-measuring device affixed to any water-producing facility as required by Chapter 2 (commencing with Section 75540) of this part, so as to cause such device to improperly or inaccurately measure and record the water production, or any person who, with intent to evade any provision or requirement of this part, files with the district any false or fraudulent water production statement, is guilty of a misdemeanor.

PART 10. CHANGES IN ORGANIZATION

CHAPTER 1. EXCLUSION

Article 1. In General

75750. The boundaries of a district may be changed and tracts of land may be excluded therefrom, in the manner prescribed in this chapter.

Neither such change of the boundaries of the district nor such exclusion of lands from the district shall impair or affect its organization, or its right in or to property, or any of its rights or privileges of whatever kind or nature, nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which the district was or may become liable or chargeable, had such change of its boundaries not been made, or had not such land been excluded from the district.

75751. A guardian, executor, or an administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward or the estate which he represents, upon being authorized by the proper court, sign and acknowledge a petition for exclusion of lands,

and may show cause, as provided in this chapter, why the boundaries of the district should not be changed.

Article 2. Petition and Notice

75760. The owner or owners in fee of one or more tracts of land which constitute a portion of a district and which severally or in their entirety are contiguous to the exterior boundaries of the district may jointly or severally file with the board a petition, praying that such tract or tracts, and any other tracts contiguous thereto, be excluded from the district.

75761. The petition for exclusion of lands shall state the grounds and reasons upon which it is claimed that the lands should be excluded. The petition shall describe the boundaries of the lands, and shall describe the lands of the petitioner or petitioners which are included within such boundaries. The description of such lands need not be more particular or certain than is required when the lands are entered in the assessment book by the county assessor.

75762. The petition for exclusion of lands shall be acknowledged in the manner and form as is required in the case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such a conveyance.

75763. The secretary shall cause a notice of the filing of the petition for exclusion of lands to be published for at least once a week for two weeks in some newspaper published in the county where the office of the board is situated. If any portion of the territory asked to be excluded lies within another county or counties, the notice shall be so published in a newspaper published within each of such counties; or if no newspaper is published therein, the notice shall be posted for the same time in at least three public places in the district. In case of the posting of such notices, one of such notices shall be so posted on the lands proposed to be excluded.

75764. The notice of the filing of the petition for exclusion of lands shall state the filing of the petition, the names of the petitioners, a description of the lands mentioned in the petition, and the prayer of the petition. It shall notify all persons interested in, or who may be affected by, the change of the boundaries of the district, to appear at the office of the board at a time named in the notice and show cause, in writing, if any they have, why the change of the boundaries of the district, as proposed in the petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice.

Article 3. Hearing and Order

75780. The board, at the time and place mentioned in the notice of the filing of the petition for exclusion of lands, or at the time or times to which the hearing of the petition may be adjourned, shall proceed to hear the petition, all evidence or proofs that are introduced by or on behalf of the petitioner or petitioners, and all objections to the petition that are presented in writing by any person showing cause why the change of boundaries should not be made, and all evidence and proofs that are introduced in support of such objections. Such evidence shall be taken down in shorthand, and a record made thereof and filed with the board.

75781. The failure of any person interested in the district, other than the holders of bonds thereof outstanding at the time of the filing of the petition for exclusion of lands, to show cause, in writing, why the tract or tracts of land mentioned in the petition should not be excluded from the district shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land, or any part thereof, from the district; and the filing of such petition shall be deemed and taken as an assent by each petitioner to the exclusion from the district of the lands mentioned in the petition, or any part thereof.

75782. The expenses of giving the notice of the filing of the petition for exclusion of lands and of the proceedings on the petition shall be paid by the person or persons filing the petition.

75783. If, upon the hearing of the petition for exclusion of lands, no evidence or proofs in support thereof are introduced, or if the evidence fails to sustain the petition, or if the board deems it not for the best interest of the district that the lands, or some portion thereof, mentioned in the petition, should be excluded from the district, the board shall order that the petition be denied as to such lands.

75784. If the board deems it for the best interest of the district that the lands mentioned in the petition for exclusion of lands, or some portion thereof, be excluded from the district, and if no person interested in the district shows cause in writing why such lands or some portion thereof, should not be excluded from the district, or if, having shown cause, withdraws his objections, or upon the hearing fails to establish such objections as he may have made, the board may, by unanimous vote of all of its members, make an order that the lands mentioned and described in the petition, or some defined portion thereof, be excluded from said district.

The board shall order the exclusion of all lands petitioned to be excluded from the district which, in the judgment of all of its members, will not be benefited by the operations of the district.

Article 4 Recordation of Change of Boundaries and Filing of Certificate

75800. If the board excludes any lands from the district, it shall make an entry in the minutes of the board describing the boundaries of the district, if the exclusion of the lands from the district changes the boundaries of the district, and for that purpose the board may cause a survey to be made of such portions of the district as the board deems necessary.

75801. A certified copy of the entry in the minutes of the board excluding any land, certified by the president and secretary, shall be filed for record in the recorder's office of each affected county.

75802. Upon exclusion of land from the district, the board shall file a certificate with the Secretary of State stating:

- (a) The name of the district.
- (b) The effective date of the exclusion.
- (c) The county or counties in which the district is located, and a description of the land excluded, or reference to a map showing the boundaries of such excluded land, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the exclusion order contains all of the information required to be in the certificate, the board may file a copy of the order in lieu of the certificate.

Article 5. Bondholders' Assent to Exclusion

75810. If there are outstanding bonds of the district at the time of the filing of the petition for exclusion of lands, the holders of such outstanding bonds may give their assent, in writing, to the effect that they severally consent that the lands mentioned in the petition, or such portion thereof as may be excluded from the district by order of the board, may be excluded from the district; and if such lands, or any portion thereof, are thereafter excluded from the district, the lands so excluded shall be released from the lien of such outstanding bonds.

75811. The assent shall be acknowledged by the several holders of the outstanding bonds in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance.

75812. The assent shall be filed with the board, and shall be recorded in the minutes of the board; and such minutes, or a copy thereof, certified by the secretary, shall be admissible in evidence, with the same effect as the assent, and such certified copy thereof may be recorded in the office of the county recorder of the county wherein the excluded lands are situated.

75813. If the holders of outstanding bonds of the district which are payable from assessments upon real property give

their assent, as provided in Section 75810, to the exclusion of lands from the district, the assent shall release all real property which is excluded from the district by virtue of the exclusion of such lands from the lien of such outstanding bonds.

Article 6. Effect of Exclusion

75830. A district, notwithstanding the exclusion of lands therefrom, shall be and remain a district as fully, to every intent and purpose, as it would be had no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a portion of the district.

75831. Nothing in this division shall, in any manner, operate to release any of the lands excluded from a district from any obligation to pay, or from any lien thereon of, any valid outstanding bonds or other indebtedness of the district at the time of the filing of the petition for exclusion of such lands, but upon the contrary, such lands shall be held subject to such lien and answerable and chargeable for and with the payment and discharge of all of such outstanding obligations at the time of the filing of the petition for exclusion, as fully as though such petition were never filed and the order of exclusion never made.

75832. For the purpose of discharging the outstanding indebtedness at the time of the filing of the petition for exclusion of lands, the lands excluded shall be deemed and considered as part of the district the same as though the petition for its exclusion had never been filed or the order of exclusion never made.

All provisions which may have been resorted to to compel the payment by such lands of their quota or portion of such outstanding obligations had such exclusion never been accomplished, may, notwithstanding such exclusion, be resorted to to compel and enforce the payment on the part of such lands of their quota or portion of such outstanding obligations for which they are liable.

Such lands shall not be held answerable or chargeable for any obligation of any nature or kind whatever incurred after the filing with the board of the petition for the exclusion of such lands from the district.

75833. The provisions of Sections 75831 and 75832 shall not apply to any outstanding bonds, the holders of which have assented to the exclusion of the lands from the district, as provided in Article 5 (commencing with Section 75810) of this chapter.

75834. If any of the outstanding bonds are payable from assessments upon all real property in the district, any real property excluded from the district by virtue of the exclusion of lands from said district shall, notwithstanding such exclusion, be considered a part of such district for the purpose of discharging such outstanding bonded indebtedness and shall be and remain liable to be taxed to pay the principal of and

interest on such outstanding bonded indebtedness until such outstanding bonded indebtedness and the interest thereon is fully paid; except that the provisions of this section shall not apply to any outstanding bonds, the holders of which have assented to the exclusion of such lands from the district.

75835. If the land excluded from any district embraces the greater portion of any division or divisions of such district, the office of director for such division or divisions shall become and be vacant at the expiration of 10 days from the final order of the board excluding such lands. Such vacancy or vacancies shall be filled by appointment by the board of supervisors of the county where the office of the board is situated, from the district at large. A director appointed as above provided shall hold his office until the next regular election of the district and until his successor is elected and qualified.

CHAPTER 2. INCLUSION

Article 1. In General

75850. The boundaries of a district may be changed to include additional land within the district as provided in this chapter, and the inclusion within a district of any land not contiguous thereto shall be deemed to effect a change of the boundaries of the district. No such change in the boundaries of a district shall impair or affect its organization, or its right in or to property, or any of its rights or privileges of whatsoever kind or nature; nor shall it affect, impair, or discharge any contract, obligation, lien, or charge for or upon which the district was or might become liable or chargeable had such change of its boundaries not been made.

75851. When a district is the sole owner of any tract of land not within the boundaries of the district, the board, upon determining that the inclusion of that land will be for the best interests of the district, may by resolution declare that such land shall be included in the district. The inclusion of such land within the district is effective immediately upon the adoption of the resolution.

75852. A guardian, executor, or administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor, or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward or the estate which he represents, upon being authorized by the proper court, sign and acknowledge petition for the inclusion of lands, and may show cause, as provided in this chapter, why the boundaries of the district should not be changed.

Article 2. Petition and Notice

75860. The holder of title or evidence of title, to any tract of land, or if there is more than one holder of title or evidence

of title to such tract, the majority of such holders who are also the holders of title or evidence of title to at least one-half of the area of such land, may file in the office of the board a petition praying that such tract of land be included within the district.

A petitioner who is the owner of an undivided interest in such land, or any of it, shall be deemed the owner of such proportion of the area of the land in which he has an interest as his interest bears to the whole of such land.

75861. Each signature to the petition for inclusion of lands shall be acknowledged or proved as provided by law for signatures to an instrument to entitle it to be recorded.

75862. The secretary shall cause a notice of the filing of the petition for inclusion of lands to be given and published in the same manner and for the same time as notices of elections for the issuance of bonds are required to be given and published.

75863. The notice of the filing of the petition for inclusion of lands shall state the purpose of the petition, describe the boundaries of the tract of land proposed to be included, and give the names of the petitioners. It shall also notify all persons interested in, or who may be affected by, the proposed inclusion of the land within the district to appear at the office of the board at a time named in the notice for the hearing of the petition and objections thereto and show cause, in writing, if any they have, why the land or any of it should not be included as proposed in the petition. The time to be specified in the notice for the hearing shall be the regular meeting of the board next after the expiration of the time for the publication of the notice.

75864. The petitioners shall advance to the secretary sufficient money to pay for the publication of the notice of the filing of the petition for the inclusion of lands, which shall be refunded to the petitioners if the petition is granted in whole or in part.

Article 3. Hearing and Order

75880. The board, at the time and place mentioned in the notice of the filing of the petition for inclusion of lands, or at the time or times to which the hearing of the petition may be postponed, shall proceed to hear the petition and all the objections thereto presented in writing by any person showing cause why the proposed change of boundaries of the district should not be made.

75881. The failure of any person interested in the district, or in the matter of the proposed change of its boundaries, to show cause in writing why the proposed change of boundaries of the district should not be made shall be deemed and taken as an assent by him to the change of the boundaries of the district as prayed for in the petition for the inclusion of lands, or to such a change of such boundaries as will include a part of the lands; and the filing of such petition shall be deemed and taken as an assent on the part of each petitioner to such a

change of the boundaries as may include the whole or any portion of the lands described in the petition.

75882. If the board, after the hearing, determines that the petition for inclusion of lands complies with the requirements of Article 2 (commencing with Section 75860) of this chapter and that the inclusion within the district of the tract of land described in the petition, or some portion or portions thereof, will be for the best interests of the district, and if no protest against the inclusion of such land is made, or if such protest is made and enough signatures are withdrawn therefrom so that the protest is no longer sufficient, the board shall order the boundaries of the district to be changed so that the tract of land, or such portion or portions thereof as the board deems it for the best interests of the district to include, shall be included in the district.

75883. If the board determines that only a portion or certain portions of the tract of land described in the petition for inclusion of lands should be included, the petition shall be dismissed unless:

(a) The petitioners include a majority of the holders of title or evidence of title of such portion, or of each of such portions, of the tract, representing also at least one-half the area of such portion, or of each of such portions; or

(b) Within 60 days from the time such determination is made, there is filed with the board the consent in writing, acknowledged or proved as required in Section 75861, of a majority of the holders of title or evidence of title of such portion, or of each of such portions, of the tract of land, representing also at least one-half of the area of such portion or each of such portions.

75884. The order changing the boundaries shall describe the boundaries of the land included within the district, and if such land adjoins any portion of the district, the order shall also describe that portion of the boundary of the district which coincides with the boundary of the land included. For the purposes of the order, the board may cause a survey to be made of such portions of such boundaries as it deems necessary.

75885. If more than one petition for the inclusion of land has been presented, the board may in one order include within the district any number of separate tracts of land.

75886. Any public land of the United States may be included within a district, except as may be provided otherwise by federal law.

75887. The board may require, as a condition precedent to the granting of the petition for inclusion of lands, that the petitioners severally pay to the district such respective sums, as nearly as they can be estimated (the several amounts to be determined by the board), as the petitioners or their predecessors in interest would have been required to pay to the district as assessments had the lands been included in the district at the time the district was originally formed.

Article 4. Election

75900. If a protest against the inclusion of lands, signed by not less than 3 percent of the holders of title or evidence of title to lands within the district who hold the title or evidence of title to not less than 3 percent in value of the lands within the district according to the last equalized assessment roll of the county within which such lands are situated, is presented to the board and upon the hearing of the matter such protest is not withdrawn, or after the withdrawal therefrom of any signatures it is still signed by not less than 3 percent of the holders of title or evidence of title to lands within the district who hold the title or evidence of title to not less than 3 percent in value of the lands within the district according to the last equalized assessment roll of the county within which such lands are situated, or if the board deems it not for the best interests of the district to include therein the lands described in the petition for inclusion, or any of them, the board shall adopt a resolution stating the facts and describing the boundaries of the tract of land proposed to be included in the district.

75901. Upon the adoption of the resolution pursuant to Section 75900, the board shall order that an election be held within the district to determine whether the boundaries shall be changed as mentioned in such resolution; and shall fix the time at which such election shall be held, and cause notice thereof to be given and published.

75902. Before calling the election, the board may require an undertaking, with sufficient sureties, from the petitioners for the inclusion of the land, conditioned that the petitioners or the sureties will pay all the costs of holding such election in case the inclusion is denied.

75903. Notice of the election shall be given and published, the election shall be held and conducted, the returns thereof shall be made and canvassed, and the result of the election ascertained and declared, and all things pertaining thereto conducted, in the manner prescribed by Chapter 3 (commencing with Section 74790) of Part 6 of this division.

75904. The notice of election shall describe the proposed change of the boundaries in such manner and terms that it can readily be traced.

75905. The ballots cast at the election shall contain the words "For change of boundaries," or "Against change of boundaries," or words equivalent thereto.

75906. If a majority of all the votes cast at the election are against change of the boundaries of the district, the board shall order that the petition for inclusion of lands be denied and shall proceed no further in the matter.

75907. If a majority of the votes cast at the election are in favor of the change of the boundaries of the district, the board shall order that the boundaries be changed in accordance with the resolution adopted by the board pursuant to Section 75900.

The order shall describe the entire boundaries of the district, and for that purpose the board shall cause a survey of such portions thereof to be made as it deems necessary.

Article 5. Recordation of Order and Petition and Filing of Certificate

75920. A copy of the order of the board ordering the change of the boundaries of the district, certified by the president and secretary, shall be filed for record in the recorder's office of each affected county. The district shall be and remain a district as fully and to every intent and purpose as if the lands which are included in the district by the change of the boundaries had been included therein at the formation of the district.

75921. Upon the filing of the copies of the order pursuant to Section 75920, the secretary shall record the petition for inclusion of lands in the minutes of the board; and such minutes, or a certified copy thereof, shall be admissible in evidence with the same effect as the petition.

75922. Upon a change of the boundaries of a district being made pursuant to this chapter, the board shall file a certificate with the Secretary of State listing:

- (a) The name of the district.
- (b) The effective date of the change of the boundaries.
- (c) The county or counties in which the district is located, and a description of the included land, or reference to a map showing the boundaries of such included land, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded.

If the order changing the boundaries contains all of the information required to be in the certificate, the board may file a copy of the order in lieu of the certificate.

CHAPTER 3. ANNEXATION OF DISTRICTS

Article 1. Definitions

75940. As used in this chapter:

(a) "Petitioning district" means a water conservation district which proposes to petition or which has petitioned another water conservation district to annex its territory to that other water conservation district.

(b) "Annexing district" means a water conservation district which has been petitioned by a petitioning district to be annexed thereto.

Article 2. Procedure in Petitioning District

75950. Proceedings by the petitioning district are initiated:

- (a) When the board of the district determines that it would be for the best interests of the district to be annexed to an-

other water conservation district and adopts, by resolution, a proposed annexation petition; or

(b) When 500, or 5 percent, or more, of the qualified voters of the district sign a proposed annexation petition and submit it to the board.

75951. A proposed annexation petition shall contain:

(a) A request addressed to the annexing district, petitioning the annexing district to annex the petitioning district.

(b) A statement setting forth the desirability or necessity of the annexation.

(c) Any terms subject to which the annexation shall be conditioned.

75952. Within 30 days after annexation proceedings have been initiated, the board of the petitioning district shall call and provide for the holding of a special election, at which election the proposition of adopting the proposed annexation petition shall be submitted to the electors of the petitioning district.

75953. The manner of holding and conducting the election, the selection of officers to conduct it, the designation of precincts and polling places, the preparation, receipt, counting, and returning of ballots, and the canvassing and determining results of the election shall be as provided in Chapter 3 (commencing with Section 74790) of Part 6 of this division, and, in particulars not so provided, shall be in accordance with the general laws of the state relative to elections at which propositions are submitted and voted upon.

75954. Upon the canvassing of the votes cast in the election, if it appears that a majority of all votes cast are in favor of the annexation petition, the board of the petitioning district shall, within 10 days after the canvass of the vote, forward to the board of the annexing district a certified copy of the annexation petition, together with a certificate that the petition has been submitted to the electors of the petitioning district and adopted by a majority of those voting at the election.

Article 3. Procedure in Annexing District

75970. Within 30 days after the receipt of an annexation petition from a petitioning district, the board of the annexing district shall, if it favors the annexation, adopt a resolution setting forth its intention to annex the petitioning district, and shall cause the resolution of intention to annex to be published once a week for at least three weeks in a newspaper of general circulation in the county in which the office of the annexing district is situated. The board shall state in such publication the date when the board proposes to finally act upon the petition for annexation, which date shall be at least 40 days after the first publication of the resolution of intention to annex.

75971. If, on the date set by the board for the final action on the annexation petition, there is presented to the board

of the annexing district written protests signed by 3 percent, or 1,000, or more, of the electors of the annexing district, the board shall call and provide for an election at which there shall be submitted to the electors of the annexing district the question as to whether or not the petitioning district shall be annexed upon the terms set forth in the annexation petition.

If sufficient protests are not presented the board may adopt an order annexing the petitioning district, or may, in its discretion, submit the question to the electors of the district as though sufficient protests had been presented.

75972. If the question of annexation is submitted to the electors of the annexing district, the election shall be held in the same manner as provided in this chapter for the election in the petitioning district.

75973. If a majority of all votes cast at the election are against the proposed annexation, the annexation petition shall be denied. If a majority of all votes cast are in favor of the proposed annexation, the board of the annexing district shall thereupon adopt an order annexing the petitioning district.

75974. The order annexing the petitioning district shall describe the boundaries of the land to be annexed to the annexing district, and if such land adjoins any portion of the annexing district, the order shall also describe that portion of the boundary of the annexing district which coincides with the boundaries of the land annexed. For the purposes of the order the board may cause a survey to be made of such portions of the boundaries as it deems necessary.

75975. Upon the annexation of a district as provided in this chapter, the annexation order and the annexation petition shall be recorded.

Article 4. Conditions to Annexation

75990. As a condition to annexation, the petitioning district and the annexing district may agree to any financial adjustments and may provide for the payment by the petitioning district of such sums as may be mutually determined to be just and equitable as compensation for any benefits that it may receive by virtue of the annexation.

75991. Bonds of the petitioning district may be voted upon and issued in the manner provided for the incurring of bonded indebtedness of the district and may thereafter be delivered at not less than par value to constitute payment under Section 75990.

Article 5. Effect of Annexation Upon Petitioning District

76000. Upon the adoption of an order of annexation, the petitioning district shall be deemed dissolved, except that if there is any outstanding indebtedness of the petitioning district at the time of the dissolution thereof, the board of the annexing district shall furnish annually to the board of supervisors

of the county in which the petitioning district is situated, or, if such district is situated in more than one county, then to the board of supervisors of each county in which any portion of the district is situated, an estimate in writing of the amount needed (computed as provided in Chapter 1 (commencing with Section 75350) of Part 8 of this division) for the payment of such outstanding indebtedness of the petitioning district in like manner as though the district had not been dissolved.

76001. Upon receipt of the estimates furnished pursuant to Section 76000, the board or boards of supervisors shall levy an assessment on the lands comprising the petitioning district, in the manner provided in Chapter 2 (commencing with Section 75370) of Part 8 of this division, and the board of the annexing district shall cause the obligations evidencing such indebtedness to be paid according to their tenor out of the money raised from such assessments.

Article 6. Filing of Certificate

76010. Upon the annexation of the petitioning district to the annexing district, the board of the annexing district shall file with the Secretary of State a certificate listing:

(a) The names of the annexing district and the petitioning district.

(b) The effective date of the annexation and of the dissolution of the petitioning district

(c) The county or counties in which the two districts are located, and a description of the annexed land, or reference to a map showing the boundaries of such annexed land, which map shall be attached to the certificate, or reference to the county recorder's office where a description of such boundaries has been recorded

If the order annexing the petitioning district contains all of the information required to be in the certificate, the board may file a copy of the order in lieu of the certificate.

CHAPTER 4. CONSOLIDATION

76020. A district may be consolidated in the same manner as is provided for the consolidation of county water districts in Chapter 3 (commencing with Section 32650) of Part 8 of Division 12 of this code.

CHAPTER 5. DISSOLUTION

Article 1. Petition and Hearing

76030. A district may be dissolved by the board of supervisors of the principal county in the manner provided in this chapter.

76031. Upon receiving a petition signed by 10 percent of the electors of the district, or by the owners of one-half of the

lands comprising the district, requesting the dissolution of the district, the board of supervisors shall publish a notice once a week for two weeks in some newspaper in the principal county, and also in each affected county, giving notice that such petition has been filed with the board of supervisors, and that the board will hear such petition, and all objections thereto, at the next regular meeting of said board after the expiration of the time of publishing the notice (specifying the date), and directing all persons interested therein to show cause at such time, if any they have, why the district should not be dissolved.

76032. At the time appointed for the hearing, or at any time to which the hearing may be adjourned, the board of supervisors shall hear and pass upon the petition, and may grant or deny the same. If its decision is against the dissolution of the district, such decision shall be final and conclusive.

Article 2. Election

76040. If the petition for dissolution is granted, the board of supervisors shall, by resolution, provide for and order the holding of a special election in the district, and shall submit to the qualified electors of the district the proposition of whether or not the district shall be dissolved.

76041. The resolution calling the election shall recite the filing of the petition for dissolution and the approval thereof by the board of supervisors, and shall fix a time for the holding of the election.

76042. The election shall be noticed, conducted, and the returns thereof made and canvassed, in the same manner as is provided for the formation election except that the ballots to be used at the election shall contain the words, "Dissolution of district—Yes," or "Dissolution of district—No," or words equivalent thereto

Article 3. Order of Dissolution and Filing of Certificate

76050. If votes representing 60 percent of the total number of votes cast are cast in favor of the dissolution of the district, the board of supervisors shall enter an order to that effect upon its minutes, declaring the district dissolved, and upon the entry of such order the district shall be dissolved.

76051. If there is any outstanding indebtedness of the district, at the time of the dissolution thereof, the board of supervisors shall levy assessments for the payment of such indebtedness in like manner as though such district had not been dissolved, until all such indebtedness is fully paid, and shall cause such obligations to be paid according to their tenor out of the moneys raised from such assessments.

76052. Upon dissolution of a district, the clerk of the board of supervisors shall file a certificate with the Secretary of State listing:

- (a) The name of the district.
- (b) The effective date of dissolution.
- (c) The county or counties in which the district was located.

If the order declaring the district dissolved contains all of the information required to be in the certificate, the clerk of the board may file a copy of the order in lieu of the certificate.

Article 4. Vesting of Property Upon Dissolution

76060. Upon the dissolution of a district, any and all real property belonging to the district shall become and be the property of the county in which the real property is situated.

76061. The personal property belonging to a district upon its dissolution shall be sold by the board of supervisors of the principal county, and the proceeds from such sale, together with all moneys of the district, remaining after the payment of all of the obligations of the district, shall be paid into the general funds of the affected counties in the same proportions that the assessed values of the lands (according to the last assessment rolls) within the district in each of such counties bear one to the other.

PART 11. REPEALS

76500. Chapter 166 of the Statutes of 1929 and Chapter 1020 of the Statutes of 1931 are repealed.

76501. The repeals effected by this part shall not be construed to deprive any person or entity of any substantial right which would have existed or hereafter exist had such repeal not been effected.

CHAPTER 76

An act to amend Section 8842 of the Fish and Game Code, relating to commercial fishing.

[Approved by Governor April 12, 1965 Filed with
Secretary of State April 12, 1965.]

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

SECTION 1. Section 8842 of the Fish and Game Code is amended to read:

8842. Trawl nets of such design as may be prescribed by the commission may be used or possessed to take shrimps or prawns under a revocable permit issued by the department and under such regulations as the commission shall prescribe.

Sections 8831, 8833, 8835, and 8836 of this code shall not apply to trawl nets used or possessed under permit issued pursuant to this section. It is unlawful to possess in excess of 500 pounds of any fish caught incidentally other than shrimp or prawns on any boat operating under a permit as provided

in this section, except salmon may be taken subject to Sections 8210 to 8225, inclusive.

CHAPTER 77

An act to amend Section 8278 of the Fish and Game Code, relating to crabs.

[Approved by Governor April 12, 1965. Filed with
Secretary of State April 12, 1965.]

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

SECTION 1. Section 8278 of the Fish and Game Code is amended to read:

8278. No crab less than six and one-quarter ($6\frac{1}{4}$) inches in breadth, and no female crab, may be taken, possessed, bought, or sold except that not more than 1 percent in number of any load or lot of crabs may be less than six and one-quarter ($6\frac{1}{4}$) inches but not less than five and three-quarters ($5\frac{3}{4}$) inches in breadth. Crabs shall be measured by the shortest distance through the body from edge of shell to edge of shell directly from front of points (lateral spines).

CHAPTER 78

An act to amend Sections 23671, 25500, 25613, and 25615, and to repeal Sections 25204, 25205, 25207 and 25208 of, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor April 12, 1965. Filed with
Secretary of State April 12, 1965.]

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

SECTION 1. Section 23671 of the Business and Professions Code is amended to read:

23671. No beer importer shall purchase any beer not manufactured within the state or cause any beer to be transported into the state for sale herein, unless the out-of-state vendor making shipment of such beer into the state holds a certificate of compliance issued by the department. A certificate of compliance shall be granted when such out-of-state vendor shall have made a written agreement with the department to furnish to the board, on or before the 10th day of each month, a report on a form prescribed by the board, showing the quantity of beer shipped by such out-of-state vendor to each licensed beer importer in this state during the preceding month.

If any such out-of-state vendor shall, after obtaining such certificate, fail to submit such report, the department may

suspend or revoke the certificate of compliance in the manner provided for the suspension or revocation of licenses, and after a hearing which shall be held in the City of Sacramento or in such other county seat in this state as the department determines to be convenient to the holder of the certificate. No fee shall be charged for such certificate of compliance which shall remain in effect until revoked by the department.

SEC. 2. Section 25500 of said code is amended to read:

25500. No manufacturer, winegrower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of any such person shall:

(a) Hold the ownership, directly or indirectly, of any interest in any on-sale license.

(b) Furnish, give, or lend any money or other thing of value, directly or indirectly, to, or guarantee the repayment of any loan or the fulfillment of any financial obligation of, any person engaged in operating, owning, or maintaining any on-sale premises where alcoholic beverages are sold for consumption on the premises.

(c) Own any interest, directly or indirectly, in the business, furniture, fixtures, refrigeration equipment, signs, except signs for interior use mentioned in subdivision (g) of Section 25503, or lease in or of any premises operated or maintained under any on-sale license for the sale of alcoholic beverages for consumption on the premises where sold; or own any interest, directly or indirectly, in realty acquired after June 13, 1935, upon which on-sale premises are maintained unless the holding of the interest is permitted in accordance with rules of the department.

The provisions of this section shall not apply to the holding by one person of a wholesaler's license and an on-sale license in counties not to exceed 15,000 population.

The provisions of this section shall not apply to the financial or representative relationship between a manufacturer, winegrower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or any officer, director, or agent of such person, and a person holding only one of the following types of licenses:

(a) On-sale general license for a bona fide club.

(b) Club license (issued under Article 4 (commencing at Section 23425) of Chapter 3 of this division).

(c) Veterans' club license (issued under Article 5 (commencing at Section 23450) of Chapter 3 of this division).

(d) On-sale license for boats, trains, sleeping cars or airplanes where the alcoholic beverages produced or sold by such manufacturer, winegrower, manufacturer's agent, rectifier, bottler, importer, or wholesaler or any officer, director, or agent of such person are not sold, furnished or given, directly or indirectly to the on-sale licensee.

SEC. 3. Section 25613 of said code is amended to read:

25613. Every holder of an on-sale retail license who gives, sells, or otherwise dispenses any draught beer shall, upon the

faucet, spigot, or outlet from which the beer is drawn, attach and keep posted a clear and legible notice, placard, or marker which shall in the English language indicate and declare the name or brand adopted by the manufacturer of the draught beer so given, sold, or dispensed by the licensee. If the faucet, spigot, or other drawing device is in a location not within the room of the place of service and consumption of the beer, there shall also be kept posted a similar notice, placard, or marker in the place of service and consumption of the beer which shall truthfully state and indicate only the kinds and brands of draught beer actually on sale in the premises of the on-sale licensee.

SEC. 4. Section 25615 of said code is amended to read:

25615. Any person who sells or otherwise disposes of, except for export, any draught beer containing more than 4 percent of alcohol by weight, and any person who sells or otherwise disposes of, except for export, any bottled beer containing more than 4 percent of alcohol by weight is guilty of a misdemeanor. This section does not apply to the sale of ale, porter, brown, malt liquor, and stout in bottles bearing labels properly describing the contents under any licenses, other than on-sale beer licenses.

SEC. 5. Section 25204 of said code is repealed.

SEC. 6. Section 25205 of said code is repealed.

SEC. 7. Section 25207 of said code is repealed.

SEC. 8. Section 25208 of said code is repealed.

CHAPTER 79

An act to amend Section 726 of the Fish and Game Code, relating to the Marine Research Committee.

[Approved by Governor April 12, 1965. Filed with
Secretary of State April 12, 1965.]

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

SECTION 1. Section 726 of the Fish and Game Code is amended to read:

726. Five of such members shall be men experienced in, and actively engaged in, the canning or reduction of fish at the time of their appointment. Of the other four members, at least one shall be a representative of organized sportsmen's groups and at least one shall be a representative of organized labor.

CHAPTER 80

An act to add Section 1111.11 to the Education Code, relating to school district governing boards, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 19, 1965. Filed with Secretary of State April 19, 1965.]

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

SECTION 1. Section 1111.11 is added to the Education Code, to read:

1111.11. Notwithstanding the provisions of Section 1111 to the contrary, when: (1) the first elected board of a newly formed unified school was elected on January 7, 1964, and following the adoption of the proposal for unification, (2) the unified school district became effective for all purposes on July 1, 1964, (3) an election to fill certain of the offices of members whose terms are to expire on June 30, 1965, must be held in April, 1965, when the district has not been in existence for all purposes for an entire year, and (4) at the final date for filing nomination papers and declarations of candidacy for such April, 1965, election no persons other than the then incumbent board members have so filed, then no election shall be held but the county superintendent of schools shall appoint the successors to the members whose terms expire on June 30, following the date of the election if it had been held. Such appointees shall hold office for the same term as if they had been elected.

SEC. 2. This act shall be operative until July 1, 1965, at and after which time it shall have no further force or effect.

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 permit newly formed school districts to avoid the burdensome expense and administrative difficulties involved in conducting school district governing board elections so shortly following the election of the first governing board members and the election on the proposal to form the district itself, it is desirable that the election be dispensed with. For these reasons it is essential that this act take effect immediately, prior to the April, 1965, elections.

CHAPTER 81

An act to add Sections 1006 and 1007 to the Education Code, relating to school district participation in the antipoverty program, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 19, 1965 Filed with
Secretary of State April 19, 1965]

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

SECTION 1. Section 1006 is added to the Education Code, to read:

1006. The governing board of any school district, or any county superintendent of schools, may participate in any program authorized by the "Economic Opportunity Act of 1964."

Participation may include, but is not limited to, entering into agreements with the Director of the Office of Economic Opportunity or any public or private nonprofit agency, or combination thereof, pursuant to the "Economic Opportunity Act of 1964" (P.L. 88-452; 78 Stat. 508) and acts amending or supplementing that act. Participation may also include the expenditure by the school district of whatever funds may be required by the federal government as a condition to such participation.

SEC. 2. Section 1007 is added to said code, to read:

1007. To the extent permitted by, and pursuant to, federal law, such agreements may be entered into by the governing board of a school district without prior approval of the State Board of Education.

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 enable the various school districts who wish to participate in this program during the fall semester to do so, it is necessary that this act take effect immediately so as to enable such school districts to employ the necessary personnel and make other preparations for participation in this program during the fall semester.

CHAPTER 82

An act to amend Section 1105 of, and to add Section 1111.7 to, the Education Code, relating to school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 19, 1965. Filed with Secretary of State April 19, 1965.]

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

SECTION 1. Section 1105 of the Education Code is amended to read:

1105. Subject to the procedures prescribed by Sections 1111.1 and 1111.7 with respect to newly formed unified school districts and junior college districts, the majority of members of the first elected board of any newly formed school district, the members of which majority received the highest number of votes, shall serve until June 30 of the second succeeding odd-numbered year. The other members' terms shall expire on June 30 of the first succeeding odd-numbered year. All such members shall continue in office until their successors are elected and qualified.

SEC. 2. Section 1111.7 is added to said code, to read:

1111.7. Notwithstanding the provisions of Section 1111 to the contrary, when the first elected board of any newly formed unified school district or newly formed junior college district was elected on the same date that the election was held for adopting the proposal for the formation of the new district, and such election was held on December 15, 1964, and when the first governing board election after the initial election of governing board members would occur prior to the date on which the district becomes effective for all purposes, no election shall be held but the county superintendent of schools shall appoint successors to the members whose terms expire on June 30 following the date of the election if it had been held. Such appointees shall hold office for the same term as if they had been elected.

SEC. 2.5. This act shall be operative until July 1, 1965, at and after which time it shall have no further force or effect.

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 prevent a multiplicity of elections in newly formed school districts which are an unnecessary financial burden and which disrupt the orderly conduct of the affairs of a newly formed school district, particularly when the first governing board election following the election approving the formation of the district occurs prior to the date on which the new school district becomes effective for all purposes, it is necessary that this act take effect immediately.

CHAPTER 83

An act to amend Sections 12013, 12016, 12200, 12202, 12203 and 20707 of the Business and Professions Code, relating to sealers of weights and measures.

[Approved by Governor April 19, 1965. Filed with Secretary of State April 19, 1965.]

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

SECTION 1. Section 12013 of the Business and Professions Code is amended to read:

12013. All sealers, in the performance of their official duties, have the powers of peace officers.

SEC. 2. Section 12016 of said code is amended to read:

12016. Any person who hinders or obstructs in any way any sealer, in the performance of his official duties, is guilty of a misdemeanor.

SEC. 3. Section 12200 of said code is amended to read:

12200. There is in each county the office of county sealer of weights and measures. The county sealer shall be appointed by the board of supervisors, except in chartered counties where a different method of appointment is prescribed. The term of office of such sealer is four years from and after his appointment and until his successor is appointed but he may be removed as hereinafter provided.

In addition to his salary each sealer is entitled to his necessary traveling and other expenses incurred in the performance of his duties.

A county sealer may, with the consent of the power appointing him, appoint deputies or inspectors when necessary or expedient to carry out the duties of his office. Such deputies or inspectors shall serve at the pleasure of the county sealer.

The sealer may employ such clerks and employees as may be approved by the appointing power. Any such clerk or employee shall not have authority to enforce the provisions of this chapter.

A county may in its discretion refer to a deputy county sealer as a weights and measures inspector.

SEC. 4. Section 12202 of said code is amended to read:

12202. The director shall cause to be examined persons desiring to become county sealers, deputy county sealers or inspectors and shall prescribe rules and regulations governing such examinations given for the purpose of determining the fitness, experience, and qualifications of candidates for these positions. The director may provide for inspectors qualified to be employed in designated categories. Successful candidates shall be given a certificate of eligibility which shall be good for five years unless revoked. Certificates of eligibility of incumbent county sealers, deputy county sealers or inspectors shall be renewed upon expiration without further examination.

SEC. 5. Section 12203 of said code is amended to read:

12203. No person shall hereafter be appointed to the office of county sealer, deputy county sealer or inspector unless he has a certificate of eligibility from the director; provided that, if the position of deputy county sealer or inspector cannot be filled from the lists, a temporary appointment may be made, upon the written recommendation of the director for a period not exceeding six months.

SEC. 6. Section 20707 of said code is amended to read:

20707. "Sealer," when used in this chapter without qualification, includes the State Sealer, Deputy State Sealer, and county sealers, their deputies, and inspectors.

CHAPTER 84

An act to amend Sections 9080.3, 9084, and 9084.5, of the Insurance Code, relating to fraternal fire insurers.

[Approved by Governor April 19, 1965 Filed with
Secretary of State April 19, 1965.]

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

SECTION 1. Section 9080.3 of the Insurance Code is amended to read:

9080.3. Any religious organization engaged in the business of writing fire insurance solely for its members and its churches on the effective date of this section, and which has been doing so continuously in California since January 1, 1925, is subject to all applicable provisions of this chapter.

Such religious organizations shall not write insurance:

(a) In excess of ten thousand dollars (\$10,000) on any one risk nor in excess of sixty thousand dollars (\$60,000) in any one city block within an incorporated city without immediately reinsuring the excess over said amounts;

(b) On business property within any incorporated city.

SEC. 2. Section 9084 of said code is amended to read:

9084. Such an association may insure the property of its members against loss or damage by fire for an amount not exceeding ten thousand dollars (\$10,000) on any one risk, subject to the following conditions as to amount:

(a) A risk in excess of three thousand five hundred dollars (\$3,500) shall not be binding as to such excess until risks to the amount of two hundred thousand dollars (\$200,000) have been written and all premiums paid thereon.

(b) A risk of more than one thousand five hundred dollars (\$1,500) shall not be binding as to such excess until risks to the amount of one hundred thousand dollars (\$100,000) have been written and all premiums paid thereon.

(c) A risk regardless of amount, shall not be binding until risks to the amount of seventy-five thousand dollars (\$75,000) have been written and all premiums paid thereon.

SEC. 3. Section 9084.5 of said code is amended to read:

9084.5. Such association shall not write insurance in excess of ten thousand dollars (\$10,000) on any one risk nor in excess of sixty thousand dollars (\$60,000) in any one city block within an incorporated city without immediately reinsuring all the excess amount. An association may write insurance for an amount not exceeding sixty thousand dollars (\$60,000) on any one risk, if the excess over ten thousand dollars (\$10,000) is reinsured as provided in this section. Such associations may not accept reinsurance but may reinsure risks if such reinsurance is by contracts and with reinsurers which meet the standards therefor prescribed in Sections 922.1 to 922.8 of this code.

CHAPTER 85

An act to amend Section 22500 of the Vehicle Code, relating to stopping or parking schoolbuses.

[Approved by Governor April 19, 1965. Filed with
Secretary of State April 19, 1965.]

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

SECTION 1. Section 22500 of the Vehicle Code is amended to read:

22500. No person shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

(a) Within an intersection except adjacent to curbs as may be permitted by local ordinance.

(b) On a crosswalk.

(c) Between a safety zone and the adjacent right-hand curb or within the area between the zone and the curb as may be indicated by a sign or red paint on the curb, which sign or paint was erected or placed by local authorities pursuant to ordinance.

(d) Within 15 feet of the driveway entrance to any fire station. This paragraph shall not apply to any vehicle owned or operated by a fire department and clearly marked as a fire department vehicle.

(e) In front of a public or private driveway, except that a bus engaged as a common carrier, schoolbus, or a taxicab may stop to load or unload passengers when authorized by local authorities pursuant to ordinance.

In unincorporated territory, where the entrance of a private road or driveway is not delineated by an opening in a curb or by other curb construction, so much of the surface of the ground as is paved, surfaced, or otherwise plainly marked by vehicle use as a private road or driveway entrance, shall constitute a driveway.

- (f) On a sidewalk.
- (g) Alongside or opposite any street or highway excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
- (h) On the roadway side of any vehicle stopped, parked, or standing at the curb or edge of a highway.
- (i) Alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation when indicated by a sign or red paint on such curb erected or painted by local authorities pursuant to ordinance.
- (j) In a tube or tunnel, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility.
- (k) Upon a bridge, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility, and except that a bus engaged as a common carrier in local transportation may stop to load or unload passengers upon a bridge where sidewalks are provided, when authorized by local authorities pursuant to ordinance, and except that local authorities pursuant to ordinance or the Department of Public Works pursuant to order, within their respective jurisdictions, may permit parking on bridges having sidewalks, and shoulders of sufficient width to permit parking without interfering with the normal movement of traffic on the roadway. Parking shall not be permitted unless there are signs in place as may be necessary to indicate the provisions of local ordinances or the order of the Department of Public Works.

CHAPTER 86

An act to amend Section 3380 of the Health and Safety Code, relating to junior colleges.

[Approved by Governor April 19, 1965. Filed with
Secretary of State April 19, 1965.]

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

SECTION 1. Section 3380 of the Health and Safety Code is amended to read:

3380. No person may be unconditionally admitted as a pupil of a private elementary or secondary school or as a pupil of any school district unless prior to admission he has been immunized against poliomyelitis in the manner and with immunizing agents approved by the State Department of Public Health.

A person who presents evidence that he has received one such immunizing dose of poliomyelitis vaccine may be admitted on condition that within a period designated by regulation of the State Department of Public Health he presents

evidence that he has been fully immunized against poliomyelitis.

A person who has not received any poliomyelitis vaccine may be admitted on condition that within two weeks of the date of his admission he shall present evidence that he has obtained his first such immunizing dose and shall thereafter within a period designated by regulation of the State Department of Public Health present evidence that he has been fully immunized against poliomyelitis.

This chapter does not apply to:

(a) Any person who is seeking admission to a public secondary school as an "adult" as that word is defined in Section 6352 of the Education Code.

(b) Any person who is seeking admission to a private secondary school for enrollment in a course consisting of less than 10 hours of instruction a week who attains his 21st birthday prior to the first day of the semester or other period of instruction for which he is seeking enrollment.

(c) Any person who is seeking admission to a junior college who has graduated from a high school located in this state.

(d) Students 18 years of age or older seeking enrollment in an adult school or a class for adults.

CHAPTER 87

An act to amend Section 813.1 of the Agricultural Code, relating to standard containers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 19, 1965. Filed with
Secretary of State April 19, 1965.]

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

SECTION 1. Section 813.1 of the Agricultural Code is amended to read:

813.1. All cauliflower when packed shall be in standard containers numbers 46, 46A, 46B or 46C. Other size containers may be used if conspicuously marked on the outside of the end or side which bears any marks intended to describe the contents of such container, in letters not less than one-half inch in height, "irregular container."

Heads or curds of cauliflower when wrapped shall be individually wrapped, and fairly tightly packed in standard containers numbers 46, 46A or 46B and contain one of the following standard pack and counts of the designated size and diameter, except curds too large to pack as a 12 count in one of the standard containers specified for wrapped and packed cauliflower may be wrapped and packed with a lesser count.

Standard pack and count	Curd size in inches
12 -----	5 and over
14, 15 and 16 -----	under 5½
20 -----	under 4½

Curds shall be measured across the center face of the curd at the widest dimension, not including wrapper leaves.

Containers of wrapped cauliflower, except individually wrapped heads or consumer packages, shall be marked, in letters one-half inch in height, with the exact number of heads or curds in the container.

Containers of cauliflower packed with 12 heads or less in each container may have not more than two heads which have a smaller diameter than the minimum diameter specified, except not more than one container in the lot may have not more than three heads which have a smaller diameter than the minimum diameter specified.

Containers of cauliflower packed with 14 heads or more in each container may have not more than two heads which have a greater diameter than the maximum diameter specified for the count of heads in the container, except not more than one container in the lot may have not more than three heads which have a greater diameter than the maximum diameter specified for the count of heads in the container.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: In order for the protection afforded the consuming public, the producer, and the handler by this act to become effective during the 1965 cauliflower season, this act must be in effect immediately.

CHAPTER 88

An act to amend Section 5360.3 of the Streets and Highways Code, relating to streets and alleys.

[Approved by Governor April 19, 1965. Filed with
Secretary of State April 19, 1965]

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

SECTION 1. Section 5360.3 of the Streets and Highways Code is amended to read:

5360.3. Whenever the legislative body by a motion duly made and adopted has authorized and directed the commencement of proceedings under this division for the construction of work or improvement which may require any acquisition of lands, rights-of-way or easements for the opening or widening of streets or alleys under the provisions of Section 5102 and such opening or widening will establish a uniform street

or alley alignment in conformity with lands, rights-of-way or easements previously acquired by the city or granted to the city without compensation in connection with such work or improvement and included in the work or improvement, the lots or lands fronting on said granted lands, rights-of-way or easements shall be assessed for acquisition at a rate per square foot of said lands, rights-of-way or easements granted therefrom or thereover equal to the average cost per square foot of the lands, rights-of-way or easements acquired pursuant to said proceedings but shall be given offset credits not to exceed the total amounts so assessed.

CHAPTER 89

An act to add Sections 425.1 and 425.2 to the Government Code, relating to state emblems.

[Approved by Governor April 20, 1965. Filed with
Secretary of State April 20, 1965.]

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

SECTION 1. Section 425.1 is added to the Government Code, to read:

425.1. Native gold is the official State Mineral and mineralogic emblem.

SEC. 2. Section 425.2 is added to the Government Code, to read:

425.2. Serpentine is the official State Rock and lithologic emblem.

CHAPTER 90

An act to change the name of the Indio Sanitary District, relating to sanitary districts.

[Approved by Governor April 20, 1965. Filed with
Secretary of State April 20, 1965.]

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

SECTION 1. The name of the Indio Sanitary District in Riverside County which is organized and operating under the so-called "Sanitary District Act of 1923," Part 1 (commencing with Section 6400), Division 6 of the Health and Safety Code, is hereby changed to be the Valley Sanitary District. Any references to the Indio Sanitary District in any law, regulation, or ordinance, or in any contract, debt or obligation of the district, shall be deemed to refer to the Valley Sanitary District.

CHAPTER 91

An act to amend Section 8278 of the Fish and Game Code, relating to crabs.

[Approved by Governor April 20, 1965 Filed with
Secretary of State April 20, 1965.]

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

SECTION 1. Section 8278 of the Fish and Game Code is amended to read:

8278. No crab less than six and one-quarter ($6\frac{1}{4}$) inches in breadth, and no female crab, may be taken, possessed, bought, or sold except that not more than 1 percent in number of any load or lot of crabs may be less than six and one-quarter ($6\frac{1}{4}$) inches but not less than five and three-quarters ($5\frac{3}{4}$) inches in breadth. Crabs shall be measured by the shortest distance through the body from edge of shell to edge of shell directly from front of points (lateral spines).

CHAPTER 92*An act to amend Section 8842 of the Fish and Game Code, relating to commercial fishing.*

[Approved by Governor April 20, 1965 Filed with
Secretary of State April 20, 1965.]

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

SECTION 1. Section 8842 of the Fish and Game Code is amended to read:

8842. Trawl nets of such design as may be prescribed by the commission may be used or possessed to take shrimps or prawns under a revocable permit issued by the department and under such regulations as the commission shall prescribe.

Sections 8831, 8833, 8835, and 8836 of this code shall not apply to trawl nets used or possessed under permit issued pursuant to this section. It is unlawful to possess in excess of 500 pounds of any fish caught incidentally other than shrimp or prawns on any boat operating under a permit as provided in this section, except salmon may be taken subject to Sections 8210 to 8225, inclusive.

CHAPTER 93

An act to maintain the Water Code by amending Sections 11901, 11910, 11918, 12887, 44427, 48029, 48057 and 48080, the heading of Chapter 4 (commencing with Section 42700) of Part 5 of Division 14, and the heading of Chapter 4 (commencing with Section 55930) of Part 5 of Division 16, by adding a chapter heading immediately before Section 12895, and by repealing Part 7 (commencing with Section 12950) of Division 6, relating to water.

[Approved by Governor April 20, 1965. Filed with
Secretary of State April 20, 1965.]

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

SECTION 1. Section 11901 of said code is amended to read:

11901. It is the purpose of this chapter to provide for the planning and construction of water storage, conservation, and regulation facilities and associated fish and wildlife and recreation features consistent with this declaration and to make provision for funds therefor on a continuing basis, and to provide for the operation and maintenance of such fish and wildlife and recreation features

In enacting this chapter, however, it is not the intent of the Legislature to diminish any existing powers of the Department of Water Resources, the Department of Parks and Recreation, or the Department of Fish and Game, but rather to provide specifically for the preservation and enhancement of fish and wildlife resources and for a system of public recreation facilities at state water projects as part of a coordinated plan for multipurpose use of these projects.

SEC. 2. Section 11910 of said code is amended to read:

11910. There shall be incorporated in the planning and construction of each project such features (including, but not limited to, additional storage capacity) as the department, after giving full consideration to any recommendations which may be made by the Department of Fish and Game, the Department of Parks and Recreation or any division thereof, including but not limited to, the Division of Small Craft Harbors and the Division of Beaches and Parks, any federal agency, and any local governmental agency with jurisdiction over the area involved, determines necessary or desirable for the preservation of fish and wildlife, and necessary or desirable to permit, on a year-round basis, full utilization of the project for the enhancement of fish and wildlife and for recreational purposes to the extent that such features are consistent with other uses of the project, if any. It is the intent of the Legislature that there shall be full and close coordination of all planning for the preservation and enhancement of fish and wildlife and for recreation in connection with state water projects by

and between the Department of Water Resources, the Department of Parks and Recreation, the Department of Fish and Game, and all appropriate federal and local agencies.

SEC. 3. Section 11918 of said code is amended to read:

11918. The Department of Parks and Recreation is authorized to design, construct, operate, and maintain public recreation facilities at state water projects. Before commencing the construction of any such facilities, the Department of Parks and Recreation shall submit its plans and designs to the local governmental agencies having jurisdiction over the area involved. The Department of Parks and Recreation shall make every effort to fulfill its responsibilities under this section by entering into contracts with the United States, local public agencies, or other entities, to the end that maximum development of the recreational potential of state water projects shall be realized. The Department of Parks and Recreation shall have the authority to establish and enforce standards for the development, operation, and maintenance of such public recreation areas.

The design, construction, operation, and maintenance of public recreation facilities at state water projects, and the management of project lands and water surfaces for recreational use, shall be subject to the approval of the Department of Water Resources to ensure that they shall not defeat or impair the orderly operation of any state water project for its other authorized purposes and the accomplishment of such purposes.

SEC. 4. Section 12887 of said code is amended to read:

12887. In order to effectuate loans or grants made by the department pursuant to this chapter, the State Controller shall, upon demand of the department, draw warrants made payable to such public agencies and in such amounts as are from time to time designated by the department. The State Treasurer shall pay such warrants from available moneys.

SEC. 5. A chapter heading is added immediately preceding Section 12895 of said code, to read:

CHAPTER 6. STATE COOPERATION WITH THE FEDERAL GOVERNMENT ON STATE WATER PROJECTS

SEC. 6. Part 7 (commencing with Section 12950) of Division 6 of said code, as added by Chapter 309 of the Statutes of 1963 is repealed. The repeal made by this section shall not affect the existence or validity of Part 7 (commencing with Section 12950) of Division 6 of said code as added by Chapter 464 of the Statutes of 1963.

SEC. 7. The heading of Chapter 4 (commencing with Section 42700) of Part 5 of Division 14 of said code is amended to read:

CHAPTER 4. PROJECT UNCOMPLETED

SEC. 8. Section 44427 of said code is amended to read:

44427. During the construction of any works in carrying out the project of any district, the board shall, within one week after each regular meeting, forward to the commission a report of the progress of the construction together with a statement of the amount paid for the doing of the work.

SEC. 9. Section 48029 of said code is amended to read:

48029. Upon the hearing of an exclusion petition the board shall order that the petition be denied:

(a) Entirely when no evidence in support of the petition is introduced.

(b) As to any land described in the petition as to which the evidence introduced fails to sustain the petition.

(c) As to any land described in the petition which the board deems it not for the best interests of the district to exclude, except when the board judges that the land will not be benefited by the operations of the district.

SEC. 10. Section 48057 of said code is amended to read:

48057. The assent shall be filed with the board and be recorded in its minutes. The minutes, or a copy thereof, certified by the board, shall be admissible in evidence with the same effect as the assent. The certified copy may be recorded in the office of the county recorder of the county wherein the land is situated.

SEC. 11. Section 48080 of said code is amended to read:

48080. In the event the board excludes any land from the district upon petition therefor, the board shall make an entry in its minutes describing the boundaries of the district, should the exclusion of the land change its boundaries. For that purpose the board may cause a survey to be made of such portions of the district as it deems necessary.

SEC. 12. The heading of Chapter 4 (commencing with Section 55930) of Part 5 of Division 16 of said code is amended to read:

CHAPTER 4. DISSOLUTION UPON INCLUSION
IN MUNICIPALITY

CHAPTER 94

An act to maintain the Elections Code by amending Section 4004 thereof, relating to initiative measures.

[Approved by Governor April 20, 1965. Filed with
Secretary of State April 20, 1965.]

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

SECTION 1. Section 4004 of the Elections Code is amended to read:

4004. If the petition is to be circulated in a city in which there is no newspaper published, the notice and statement shall be published in a newspaper published within the county and circulated within that city. If no newspaper of general circulation is published within the county, a copy of the notice of intention and the accompanying statement shall be posted in three public places in the city in which the petition is to be circulated.

CHAPTER 95

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 20, 1965. Filed with
Secretary of State April 20, 1965.]

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 authorities
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 or bodies 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 or for the consolidation, merger or dissolution of any public bodies are hereby confirmed, validated, and declared legally effective. This shall include all acts and proceedings of the governing board of any 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 or the consolidation, merger or dissolution of such public bodies.

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 consolidation, merger or dissolution of any public bodies, 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 1965.

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 96

An act to add Section 26224 to the Government Code, relating to county government.

[Approved by Governor April 20, 1965. Filed with
Secretary of State April 20, 1965.]

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

SECTION 1. Section 26224 is added to the Government Code, to read:

26224. The board of supervisors of any county may contract with any community council or council on social planning functioning within the county, which council has as a primary purpose the promotion of the public health, safety, and welfare, and which is financed in whole or in part by charitable contributions, to receive from such council the services of advice, counsel, consultation, plans, proposals, and recommendations concerning the development and conduct of effective programs to meet the social needs of the population of the county, including, but not limited to, recreational needs, and the needs of physically, mentally, and financially handicapped persons and aged persons,

CHAPTER 97

An act to amend Section 19619.1 of the Education Code, relating to state school building aid and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 20, 1965. Filed with Secretary of State April 20, 1965.]

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

SECTION 1. Section 19619.1 of the Education Code is amended to read:

19619.1. (a) In the event the board of supervisors failed in the fiscal year 1964-1965 to levy a tax upon the property in the district sufficient to raise for the district the amount of money to be withheld by the State Controller during the fiscal year 1964-1965, as required by Section 19619, and in the event the county auditor certifies that fact and the amount of such insufficiency to the State Controller, that officer shall reduce the total amount of the deductions from apportionments to be made after the effective date of the amendment of this section at the 1965 General Session to that district pursuant to Section 19611 by the amount of such insufficiency.

(b) For the fiscal year 1964-1965 the apportionment from the State School Fund for any district which is subject to subdivision (a) shall be increased by an amount equal to the total amount of deductions made pursuant to Section 19611 during the 1964-65 fiscal year. For the fiscal year 1965-66, the provisions of Section 19611.5 shall apply.

SEC. 2. Subdivision (a) of Section 19619.1 of said code shall remain in effect only until July 1, 1965.

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:

By reason of inadvertence, there was a failure to levy a tax, for at least one school district, sufficient to provide the full amount of the 1964-1965 annual repayment of apportionments made under the State School Building Aid Law of 1952. If this act were not to take effect immediately, the State Controller would under Section 19611 continue to deduct the amount of the annual repayment for such district from the April and May installments of the apportionments to be made to the district from the State School Fund, which would seriously deplete the general fund of such district and would have its consequent effect upon the educational opportunities afforded to the children of the district.

CHAPTER 98

An act to codify Section 3 of Chapter 1233, Statutes of 1961, by repealing said section and by adding Section 30202 to the Elections Code, relating to boundaries of assembly districts.

[Approved by Governor April 20, 1965. Filed with
Secretary of State April 20, 1965.]

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

SECTION 1. Section 3 of Chapter 1233, Statutes of 1961, is repealed.

SEC. 2. Section 30202 is added to the Elections Code, to read:

30202. Unless otherwise provided, the boundary lines referred to in Section 30201 are those in existence on April 30, 1961.

CHAPTER 99

An act to amend Section 10711 of the Fish and Game Code, relating to clam closures.

[Approved by Governor April 23, 1965. Filed with
Secretary of State April 23, 1965.]

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

SECTION 1. Section 10711 of the Fish and Game Code is amended to read:

10711. The commission may close for the taking of clams not less than eight land miles of pismo clam bearing beaches within or offshore from San Luis Obispo County as a clam refuge, but not more than 50 percent of any individual pismo clam bearing beach or beaches may be so closed at any time. The commission may from time to time vary the location of the closed and open portions of such beaches.

Before the commission closes, opens, or varies the location of the closed and open portions of pismo clam bearing beaches, one or more members of the commission shall hold in the county to be affected a public hearing, notice of which has been published at least once in a newspaper of general circulation, printed, and published in that county. The commission may determine which newspaper will be most likely to give notice to the inhabitants of the county, and its determination shall be final and conclusive. The commission may authorize any employee of the department in its place to hold the hearings, in which event a copy of a transcript of all proceedings taken or had at the hearing shall be furnished to each commissioner at least five days before any regulation is made by the commission.

CHAPTER 100

An act to amend Section 3800 of the Fish and Game Code, relating to nonprotected birds.

[Approved by Governor April 23, 1965 Filed with
Secretary of State April 23, 1965]

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

SECTION 1. Section 3800 of the Fish and Game Code is amended to read:

3800. Nonprotected birds are:

(a) English sparrows (*Passer domesticus*); crows (*Corvus brachyrhynchos*); American or black-billed magpies (*Pica pica hudsonia*); California or scrub jays (*Aphelocoma californica*); Steller's or crested jays (*Cyanocitta stelleri*); and starlings (*Sturnus vulgaris*).

(b) Yellow-billed magpies (*Pica nuttalli*).

The provisions of subdivision (b) of this section shall be applicable only in those districts or parts of districts within a county whose board of supervisors, by resolution, has declared that, based only upon crop damage, such provisions are desirable for the county and shall be in effect until the 91st day after adjournment of the 1967 Regular Session of the Legislature and thereafter shall have no force or effect.

CHAPTER 101*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 April 23, 1965 Filed with
Secretary of State April 23, 1965]

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 avail-

able 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 5½ percent per annum. For this purpose, amounts, not to exceed ten million dollars (\$10,000,000) 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 102

An act to add Section 25105 to the Government Code, relating to minutes and records of boards of supervisors.

[Approved by Governor April 23, 1965. Filed with Secretary of State April 23, 1965.]

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

SECTION 1. Section 25105 is added to the Government Code, to read:

25105. The board of supervisors may authorize the use of photographs, microphotographs or photocopies of all records, books and minutes of the board.

Such photograph, microphotograph or photocopy shall be made in such manner and on such paper as will comply with the minimum standards of quality approved therefor by the National Bureau of Standards. Every such reproduction shall be deemed and considered an original; and a transcript, exemplification, or certified copy of any such reproduction shall be deemed and considered a transcript, exemplification, or certified copy, as the case may be, of the original. Each roll of microfilm shall be deemed and constitute a book and shall be

designated and numbered, and provision shall be made for preserving, examining and using it. A duplicate of each roll of microfilm shall be made and kept in a safe and separate place.

In the event such authorization as provided herein is granted, the personal signatures required by Section 25103 may be reproduced by such authorized process, and such reproduced signatures shall be deemed to satisfy the requirement of Section 25103.

CHAPTER 103

An act to amend Section 499 of the Penal Code, relating to theft of water.

[Approved by Governor April 23, 1965. Filed with
Secretary of State April 23, 1965.]

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

SECTION 1. Section 499 of the Penal Code is amended to read:

499. Every person who, with intent to injure or defraud, connects or causes to be connected, any pipe, tube, or other instrument, with any main, service-pipe, or other pipe, or conduit or flume for conducting water, for the purpose of taking water from such main, service-pipe, conduit or flume, without the knowledge of the owner thereof, and with intent to evade payment therefor, and every person who, with intent to injure or defraud, injures or alters any watermeter, watermeter seal, service valve, or other service connection, is guilty of a misdemeanor.

CHAPTER 104

An act to amend Section 2205 of the Civil Code, relating to liability for damage to baggage.

[Approved by Governor April 23, 1965. Filed with
Secretary of State April 23, 1965.]

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

SECTION 1. Section 2205 of the Civil Code is amended to read:

2205. The liability of any stage line, transfer company, or other common carriers operating over the public highways for the loss of or for damage to any baggage shall not exceed the sum of one hundred dollars (\$100) for each trunk and its contents; fifty dollars (\$50) for each valise, suitcase or travel-

ing bag and its contents; or ten dollars (\$10) for each box, bundle, or package and its contents, unless a higher valuation is declared at the time of delivery of such baggage to the carrier and assented thereto in writing by such carrier.

CHAPTER 105

An act to repeal Sections 447, 448, and 449 of the Code of Civil Procedure, relating to pleadings in civil actions.

[Approved by Governor April 23, 1965. Filed with
Secretary of State April 23, 1965.]

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

SECTION 1. Section 447 of the Code of Civil Procedure is repealed.

SEC. 2. Section 448 of said code is repealed.

SEC. 3. Section 449 of said code is repealed.

CHAPTER 106

An act to amend the heading of Article 2 of Chapter 4 of Division 3 of Title 3 of, and to amend Section 29741 of the Government Code, relating to the approval of claims by the county auditor.

[Approved by Governor April 23, 1965. Filed with
Secretary of State April 23, 1965.]

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

SECTION 1. The heading of Article 2 (commencing with Section 29740) of Chapter 4 of Division 3 of Title 3 of the Government Code is amended to read:

Article 2. Allowance of Claims by Auditor

SEC. 2. Section 29741 of said code is amended to read:

29741. The auditor shall audit and allow or reject claims in lieu of, and with the same effect as, allowance or rejection by the board of supervisors in any of the following cases:

(a) Expenditures which have been authorized by purchase orders issued by the purchasing agent or other officer authorized by the board.

(b) Expenditures which have been authorized by contract, ordinance, resolution, or order of the board.

(c) Expenditures under any statute authorizing payment of public aid or assistance which have been ordered by the board.

(d) Expenditures for charges incurred by the county pursuant to the provisions of Chapter 3 (commencing with Section 29600) of Division 3 of Title 3 of the Government Code.

CHAPTER 107

An act to amend Sections 53630, 53648, 53665, 53852, 53856, 53857, 53858 of the Government Code, Section 34316.1 of the Health and Safety Code and Section 424 of the Penal Code, relating to use of the word "funds."

[Approved by Governor April 23, 1965. Filed with
Secretary of State April 23, 1965.]

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

SECTION 1. Section 53630 of the Government Code is amended to read:

53630 As used in this article:

(a) "Local agency" means county, city, municipality, or other public or municipal corporation.

(b) "Depository" means bank in which the moneys of a local agency are deposited.

(c) "Security" means only any one or all of the securities or obligations listed hereinafter in Section 53651 of this Article 2.

SEC. 2. Section 53648 of said code is amended to read:

53648. Notwithstanding this article, the treasurer may deposit moneys in, and enter into contracts with, a state or national bank pursuant to a federal law or a rule of a federal department or agency adopted pursuant to the law if the law or rule conflicts with this article in regulating the payment of interest on deposits of public moneys by banks which are Federal Reserve System members or whose deposits are insured by the Federal Deposit Insurance Corporation.

SEC. 3. Section 53665 of said code is amended to read:

53665. The treasurer shall take from each depository a written contract in triplicate stating the conditions upon which moneys are deposited. One copy shall be filed with the auditor, controller, secretary, or corresponding officer of the local agency.

SEC. 4. Section 53852 of said code is amended to read:

53852. On or after the first day of any fiscal year a local agency may borrow money pursuant to this article, such indebtedness to be represented by a note or notes issued to the lender pursuant to this article. The money borrowed may be used and expended by the local agency for any purpose for which the local agency is authorized to expend moneys, including but not limited to current expenses, capital expenditures, and the discharge of any obligation or indebtedness of the local agency.

SEC. 5. Section 53856 of said code is amended to read:

53856. Any taxes, income, revenue, cash receipts or other moneys of the local agency, including moneys deposited in inactive or term deposits, may be pledged to the payment of the note or notes and the interest thereon, except, however, that no moneys which, when received by the local agency, will be encumbered for a special purpose may be pledged for the payment of the note or notes or the interest thereon unless an equivalent amount of the proceeds from said note or notes is set aside for and used for said special purpose. The note or notes and the interest thereon are a first lien upon and charge against the taxes, income, revenue, cash receipts or other moneys pledged for the payment thereof.

SEC. 6. Section 53857 of said code is amended to read:

53857. Notwithstanding the provisions in Section 53856, any note issued pursuant to this article shall be a general obligation of the local agency, and, to the extent not paid from the taxes, income, revenue, cash receipts or other moneys of the local agency pledged for the payment thereof shall be paid with the interest thereon from any other moneys of the local agency lawfully available therefor.

SEC. 7. Section 53858 of said code is amended to read:

53858. Notes shall not be issued pursuant to this article in any fiscal year in an amount which, when added to the interest payable thereon, shall exceed 85 percent of the estimated amount of the then uncollected taxes, income, revenue, cash receipts and other moneys of the local agency which will be available in said fiscal year for the payment of said notes and the interest thereon; provided, however, that to the extent that any principal of or interest on such notes is secured by a pledge of the amount in any inactive or term deposit of the local agency, the term of which will terminate during said fiscal year, such principal and interest may be disregarded in computing said limit.

SEC. 8. Section 34316.1 of the Health and Safety Code is amended to read:

34316.1. To secure the moneys of a housing authority deposited with a bank or other depository, the bank or other depository shall deposit with the authority, or with the officer of the authority designated by it, securities of the kinds described in subdivisions (a) to (e), inclusive, of Section 53651 of the Government Code.

The provisions of Sections 53655, 53657, 53659, 53660, 53661, 53662, 53665, 53666, 53671, 53672, 53673, 53673.5, 53675, 53676, and 53677 of the Government Code shall apply to the securities given to secure the moneys of a housing authority. Where the term "treasurer" is used in such sections, it shall mean "housing authority" or the official designated by it to act hereunder, and where the term "local agency" is used in such sections, it shall mean "housing authority."

SEC. 9. Section 424 of the Penal Code is amended to read:

424. Each officer of this state, or of any county, city, town, or district of this state, and every other person charged with the receipt, safekeeping, transfer, or disbursement of public moneys, who either:

1. Without authority of law, appropriates the same, or any portion thereof, to his own use, or to the use of another; or,

2. Loans the same or any portion thereof; makes any profit out of, or uses the same for any purpose not authorized by law; or,

3. Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to the same; or,

4. Fraudulently alters, falsifies, conceals, destroys, or obliterates any such account; or,

5. Willfully refuses or omits to pay over, on demand, any public moneys in his hands, upon the presentation of a draft, order, or warrant drawn upon such moneys by competent authority; or,

6. Willfully omits to transfer the same, when such transfer is required by law; or,

7. Willfully omits or refuses to pay over to any officer or person authorized by law to receive the same any money received by him under any duty imposed by law so to pay over the same;—

Is punishable by imprisonment in the state prison for not less than one nor more than 10 years, and is disqualified from holding any office in this state.

As used in this section, "public moneys" includes the proceeds derived from the sale of bonds or other evidence of indebtedness authorized by the legislative body of any city, county, district, or public agency.

CHAPTER 108

An act to amend Section 13209 of the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor April 23, 1965. Filed with Secretary of State April 23, 1965.]

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

SECTION 1. Section 13209 of the Public Utilities Code is amended to read:

13209. 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 a statewide primary or a general election, the board shall in the ordinance calling the special bond election consolidate it with the statewide primary

or the general election to be held at the same time in the respective counties in which the district is located and authorize the respective boards of supervisors to canvass the returns and certify the result of the canvass to the board; it shall be the duty of the board or boards of supervisors to so consolidate the election, canvass the returns, and cause the result thereof to be properly certified to the board. 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.

CHAPTER 109

An act to amend Section 29749 of the Government Code, relating to county auditors' receipts.

[Approved by Governor April 23, 1965. Filed with Secretary of State April 23, 1965.]

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

SECTION 1. Section 29749 of the Government Code is amended to read:

29749. The auditor shall require the certificate of the requisitioning, inspection, or receiving officers that the articles and services have been received or furnished or contracted for.

CHAPTER 110

An act to repeal Section 19053 of the Government Code, relating to fiduciary bonds of state employees.

[Approved by Governor April 23, 1965. Filed with Secretary of State April 23, 1965.]

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

SECTION 1. Section 19053 of the Government Code is repealed.

CHAPTER 111

An act to amend Section 19576 of the Government Code, relating to disciplinary proceedings in the state civil service.

[Approved by Governor April 23, 1965. Filed with
Secretary of State April 23, 1965.]

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

SECTION 1. Section 19576 of the Government Code is amended to read:

19576. Whenever an answer is filed by an employee who has been suspended without pay for 10 days or less the board or its authorized representative shall make an investigation with or without a hearing as it deems necessary; however, in the event an employee is suspended under subdivision (r) of Section 19572 for behavior or acts outside of duty hours, he shall, if he files an answer to the action, be afforded a hearing; or if he is suspended in more than three instances in any calendar year, he shall upon each additional suspension be afforded a hearing if he files an answer to the action.

CHAPTER 112

An act to add Section 2192.5 to the Business and Professions Code, relating to physicians and surgeons.

[Approved by Governor April 23, 1965. Filed with
Secretary of State April 23, 1965.]

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

SECTION 1. Section 2192.5 is added to the Business and Professions Code, to read:

2192.5. Notwithstanding the provisions of Section 2192 of this code, the board shall permit any person who meets the other requirements of this chapter to take the physician's and surgeon's examination if he also meets all of the following requirements:

(a) Is a graduate of a medical school which grants a doctor of medicine degree and which is located in the United States.

(b) Was licensed after written examination on the basis of submission of a doctor of medicine degree by the state in which such medical school is located.

(c) Was engaged in the practice of medicine in the United States for at least 15 years.

(d) Was a resident of this state on or before January 1, 1965, and has been engaged in the practice of medicine for

either the state or federal government for at least one year prior to January 1, 1965.

If the applicant successfully passes the physician's and surgeon's examination, the board shall issue him a physician's and surgeon's certificate.

CHAPTER 113

An act to add Section 54921 to the Government Code, relating to withdrawal of territory from a fire protection district on its annexation to a city, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 23, 1965. Filed with Secretary of State April 23, 1965.]

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

SECTION 1. Section 54921 is added to the Government Code, to read:

54921. Notwithstanding Sections 54902 and 54903, any change in the boundaries of a fire protection district formed or operating under Chapter 2 (commencing with Section 14400), Part 3, Division 12 of the Health and Safety Code as the result of the withdrawal of territory of the district by action taken between January 24 and January 31, 1965, pursuant to Section 14540 of the Health and Safety Code, by the city council of a city to which such territory has been annexed, shall be effective for assessment and taxation purposes if the statement and map or plat required by Section 54900 is filed by the city with the assessor and the State Board of Equalization on or before February 1, 1965.

Any change in boundaries that is effective for assessment and taxation purposes pursuant to this section shall be deemed also to be fully effective as of January 1, 1965, for the purposes of Section 14540 of the Health and Safety Code; and the district from which the territory has been withdrawn shall have no power to furnish fire protection services to such territory on or after July 1, 1965, and no taxes shall be levied by or on behalf of the district on any property in such territory in order to furnish fire protection services to such territory on or after July 1, 1965.

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 this act takes effect immediately territory otherwise validly withdrawn from a county fire protection district and annexed to a city may be required to pay taxes both to the district and to the city although all fire protection functions in the territory will be performed by the city.

CHAPTER 114

An act to amend Section 26154 of the Government Code, relating to county aid to school districts.

[Approved by Governor April 23, 1965. Filed with Secretary of State April 23, 1965.]

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

SECTION 1. Section 26154 of the Government Code is amended to read:

26154. The board of supervisors may provide financial assistance to elementary school districts which have within the boundaries of such school districts a redevelopment agency and a housing authority organized under state law. Any funds received pursuant hereto by an elementary school district may be deposited by the governing board of the school district in any fund but the general fund of the district. The provisions hereof are applicable only to elementary school districts which have an average daily attendance of less than 1,500. The provisions of this section shall remain in effect until the 91st day after final adjournment of the 1967 Regular Session of the Legislature. While this section is in effect, it supersedes any existing provisions of law which are in conflict with it, but such provisions will not be repealed by this section and after this section is no longer effective they shall have the same force as though this section had not been enacted.

CHAPTER 115

An act to amend Section 901 of the Probate Code, relating to compensation of executors and administrators.

[Approved by Governor April 24, 1965. Filed with Secretary of State April 26, 1965.]

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

SECTION 1. Section 901 of the Probate Code is amended to read:

901. The executor, when no compensation is provided by the will or he renounces all claim thereto, or the administrator, shall receive commissions upon the amount of estate accounted for by him, as follows: For the first thousand dollars (\$1,000), at the rate of 7 percent; for the next nine thousand dollars (\$9,000), at the rate of 4 percent; for the next forty thousand dollars (\$40,000), at the rate of 3 percent; for the next hundred thousand dollars (\$100,000), at the rate of 2 percent; for the next three hundred fifty thousand dollars (\$350,000), at the rate of 1½ percent; and for all above five hundred thousand dollars (\$500,000), at the rate of 1 percent. If there

are two or more executors or administrators, the compensation shall be apportioned among them by the court according to the services actually rendered by each.

The commission to which the executor or administrator is entitled pursuant to this section shall be based upon the total amount of the inventory plus gains over appraisal value on sales, plus receipts, less losses on sales, without reference to encumbrances or other obligations on property in the estate, if any. This paragraph shall apply whether or not a sale of property has taken place during the probate of the estate.

CHAPTER 116

An act to amend the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) by amending Section 36, relating to the powers of the district.

[Approved by Governor April 26, 1965. Filed with
Secretary of State April 26, 1965.]

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

SECTION 1. Section 36 of the Marin County Flood Control and Water Conservation District Act (Chapter 666 of the Statutes of 1953) is amended to read:

Sec. 36. In addition to all other powers granted under this act, the district shall have the right to acquire, construct and complete any improvements authorized hereunder by special assessment proceedings. The Improvement Act of 1911 and the Improvement Bond Act of 1915 are applicable to the district and the powers and duties conferred by those acts upon the boards, officers and agents of cities, shall be exercised by the governing board, officers and agents of the district, provided that the improvements authorized to be constructed or acquired by this section are limited to those permitted to be constructed or acquired by the district under the provisions of this act.

CHAPTER 117

An act to maintain the Public Utilities Code by amending Sections 851, 1202, and 24501, relating to public utilities.

[Approved by Governor April 26, 1965. Filed with
Secretary of State April 26, 1965.]

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

SECTION 1. Section 851 of the Public Utilities Code is amended to read:

851. No public utility other than a common carrier by railroad subject to Part I of the Interstate Commerce Act (Title 49, U. S. C.) shall sell, lease, assign, mortgage, or otherwise dispose of or encumber the whole or any part of its railroad, street railroad, line, plant, system, or other property necessary or useful in the performance of its duties to the public, or any franchise or permit or any right thereunder, nor by any means whatsoever, directly or indirectly, merge or consolidate its railroad, street railroad, line, plant, system, or other property, or franchises or permits or any part thereof, with any other public utility, without first having secured from the commission an order authorizing it so to do. Every such sale, lease, assignment, mortgage, disposition, encumbrance, merger, or consolidation made other than in accordance with the order of the commission authorizing it is void. The permission and approval of the commission to the exercise of a franchise or permit under Article 1 (commencing with Section 1001) of Chapter 5 of this part, or the sale, lease, assignment, mortgage, or other disposition or encumbrance of a franchise or permit under this article shall not revive or validate any lapsed or invalid franchise or permit, or enlarge or add to the powers or privileges contained in the grant of any franchise or permit, or waive any forfeiture.

Nothing in this section shall prevent the sale, lease, encumbrance or other disposition by any public utility of property which is not necessary or useful in the performance of its duties to the public, and any disposition of property by a public utility shall be conclusively presumed to be of property which is not useful or necessary in the performance of its duties to the public, as to any purchaser, lessee or encumbrancer dealing with such property in good faith for value; provided, however, that nothing in this section shall apply to the interchange of equipment in the regular course of transportation between connecting common carriers.

SEC. 2. Section 1202 of said code is amended to read:

1202. The commission has the exclusive power:

(a) To determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use, and protection of each crossing of one railroad by another railroad or street railroad, and of a street railroad by a railroad, and of each crossing of a public or publicly used road or highway by a railroad or street railroad, and of a street by a railroad or vice versa.

(b) To alter, relocate, or abolish by physical closing any such crossing heretofore or hereafter established.

(c) To require, where in its judgment it would be practicable, a separation of grades at any such crossing heretofore or hereafter established and to prescribe the terms upon which such separation shall be made and the proportions in which the expense of the construction, alteration, relocation, or abolition of such crossings or the separation of such grades shall be divided between the railroad or street railroad corporations

affected or between such corporations and the state, county, city, or other political subdivision affected.

SEC. 3. Section 24501 of said code is amended to read:

24501. This part may be cited as the "Transit District Law."

CHAPTER 118

An act to maintain the Business and Professions Code by amending Sections 2920, 5010, 6508, 8525, 8919, and 19034.5, and by amending and renumbering Section 5558 (as added by Chapter 483 of the Statutes of 1963) thereof, relating to licensed professions and business enterprises.

[Approved by Governor April 26, 1965. Filed with
Secretary of State April 26, 1965.]

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

SECTION 1. Section 2920 of the Business and Professions Code is amended to read:

2920. The committee may from time to time adopt such rules and regulations as may be necessary to enable it to carry into effect the provisions of this chapter. In adopting rules and regulations the committee shall comply with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 2. Section 5010 of said code is amended to read:

5010. The board may adopt, repeal, or amend such regulations as may be reasonably necessary and expedient for the orderly conduct of its affairs and for the administration of this chapter. Such regulations shall be adopted in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

SEC. 3. Section 5558 of said code (as added by Chapter 483 of the Statutes of 1963) is amended to read:

5550.5. If the board orally examines an applicant for a certificate and, during the examination, causes a record to be made of the proceeding, including, but not limited to, a written transcript thereof recorded and reproduced by stenographic, electronic or other means, it shall, on request of the applicant and at his expense, mail a copy thereof to the applicant at the address given in his application at the same time it is made available to the board.

SEC. 4. Section 6508 of said code is amended to read:

6508. The board may make rules and regulations and also prescribe sanitary requirements in aid or furtherance of the provisions of this chapter in addition to those prescribed by law.

The practice and procedure of the board with respect to adopting rules and regulations shall be in accordance with

Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

Prior to establishing a minimum price schedule pursuant to Article 4.5 of this chapter, the board shall cause notice of the proposed action to be published in a newspaper of general circulation pursuant to Section 11423 of the Government Code.

SEC. 5. Section 8525 of said code is amended to read:

8525. The board, subject to the approval of the director, may, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code, adopt, amend, repeal, and enforce reasonably necessary rules and regulations relating to the practice of pest control and its various branches as established by Section 8560 and the administration of this chapter.

The board shall give notice of adoption of such rules and regulations to all persons licensed under this chapter at least 30 days prior to the effective date of the regulations.

SEC. 6. Section 8919 of said code is amended to read:

8919. All rules and regulations shall become effective as provided in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

Special meetings may be called at any time by the president or by any three members of the commission upon notice for such time and in such manner as the commission may provide.

SEC. 7. Section 19034.5 of said code is amended to read:

19034.5. All rules and regulations shall become effective not earlier than 30 days after approval by the director, and upon compliance with the procedure provided in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

CHAPTER 119

An act to amend Section 31000 of the Government Code, relating to county employment.

[Approved by Governor April 26, 1965. Filed with
Secretary of State April 26, 1965.]

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

SECTION 1. Section 31000 of the Government Code is amended to read:

31000. The board of supervisors may contract with and employ any person for the furnishing to the county, or to a county officer, or for and on behalf of any district within the county for furnishing to the district, of special services and advice in financial, economic, accounting, engineering, legal, medical, or administrative matters by any persons specially trained and experienced and who is competent to perform the special services required.

The authority herein given to contract shall include the right of the board of supervisors, to contract for the issuance and preparation of payroll checks.

The board may pay from any available funds such compensation to any such expert as it deems proper for the services rendered.

CHAPTER 120

An act to amend and supplement the Budget Bill for the 1964-65 fiscal year (enacted as the Budget Act of 1964) by adding Section 34.5 thereto relating to the support of the University of California and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 26, 1965. Filed with
Secretary of State April 26, 1965.]

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

SECTION 1. Section 34.5 is added to the Budget Bill for the 1964-65 fiscal year, enacted as the Budget Act of 1964, (Chapter 2, Stats. 1964, (2nd Ex. Sess.)), to read:

Sec. 34.5. Notwithstanding the provisions of this act, the unexpended balance of the appropriations made by items 106 and 107 on March 1, 1965, is hereby reappropriated, and shall be available for expenditure for support of the University of California only as provided in this section, and in accordance with the following schedule:

- (a) For support of the University of California, to facilitate the performance of the affiliation agreement between the California College of Medicine, and the Regents of the University of California, dated March 31, 1965----- \$335,377
- (b) For support of the University of California, to permit it to carry out its obligations under phase I of the affiliation agreement between the California College of Medicine and the University of California dated March 31, 1965, for salary adjustments, to be allocated by the Department of Finance, 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.

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

In order that funds will be available to facilitate the performance of the affiliation agreement between the Regents of the University and the Trustees of the California College of Medicine, it is necessary that this act take effect immediately.

CHAPTER 121

An act to add Chapter 4 (commencing with Section 181) to Part 1 of Division 1 of the Revenue and Taxation Code and Sections 29110 and 43005.7 to the Government Code, relating to local government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 26, 1965. Filed with
Secretary of State April 26, 1965.]

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

SECTION 1. Chapter 4 (commencing with Section 181) is added to Part 1 of Division 1 of the Revenue and Taxation Code, to read:

CHAPTER 4. STORM AND FLOOD AID

181. If the second half of county taxes on any property located in an area proclaimed by the Governor to be in a state of disaster as a result of storms and floods occurring between December 1, 1964, and January 30, 1965, is not paid by 5 p.m. on April 12, 1965, and is delinquent, the county in which the property is situated shall be allocated, out of the funds appropriated under Section 187, an amount equal to the amount of the second half of taxes that is unpaid and delinquent, less an amount equal to five percent (5%) of the total amount of the second half of such taxes due and payable.

As used in this chapter, "county taxes" shall mean taxes due the county and due all cities and special districts within the county, except school districts.

182. The tax collector of a county described in Section 181 and the tax collector of a city within such county when such city collects its own taxes shall certify in writing to the Department of Finance on or before May 15, 1965, as follows: (1)

that the legislative body has waived all penalties and interest on the second half of county taxes in the manner permitted by Section 29110 or Section 43005.7 of the Government Code, as the case may be, (2) the amount of the second half of county taxes not paid by 5 p.m. on April 12, 1965, which are delinquent and (3) shall certify in writing to the department the total amount of such taxes due and payable at such time.

183. On or before May 15, 1966, the tax collector of a county and of a city within a county allocated funds pursuant to Section 181, if such city collects its own taxes, shall notify the Department of Finance of the amount of the penalties and interest on the second half of county taxes which has been waived pursuant to Section 29110 or Section 43005.7 of the Government Code. On or before May 15th of each year succeeding 1965 until the amount allocated by the state has been paid in full, the tax collector of a county and of a city within a county allocated funds pursuant to Section 181, if such city collects its own taxes, shall notify the Department of Finance of the amount of the taxes due and not paid by 5 p.m. on April 12, 1965, which were collected, together with any penalties and interest on such taxes which were not waived and were collected, during such fiscal year by the county or city.

For purposes of this chapter, "taxes collected" and "taxes collected, together with penalties and interest on such taxes," by a county or city shall be deemed to include any revenue received by any taxing agency by means of rent receipts, tax sales or other means by reason of such tax delinquency.

184. Any taxes not paid by April 12, 1965, which are subsequently collected, together with any penalties and interest on such taxes which are collected, by a county or by a city within a county allocated funds pursuant to Section 181, if such city collects its own taxes, shall be paid by such county or city to the Department of Finance, in the manner prescribed by the department, until the amount allocated by the state to the county has been paid in full. All money received by the Department of Finance pursuant to this section shall be deposited in the General Fund.

185. Upon application by a county when there has been compliance with the requirements of Section 182 of this code and Section 29110 or Section 43005.7 of the Government Code, as the case may be, the Department of Finance shall allocate money to the county if it is determined that the county meets the requirements of this chapter. The county shall apportion the allocated money to the taxing jurisdictions within the county in the proportion that the delinquency owing each such jurisdiction bears to the total delinquency within the county.

186. The Department of Finance shall enforce the provisions of this chapter, and may prescribe, adopt and enforce rules and regulations relating to the administration of this chapter.

187. There is hereby appropriated to the Department of Finance from the General Fund the sum of two million five hundred thousand dollars (\$2,500,000) for allocations to counties pursuant to this chapter.

SEC. 2. Section 29110 is added to the Government Code, to read:

29110. Notwithstanding any other provision of law to the contrary, the board of supervisors may by ordinance waive any penalties and interest on the second half of county taxes, unpaid and delinquent at 5 p.m. on April 12, 1965, as county taxes are defined in Section 181 of the Revenue and Taxation Code, on any property damaged in excess of five hundred dollars (\$500) by storms and floods occurring between December 1, 1964, and January 30, 1965, in an area proclaimed by the Governor to be in a state of disaster. With respect to such penalties and interest, such waiver shall constitute a complete relinquishment of all legal claim thereto by the county and by any city or special district within the county, except school districts, for which the county collects taxes.

Any ordinance adopted pursuant to this section shall waive all such penalties and interest, effective at 5 p.m. on April 12, 1965, and for all time thereafter, but shall not operate to reduce the amount of tax delinquent at such time.

An ordinance shall be adopted pursuant to this section prior to the time any application is made by the tax collector pursuant to Chapter 4 (commencing with Section 181) of Part 1 of Division 1 of the Revenue and Taxation Code.

SEC. 3. Section 43005.7 is added to said code, to read:

43005.7. Notwithstanding any other provision of law to the contrary, the legislative body of a city which collects its own taxes may by ordinance waive any penalties and interest on the second half of taxes, unpaid and delinquent at 5 p.m. on April 12, 1965, on any property damaged in excess of five hundred dollars (\$500) by storms and floods occurring between December 1, 1964, and January 30, 1965, in an area proclaimed by the Governor to be in a state of disaster. With respect to such penalties and interest, such waiver shall constitute a complete relinquishment of all legal claim thereto by the city.

Any ordinance adopted pursuant to this section shall waive all such penalties and interest on taxes due the city, effective at 5 p.m. on April 12, 1965, and for all time thereafter, but shall not operate to reduce any tax delinquent at such time.

An ordinance shall be adopted pursuant to this section prior to the time any application is made by the tax collector pursuant to Chapter 4 (commencing with Section 181) of Part 1 of Division 1 of the Revenue and Taxation Code.

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. Facts constituting such necessity are:

The recent disastrous and extensive storms and floods in the northern part of this state in the areas subsequently pro-

claimed to be in a state of disaster have destroyed and damaged property to such an extent that many of the property owners will be unable to pay the second half of county taxes by 5 p.m. April 12, 1965, with a resulting loss of tax revenue to the counties involved, or such property owners will find payment of penalties and interest on these taxes such a heavy financial burden that they will be delayed in restoring their property to its previous condition so that its value on tax rolls in future years will not be sufficient to provide reasonable support for government. There is a grave danger that in the time of need such counties will not be able to perform their governmental functions without such tax revenue. In order that these counties may continue to perform their governmental functions uninterruptedly, it is necessary that this act go into immediate effect.

CHAPTER 122

An act to amend Section 16857 of the Education Code, relating to use of school transportation facilities.

[Approved by Governor April 27, 1965 Filed with
Secretary of State April 27, 1965]

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

SECTION 1. Section 16857 of the Education Code is amended to read:

16857. The governing board of any school district may use school buses to transport pupils attending the schools of the district and teachers or other employees employed by the district or volunteer adults who are assisting in the supervision of pupils to and from school athletic contests or other school activities or to and from fairs or expositions held in the state or in any adjoining state and in which the pupils participate actively or as spectators. The transportation may be provided on any day or days throughout the school year.

CHAPTER 123

An act to amend Sections 1300.13 and 1300.16 of the Agricultural Code, relating to marketing of agricultural products.

[Approved by Governor April 27, 1965 Filed with
Secretary of State April 27, 1965]

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

SECTION 1. Section 1300.13 of the Agricultural Code is amended to read:

1300.13. (a) The Director of Agriculture shall administer and enforce the provisions of this act and shall have and may exercise any or all of the administrative powers conferred by Sections 11180 to 11191, inclusive, of the Government Code upon the head of a department of the state. In order to effectuate the declared purposes of this act, the Director of Agriculture is hereby authorized to issue, administer and enforce the provisions of marketing orders hereunder regulating producer marketing or the handling of agricultural commodities within this state.

(b) Whenever the director has reason to believe that the issuance of a marketing order, or amendments to an existing marketing order, will tend to effectuate the declared policy of this act with respect to any agricultural commodity, he shall, either upon his own motion or upon application of any producer or handler of such commodity, or any organization of such persons, give due notice of, and an opportunity for, a public hearing upon a proposed marketing order or such amendments to such existing marketing order

(c) (1) Notice of any hearing called for such purpose shall be given by the director by publishing a notice of such hearing for a period of not less than five (5) days in a newspaper of general circulation published in the capital of the state and in such other newspaper or newspapers as the director may prescribe. No such public hearing shall be held prior to five (5) days after the last day of such period of publication.

(2) The director shall also mail a copy of such notice of hearing and a copy of such proposed marketing order, or proposed amendments, to all producers or handlers of such agricultural commodity whose names and addresses appear upon lists of such persons, on file in the Department of Agriculture, who may be directly affected by the provisions of such proposed marketing order or such proposed amendments

(3) Such notice of hearing shall set forth the date and place of said hearing, the agricultural commodity, and the area, covered by such proposed marketing order or such proposed amendments and a statement that the director will receive, at such hearing, in addition to testimony and evidence as to other necessary and relevant matters set forth in Section 1300.14 hereof, testimony and evidence with respect to the accuracy and sufficiency of lists on file with the director which show the names and addresses of producers or handlers of such agricultural commodity directly affected by such proposed marketing order or proposed amendments, and the quantities of such commodity delivered by such producers to handlers or handled by such handlers in the marketing season next preceding such hearing.

(4) Such hearing shall be public and all testimony shall be received under oath. A full and complete record of all proceedings at such hearing shall be made and maintained on file in the office of the director. At such hearing the director shall receive,

in addition to other necessary or relevant matters, testimony and evidence upon the matters set forth in Section 1300.14 hereof, and testimony and evidence with respect to the accuracy and sufficiency of the lists on file with the director which show the names of the producers or handlers of such agricultural commodity, directly affected by the provisions of such proposed marketing order or proposed amendments, and with respect to the quantities of such agricultural commodity delivered by such producers or handled by such handlers in the marketing season next preceding such hearing.

(d) (1) In order to provide the director with accurate and reliable information, in the event such information is not then on file in the Department of Agriculture, with respect to the persons who may be directly affected by the provisions of any proposed marketing order for any agricultural commodity, the director is hereby authorized and directed, whenever said director has reason to believe that the issuance of a marketing order will tend to effectuate the declared policy of this act or upon receipt of a written application for a hearing pursuant to subsection (b) of this Section 1300.13, to notify all handlers of such agricultural commodity, by publication of a notice as hereinafter required, to file with the director within ten (10) days from the last date of such publication a report, properly certified, showing:

(a) The correct name and address of such handler;

(b) The quantities of the agricultural commodity, affected by such proposed marketing order, handled by such handler in the marketing season next preceding the filing of such report;

(c) The correct names and addresses of all producers of such agricultural commodity, who may be directly affected by the provisions of such proposed marketing order, from whom such handler received such agricultural commodity in the marketing season next preceding the filing of such report;

(d) The quantities of such agricultural commodity received by such handler from each such producer in the marketing season next preceding the filing of such report.

(2) Said notice to handlers requiring them to file said report shall be published by the director for a period of not less than five (5) days in a newspaper of general circulation published in the capital of the state and in such other newspaper or newspapers as the director may prescribe.

The director shall also mail a copy of such notice to file such report to all handlers of such agricultural commodity whose names and addresses appear upon the lists on file in the Department of Agriculture who may be directly affected by the provisions of such proposed marketing order.

Each handler of such agricultural commodity, directly affected by the provisions of such proposed marketing order shall file such verified report with the director within the time specified herein. Failure or refusal of any handler to file such report as herein specified shall not invalidate any proceeding

taken or marketing order issued hereunder. The director is authorized and directed to proceed upon the basis of such information and reports as may otherwise be available.

(3) From such reports so filed and the information so received or available to the director, including any proper corrections, the director shall prepare a list of the names and addresses of such producers and the volume of such commodity produced or marketed by all such producers and a list of the names and addresses of such handlers and the volume of such commodity handled by all such handlers, directly affected by the provisions of such proposed marketing order, or amendments thereto, in the preceding marketing season. Such lists shall constitute complete and conclusive lists for use in any finding made by the director pursuant to the provisions of Section 1300.16 (a) hereof and such findings shall be conclusive.

The information contained in the individual reports of handlers filed with the director pursuant to the provisions of this section shall not be made public by the director in such form but the information contained in such reports may be prepared in combined form for use by the director, his agents, or other interested persons, in the formulation, administration and enforcement of a marketing order, or may be made available pursuant to court order, but shall not be made available to anyone for private purposes.

(e) In order to effectuate the declared policy of this act, the director shall have the power, after due notice and opportunity for hearing, to enter into marketing agreements with processors, distributors, producers and others engaged in the handling of any agricultural commodity, regulating the preparation for market and handling of such agricultural commodity. Such marketing agreements shall be binding upon the signatories thereto exclusively. The purposes and provisions of the chapter relating to marketing orders shall be applicable to marketing agreements except as follows:

(1) The provisions of paragraph 3 of subdivision (d) of this section requiring the preparation of an official list of the names and addresses of all producers and the volume of such commodity produced or marketed by all such producers in the preceding marketing season and a list of the names and addresses of all handlers and the volume of such commodity handled by all such handlers, during the preceding marketing season, shall not be applicable to marketing agreements.

(2) The provisions of paragraphs (1) and (2) of subdivision (a) of Section 1300.16, and the provisions of subdivision (c) of Section 1300.16 insofar as the provisions of said subdivision (c) prescribe requirements for termination by request in writing, shall not be applicable to marketing agreements; provided, however, that prior to the issuance of any marketing agreement, or amendment thereto, the director shall find, in addition to the findings set forth in subdivision (c) of Section 1300.14 hereof, that said marketing agreement or any amendment thereto has been assented to by a sufficient

number of signatories who handle a sufficient volume of the commodity affected to accomplish the objectives of such agreement or amendment thereto and provide sufficient moneys from assessments levied to defray the necessary expenses of formulation, issuance, administration and enforcement.

(3) The provisions of subdivision (a) of Section 1300.19 shall not be applicable to marketing agreements.

(f) In the preparation of the list of producers or handlers to be used in the formulation or amendment of any marketing order or marketing agreement pursuant to this section, the director may omit from such list the names of persons who make only casual sales of the product involved or whose sales or marketings of such product are incidental to urban home ownership or the result of activity other than a commercial farm or business venture. Any person or class of persons who are excluded from such lists shall not be subject to the provisions, including the payment of any assessments, applicable upon producers, or handlers, as prescribed in any such marketing order or marketing agreement. At any public hearing held in connection with the formulation or amendment of a marketing order or marketing agreement, the director shall receive testimony with respect to the establishment of the official producer or handler list applicable, and may thereafter issue rules and regulations to effectuate the provisions of this subdivision and of this chapter.

The Legislature hereby declares that the addition of this subdivision (f) is made for the purpose of clarification of the existing law.

(g) Notwithstanding the provisions of subdivision (c) of Section 1300.12 of this chapter, the director is authorized to issue and make effective marketing agreements or marketing orders affecting handlers only which include only provisions authorized in paragraphs (8), (9), (11), (12), and (13) of subdivision (b) of Section 1300.15 of this chapter, or any of such provisions, but no others, as may be applicable to the agricultural commodity regulated which is handled within this state, without regard to whether or not such agricultural commodity is produced within this state.

Sec. 2. Section 1300.16 of said code is amended to read:

1300.16. (a) (1) No marketing order or major amendment thereto, directly affecting handlers, issued pursuant to this chapter, shall become effective unless and until the director finds that such marketing order or amendment thereto has been assented to in writing by the handlers engaged in the marketing activity or activities regulated by such marketing order who handle not less than sixty-five percent (65%) of the volume of the agricultural commodity regulated thereby which is processed or distributed within the area defined in such marketing order or amendment thereto, or that such marketing order or amendment thereto has been assented to in writing by not less than sixty-five percent (65%) of the number of handlers engaged in the marketing activity or activities regulated

by such marketing order; provided, however, that any marketing order or major amendment thereto directly affecting processors engaged in the operation of canning of fresh fruits or vegetables or canning or packing of dried fruits shall not be made effective by the director unless and until the director finds that such marketing order or amendment thereto has been assented to in writing by such processors engaged in the marketing activity or activities regulated by such marketing order or amendment thereto who processed not less than sixty-five percent (65%) of the volume of such agricultural commodity which is processed within the area defined in such marketing order or amendment thereto and by sixty-five percent (65%) of the number of such processors engaged in the marketing activity or activities regulated by such marketing order or amendment thereto.

(2) No marketing order or major amendment thereto, directly affecting producers or producer marketing, issued pursuant to this chapter, shall be made effective by the director unless and until the director finds one or more of the following: (A) that such marketing order or amendment thereto has been assented to in writing by not less than sixty-five percent (65%) of the producers who are engaged, within the area specified in such marketing order or amendment thereto, in the production for market or engaged in such producer marketing, of not less than fifty-one percent (51%) of the agricultural commodity specified therein in commercial quantities, or (B) that such marketing order or amendment thereto has been assented to in writing by producers who produce not less than sixty-five percent (65%) of the volume of such agricultural commodity and by fifty-one percent (51%) of the total number of producers so engaged, or (C) that such marketing order or amendment thereto has been approved by producers in a referendum among producers directly affected. The director may make the finding: (i) if the valid votes cast in such referendum represent not less than forty percent (40%) of the total number of producers of said commodity of record with the department, and (ii) if the producers who cast ballots in the referendum in favor of the marketing order or amendment represent not less than sixty-five percent (65%) of the total number of producers who cast ballots in the referendum and marketed not less than fifty-one percent (51%) of the total quantity of said commodity marketed in the next preceding marketing season by all of the producers who cast ballots in the referendum or if the producers who cast ballots in the referendum in favor of the marketing order or amendment represent not less than fifty-one percent (51%) of the total number of producers who cast ballots in the referendum and marketed not less than sixty-five percent (65%) of the total quantity of said commodity marketed in the next preceding marketing season by all of the producers who cast ballots in the referendum.

Whenever any marketing order or any major amendment to any marketing order is issued by the director for the approval

of producers, he shall determine whether the approval of producers shall be by written assents or by referendum. If the director determines that a referendum shall be had, he shall establish a referendum period not to exceed thirty (30) days. If the director determines that the referendum period so established does not provide sufficient time for the balloting he may extend the referendum period not more than fifteen (15) additional days. At the close of the referendum period, the director shall count and tabulate the ballots filed during the referendum period. If from the tabulation the director finds that the number of producers voting in the referendum and that the number of producers voting in favor of the marketing order or amendment thereto are sufficient for him to make the finding that producers directly affected have approved the marketing order or amendment, the director may make the marketing order or amendment thereto effective. If he finds from the tabulation of such referendum that the number of producers who have voted in the referendum or the number of producers who have voted in favor of such marketing order or amendment thereto is not sufficient for him to make the finding that producers directly affected have approved the marketing order or amendment thereto he shall not make the marketing order or amendment effective. The director is authorized to prescribe such additional procedures as may be necessary to conduct the referendum.

(3) In finding whether such marketing order or major amendment thereto is assented to in writing or approved or favored by producers pursuant to the provisions of this chapter, the director shall consider the approval of any non-profit agricultural cooperative marketing association, which is authorized by its members so to assent, as being the assent, approval or favor of the producers who are members of, or stockholders in, such nonprofit agricultural cooperative marketing association.

(4) At each public hearing upon a marketing order or a major amendment thereto, the director shall receive testimony or evidence relative to the period of time which may be necessarily required for the filing, checking, and tabulating of written assents prescribed in this section. At the conclusion of each such hearing the director shall make a finding, based upon the evidence and testimony so received, with respect to the period of time which may be reasonably and necessarily required for such filing, checking and tabulating. On the basis of such finding the director shall fix and limit the period during which such assents may be received by the director and such period shall be announced by the director at the time of mailing of assent forms to producers and handlers affected; provided, however, that if the director finds that an extension of such period is reasonably warranted he may extend such period for receiving assents.

At a public hearing held to consider a proposed marketing order or major amendments to an existing marketing order

which directly affects producers or producer marketing, the director shall also receive testimony or evidence from which he can determine whether the assent, approval or favor of such producers shall be determined by written assents or by referendum as hereinabove prescribed. Upon the conclusion of any hearing which involves a marketing order or a major amendment thereto directly affecting producers or producer marketing, the director shall make a finding, based upon testimony and evidence received, whether producer assent, approval or favor shall be determined by written assents or by referendum. If the director finds that a referendum shall be had, he shall direct that a referendum be held in accordance with the provisions of subdivision (a) (2) of this section. If a referendum is conducted, the director shall not be required, with respect to the assent, approval or favor of producers, to make a finding concerning or fix and limit the period during which assents may be received by the director.

(b) Subject to the provisions, restrictions and limitations imposed herein, the director may issue marketing orders regulating producer marketing, the processing, distributing or handling in any manner of agricultural commodities by any and all persons engaged in such producer marketing, processing, distributing or handling of such agricultural commodities within this state.

(c) The director shall suspend or terminate any marketing order, whenever he finds, after a public hearing duly noticed and held in accordance with the provisions of Section 1300.13 of this chapter, that such marketing order is contrary to or does not tend to effectuate the declared purposes or provisions of this chapter within the standards and subject to the limitations and restrictions herein imposed. The director shall terminate such marketing order if he finds that the termination of any marketing order is requested in writing, within a 90-day period, by at least 51 percent of the producers directly affected who produce at least 51 percent of the volume of the product, or by at least 51 percent of the handlers directly affected who handle at least 51 percent of the volume of the product. If at least 25 percent of the producers directly affected producing at least 25 percent of the product and at least 25 percent of the handlers directly affected handling at least 25 percent of the product request, within a 90-day period, that such marketing order be submitted for reapproval, the director shall hold a hearing on the question of the reapproval of such marketing order, and after determining whether such reapproval shall be by assent or referendum, shall resubmit the marketing order for reapproval of those producers and handlers directly affected as provided in this section within 120 days of the receipt of the original request. If the director finds that such marketing order is not reapproved, he shall declare such order terminated. An order shall be considered reapproved if it has been assented to or favored at a referendum in the same manner as is required for a new marketing order. In addition, at

any time the director finds that a substantial number of persons directly affected by an order are in opposition to it, he shall hold a hearing on the question of the termination, suspension, amendment, or reapproval of such order, and shall, not more than 60 days after such hearing, terminate, suspend or submit for amendment or reapproval such order, or make a finding that there is not sufficient opposition to the order to warrant any action. No marketing order shall be submitted for reapproval until one year after the original enactment, or within one year of any prior approval. The director may terminate, without a public hearing, any marketing order or marketing agreement which has been inoperative for three consecutive marketing seasons and after notice of intent to terminate such marketing order or marketing agreement has been published in the manner provided in subdivision (c) (1) of Section 1300.13. No suspension or termination shall become effective until the expiration of the marketing season then current.

(d) Upon the recommendation of not less than seventy-five percent (75%) of the producer members or handler members of the advisory board, or not less than seventy-five percent (75%) of each group if both are represented upon the advisory board, the director may make effective minor amendments to a marketing order. The director may require a public hearing upon minor amendments if in his opinion the substance of such minor amendments so warrant; the director shall, however, not be required to submit minor amendments for written assents or referendum approval.

In making effective major amendments to a marketing order the director shall follow the same procedures prescribed in this chapter for the institution of a marketing order. For the purposes of this chapter a major amendment to a marketing order shall include but not be limited to any amendment which adds to or deletes from any such marketing order any of the following types of regulations or authorizations:

(1) Authority for determining the existence and extent of the surplus of any agricultural commodity or of any grade, size or quality thereof and providing for the control and disposition of such surplus and for equalizing the burden of such surplus elimination and shall also include the establishment of a stabilization fund for equalizing surplus obligations.

(2) Authority for limiting the total quantity of any agricultural commodity or of any grade, size or quality thereof which may be prepared for market or marketed within the State of California.

(3) Authority for allotting the quantity of any agricultural commodity or of any grade, size or quality thereof which any handler may purchase or acquire from or handle on behalf of any and all producers thereof within the State of California.

(4) Authority for allotting the quantity of any agricultural commodity or of any grade, size or quality thereof which any

handler may process, distribute or handle within the State of California

(5) Authority for regulating the period or periods during which any agricultural commodity or any grade, size or quality of such commodity may be processed, distributed or otherwise marketed within the State of California.

(6) Authority for the establishment of surplus, stabilization, or byproduct pools for any agricultural commodity or of any grade, size, quality or condition thereof.

(7) Authority for the establishment of uniform grading and inspection of any agricultural commodity and the establishment of grading standards of quality, condition, size or pack of such commodity

(8) Authority for the establishment of plans for advertising and sales promotion of any agricultural commodity.

(9) Authority to prohibit unfair trade practices.

(10) Authority for the establishment of production adjustment requirements and benefit payments relating thereto.

(11) Authority for carrying out research studies in the production, processing or distribution of any agricultural commodity.

(12) Authority to increase an assessment rate beyond the maximum rate authorized by the marketing order in effect.

(13) Authority to extend the application of the provisions of any marketing order to portions or uses of an agricultural commodity not previously subject to such provisions or to restrict or extend the application of such provisions upon the producers or handlers of such portions or uses of any such commodity.

Modification of any provisions of any marketing order in effect for the purpose of clarifying the meaning or application of such provisions or modifying administrative procedures for carrying out such provisions are hereby declared not to be a major amendment of such marketing order.

(e) Upon issuance of any order making effective a marketing order, or any suspension, amendment or termination thereof, a notice thereof shall be posted on a public bulletin board to be maintained by the director in his office and a copy of such notice shall be published pursuant to Section 6061 of the Government Code in the capital of the state and in such other localities as the director may prescribe. No marketing order or any suspension, amendment or termination thereof shall become effective until the termination of a period of five (5) days from the date of such posting and publication. It shall also be the duty of the director to mail a copy of the notice of said issuance to all persons, directly affected by the terms of such marketing order, suspension, amendment or termination, whose names and addresses may be on file in the office of the director and to every person who files in the office of the director a written request for such notice

(f) The director shall have power, consistent with this chapter and in accordance with the provisions of marketing

orders and agreements made effective hereunder, to establish such general rules and regulations for uniform application to all marketing orders and marketing agreements issued hereunder as may be necessary to facilitate the administration and enforcement of such marketing orders and agreements. The provisions of paragraph (e) of this section relative to posting, publication, and time of taking effect shall be applicable to any such general rule or regulation established pursuant to this paragraph and applicable to marketing orders generally. Such notice shall be mailed to the advisory board for each marketing order or marketing agreement in active operation.

(g) Upon recommendation of the advisory board concerned, the director shall have power, consistent with this chapter, to establish administrative rules and regulations for each marketing order or marketing agreement issued and made effective as may be necessary to facilitate the administration and enforcement of each such order or agreement. The provisions of paragraph (e) of this section relative to posting, publication, mailing of notice and time of taking effect shall be applicable to any such administrative rules and regulations.

(h) Upon recommendation of the advisory board concerned, the director may, without prior notice to and public hearing for the producers or handlers of the commodity directly affected, issue and make effective seasonal marketing regulations or modifications thereof; provided, that the marketing order, or agreement concerned, made effective after due notice, public hearing and written assent as required by this act, (1) provides for the issuance or modification of such seasonal marketing regulations without requiring such prior notice and public hearing and (2) sets forth the limits within which such seasonal marketing regulations may be made effective or subsequently modified by the director; and provided further, that the director finds that such seasonal marketing regulations or modifications thereof are reasonable and proper and a practical means of carrying out the marketing provisions authorized in such marketing order or agreement and will tend to effectuate the declared purposes and policies of the act with respect to such agricultural commodity. Notice of the issuance and the effective date of any such seasonal marketing regulations or modifications thereof shall be given by the director to all producers and handlers directly affected by any such regulations in the manner and within the time specified in the applicable marketing order or agreement or as specified in the administrative rules and regulations made effective for such marketing order or agreement pursuant to paragraph (g) hereof.

It is recognized that with respect to some agricultural commodities, marketing, weather and other conditions may change so rapidly as to require changes in seasonal marketing regulations from week to week or oftener.

It is intended that the provisions of this subsection be interpreted liberally so that the director may be enabled to carry out the marketing regulations and procedures authorized herein in a practical and effective manner.

CHAPTER 124

An act to amend Section 1 of Chapter 1987 of the Statutes of 1963, relating to the proposed Box Canyon Dam and Reservoir in Siskiyou County.

[Approved by Governor April 27, 1965. Filed with
Secretary of State April 27, 1965.]

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

SECTION 1. Section 1 of Chapter 1987 of the Statutes of 1963 is amended to read:

Section 1. The Department of Water Resources is hereby authorized to make a grant to either the Siskiyou County Flood Control and Water Conservation District or the Mt. Shasta Recreation and Park District, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding two million eight hundred thousand dollars (\$2,800,000), for costs allocated to the recreational and fish and wildlife enhancement functions of the proposed Box Canyon Dam and Reservoir in Siskiyou County.

No further legislative approval shall be required with respect to the grant authorized by this act; but such grant shall not be made to either of the districts until the district can actually demonstrate the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and the financial feasibility of the project.

CHAPTER 125

An act to amend Section 1825 of the Revenue and Taxation Code, relating to submission of tax rates to State Controller.

[Approved by Governor April 27, 1965. Filed with
Secretary of State April 27, 1965.]

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

SECTION 1. Section 1825 of the Revenue and Taxation Code is amended to read:

1825 If the statement submitted by the board to any county or city pursuant to Section 1823 requires an increase or decrease in the valuation of property shown on the county's or city's secured roll, the board of supervisors shall adjust the rates of county and district taxes previously levied, or the city council shall adjust the rates of city and district taxes previously levied, so that no greater revenue will be produced for the current fiscal year for county, city and district purposes than was anticipated on the date of such levy. Any adjustment necessitated by a decrease in the valuation of the property may be made irrespective of any tax rate limitation prescribed elsewhere in the law.

A statement of the rates of taxation thus adjusted shall be transmitted by the county auditor or the city clerk to the State Controller within three days after the date of such adjustment.

CHAPTER 126

An act to amend Section 2034 of the Code of Civil Procedure, relating to discovery in civil cases.

[Approved by Governor April 27, 1965 Filed with
Secretary of State April 27, 1965]

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

SECTION 1. Section 2034 of the Code of Civil Procedure is amended to read:

2034. (a) If a party or other deponent refuses to answer any question propounded upon examination during the taking of a deposition, or refuses to produce at a deposition any books, documents or other things under his control pursuant to a subpoena duces tecum, the examination shall be completed on other matters or adjourned, as the proponent of the question may prefer. Such proponent, on reasonable notice to all persons affected thereby, may apply to the court in which the action is pending (if the deponent is a party or otherwise subject to the jurisdiction of such court), or if such court does not have jurisdiction over the deponent, to the superior court of the county in which the deposition is taken for an order compelling an answer or if good cause is shown, the production of such book, document, or other thing. Such motion may also be made, without further notice, if the proponent notifies the refusing party or other deponent at the time of such refusal that the proponent will apply to the court for an order pursuant to this subdivision of this section, at a specified time not less than 10 nor more than 30 days from the date of such refusal, in which event the officer before whom the deposition is taken shall direct the refusing party or other deponent to attend a session of said court at said time. Not less than five days prior to the hearing on any such motion, the proponent must lodge with the court the original transcript of such deposition. Upon the

refusal of a party to answer any interrogatory submitted under Section 2030 of this code, the proponent of the question may on like notice make like application for such an order. Upon the refusal of a party to admit or deny the genuineness of any documents or the truth of any matters of fact, after having been served with a request under Section 2033 of this code, the party serving such request may on like notice make like application for an order requiring further answers to such request or, in the alternative, for an order that the genuineness of said documents or the truth of said matters of fact be deemed admitted for the purpose of the action. If the motion is granted and if the court finds that the refusal was without substantial justification the court may require the refusing party or deponent and the party or attorney advising the refusal or either of them to pay to the examining party the amount of the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees. If the motion is denied and if the court finds that the motion was made without substantial justification, the court may require the examining party or the attorney advising the motion or both of them to pay to the refusing party or witness the amount of the reasonable expenses incurred in opposing the motion including reasonable attorney's fees.

(b) (1) The court may punish as a contempt (i) the refusal of any person to obey a subpoena issued by that court to attend a deposition or to be sworn as a witness, or (ii) the refusal of any person to attend a session of court (either personally or by his attorney) after having been directed to attend in the manner provided in subdivision (a) of this section, or (iii) the refusal of any person to obey any order made by the court under subdivision (a) of this section.

(2) If any party or person for whose immediate benefit the action or proceeding is prosecuted or defended, or an officer, director, superintendent, member, agent, employee or managing agent of any such party or person refuses to obey an order made under subdivision (a) of this section, or if any party or an officer or managing agent of a party refuses to obey an order made under Sections 2019, 2031 or 2032 of this code, the court may make such orders in regard to the refusal as are just, and among others the following:

(i) An order that the matters regarding which the questions were asked, or the character or description of the thing or land, or the contents of the paper, or the physical or mental or blood condition of the person sought to be examined, or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(ii) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing in evidence designated documents or things or items of testimony, or from introducing evidence of

the physical or mental or blood condition of the person sought to be examined;

(iii) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party;

(iv) An order requiring the disobedient party or the attorney advising such disobedience to pay to the party obtaining an order under this section the reasonable expenses incurred in obtaining the order, including reasonable attorney's fees.

(v) In lieu of any of the foregoing orders or in addition thereto, an order directing the arrest of any party or agent of a party for disobeying any of such orders except an order to submit to a physical or mental or blood examination;

(vi) Where a party has failed to comply with an order under subdivision (a) of Section 2032 of this code requiring him to produce another for examination, such orders as are listed in (i), (ii), and (iii) of this subdivision of this section, unless the party failing to comply shows that he is unable to produce such person for examination.

(c) If a party, after being served with a request under Section 2033 of this code to admit the genuineness of any documents or the truth of any matters of fact, serves a sworn denial thereof and if the party requesting the admissions thereafter proves the genuineness of any such document or the truth of any such matter of fact, he may apply to the court in the same action for an order requiring the other party to pay him the reasonable expenses incurred in making such proof, including reasonable attorney's fees. If the court finds that there were no good reasons for the denial and that the admissions sought were of substantial importance, the order shall be made.

(d) If a party or a person for whose immediate benefit the action or proceeding is prosecuted or defended or anyone who at the time the deposition is set is an officer, director, or managing agent of any such party or person willfully fails to appear before the officer who is to take his deposition, after said party or his attorney has been served with a proper notice in accordance with the provisions of subdivision (a)(4) of Section 2019 of this code, or if a party or an officer or managing agent of a party willfully fails to serve and file answers to interrogatories submitted under Section 2030 of this code, after proper service of such interrogatories, the court on motion and notice may strike out all or any part of any pleading of that party, or dismiss the action or proceeding or any part thereof, or enter a judgment by default against that party, or impose such other penalties of a lesser nature as the court may deem just, and may order that party or his attorney to pay to the moving party the reasonable expenses in making such motion, including reasonable attorney's fees.

CHAPTER 127

An act to amend Section 1170 of the Probate Code, relating to establishment of the fact of death.

[Approved by Governor April 27, 1965. Filed with
Secretary of State April 27, 1965.]

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

SECTION 1. Section 1170 of the Probate Code is amended to read:

1170. Whenever title to or an interest in real or personal property is affected by the death of any person, any person who claims any interest in such property, which interest is affected by the death of such person, may file in the superior court of the county of which the decedent was a resident at the time of his death, or in any county in which any part of the property is situated, a verified petition setting forth those facts, and particularly describing the property and his interest therein.

In the event of no opposition to, or contest of, such petition, the same, or affidavits in support thereof, may be received in evidence and acted upon by the court with the same force and effect as if the petitioner or affiants were personally present and testified to the facts set forth.

CHAPTER 128

An act to amend Section 7.1 of, and to add Section 7.5 to, the Kern County Water Agency Act (Chapter 1003, Statutes of 1961), relating to the Kern County Water Agency.

[Approved by Governor April 27, 1965. Filed with
Secretary of State April 27, 1965.]

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

SECTION 1. Section 7.1 of the Kern County Water Agency Act (Chapter 1003, Statutes of 1961) is amended to read as follows:

Sec. 7.1. The governing body of the agency shall be a board of seven directors, with one director being a voter of and nominated and elected from each of the seven divisions hereinafter described:

Division 1

Division 1 shall consist of all of that territory of the County of Kern lying within the boundaries of the Wasco Judicial District, the Delano-McFarland Judicial District and the Shafter Judicial District as said judicial districts were in existence on April 1, 1961, and were described on said date in

Chapter 1 of Division 5 of Part 1 (commencing with Section 1380) of the Ordinance Code of said County of Kern.

Division 2

Division 2 shall consist of all of that territory of the County of Kern lying within the boundaries of the Kern River Judicial District, the Randsburg Judicial District and the Mojave Judicial District as said judicial districts were in existence on April 1, 1961, and were described on said date in Chapter 1 of Division 5 of Part 1 (commencing with Section 1380) of the Ordinance Code of said County of Kern, and the Indian Wells Judicial District as said judicial district existed on April 2, 1964, and was described on said date by Section 1384 of the Ordinance Code of said County of Kern.

Division 3

Division 3 shall consist of all of that territory of the County of Kern lying within the boundaries of the Tehachapi Judicial District and the Arvin-Lamont Judicial District as said judicial districts were in existence on April 1, 1961, and were described on said date in Chapter 1 of Division 5 of Part 1 (commencing with Section 1380) of the Ordinance Code of said County of Kern.

Division 4

Division 4 shall consist of all of that territory of the County of Kern lying within the boundaries of the Maricopa-Taft Judicial District and the Buttonwillow Judicial District as said judicial districts were in existence on April 1, 1961, and were described on said date in Chapter 1 of Division 5 of Part 1 (commencing with Section 1380) of the Ordinance Code of said County of Kern.

Division 5

Division 5 shall consist of all of that territory of the County of Kern contained in the hereinafter described portion of the Bakersfield Judicial District as said judicial district was in existence on April 1, 1961, and was described on said date in Chapter 1 of Division 5 of Part 1 (commencing with Section 1380) of the Ordinance Code of said County of Kern. Said portion of said judicial district is more particularly described as follows, to wit:

Beginning at the point of intersection of the center line of Kern River with the West line of Section 2, Township 30 South, Range 26 East, MDB&M, said point being a point in the boundary of the Bakersfield Judicial District; thence departing from said District boundary Northeasterly on and along the center line of Kern River to the point of intersection with the Westerly prolongation of the North line of 34th Street

according to the Map of the City of Bakersfield, filed for record in the Office of the Recorder of Kern County on November 25, 1898; thence East along the Westerly prolongation of said North line of 34th Street and along said North line and the Easterly extension thereof to intersect the East line of Section 19, Township 29 South, Range 28 East, MDB&M and to the center line of Union Avenue according to said Map of the City of Bakersfield; thence South along Section lines and along the center line of Union Avenue to the Southeast corner of Section 7, Township 30 South, Range 28 East, MDB&M, said corner being a point in the Southerly boundary of the Bakersfield Judicial District; thence West and thence North along boundaries of said Bakersfield Judicial District to the point of beginning.

Division 6

Division 6 shall consist of all of that territory of the County of Kern contained in the hereinafter described portion of the Bakersfield Judicial District as said judicial district was in existence on April 1, 1961, and was described on said date in Chapter 1 of Division 5 of Part 1 (commencing with Section 1380) of the Ordinance Code of said County of Kern. Said portion of said judicial district is more particularly described as follows, to wit:

Beginning at the Southeast corner of Section 18, Township 29 South, Range 30 East, MDB&M, said corner being a point in the boundary of the Bakersfield Judicial District; thence departing from said boundary West along Section lines to the Southwest corner of Section 16, Township 29 South, Range 28 East, MDB&M; thence South one-half mile to the Southeast corner of the Northeast quarter of Section 20, Township 29 South, Range 28 East, MDB&M; thence West along the South line of the North one-half of said Section 20 to the Southwest corner of the Northwest quarter of Section 20; thence North along the West line of Section 20 to intersect the Easterly prolongation of the North line of 34th Street according to the Map of the City of Bakersfield filed for record in the Office of the County Recorder of Kern County on November 25th, 1898; thence West along the North line of 34th Street and extensions thereof to intersect the center-line of Kern River; thence Southwesterly along the center-line of Kern River to intersect the West line of Section 2, Township 30 South, Range 26 East, MDB&M being a point in the boundary of the Bakersfield Judicial District; thence North along said Bakersfield Judicial District and along the West line of said Section 2 to the Southwest corner of Section 35, Township 29 South, Range 26 East, MDB&M; thence continuing Westerly, Northerly and Easterly along the various courses and distances of the external boundary line of said Bakersfield Judicial District to the place of beginning.

Division 7

Division 7 shall consist of all of that territory of the County of Kern contained in the hereinafter described portion of the Bakersfield Judicial District as said judicial district was in existence on April 1, 1961, and was described on said date in Chapter 1 of Division 5 of Part 1 (commencing with Section 1380) of the Ordinance Code of said County of Kern. Said portion of said judicial district is more particularly described as follows, to wit:

Beginning at the Southeast corner of Section 7, Township 30 South, Range 28 East, MDB&M, said corner being a point in the Southerly boundary line of the Bakersfield Judicial District; thence departing from said boundary North along Section lines to the Southwest corner of the Northwest quarter of Section 20, Township 29 South, Range 28 East, MDB&M; thence East along the South line of the North half of said Section 20 to the Southeast corner of the Northeast quarter of said Section 20; thence North one-half mile to the Southwest corner of Section 16, Township 29 South, Range 28 East, MDB&M; thence East along Section lines to the Southeast corner of Section 18, Township 29 South, Range 30 East, MDB&M, said corner being a point in the Easterly boundary of the Bakersfield Judicial District; thence South along said District boundary and along Section lines to the Southeast corner of Section 31, Township 29 South, Range 30 East, MDB&M; thence continuing Easterly, Southerly and Westerly along the various courses and distances of the external boundary line of said District to the place of beginning.

The directors first elected shall classify themselves by lot so that three of them shall hold office until their successors take office following their election at the first succeeding agency election, and four of them shall hold office until their successors take office following their election in the second succeeding agency election.

Excepting the directors first elected, each director shall be elected at the agency election and serve a term of four years. Each candidate for director at the agency election shall declare his candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, in the same manner as the declaration of candidacy, nomination, election, canvassing of returns, declaration of results, and issuing of certificates of election for county supervisors are made, declared, held and conducted, and issued, so far as consistent with the provisions of this act. Each of the seven candidates for director who receives the highest number of votes within his division at the agency election shall be elected, and shall take office at the same time provided by the Government Code for county officers.

All vacancies occurring in the office of director, including the failure of a person elected to qualify, shall be filled by

appointment by the remaining directors of a person who is eligible to be elected for the vacancy.

SEC. 2. Section 7.5 is added to said act, to read :

Sec. 7.5. If allowed by the board, a director shall also receive for performing duties for the agency other than attending board meetings:

(a) Not to exceed twenty-five dollars (\$25) for each day.

(b) Traveling and other expenses incurred by him in his employment.

CHAPTER 129

An act to amend Section 143.3 of the Streets and Highways Code, relating to federal-aid highways.

[Approved by Governor April 27, 1965 Filed with
Secretary of State April 27, 1965.]

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

SECTION 1. Section 143.3 of the Streets and Highways Code is amended to read:

143.3. The commission and the department may include in the annual budget prepared under Section 143.1 amounts not to exceed the equivalent of the amounts made available by the federal government annually for projects on extensions of federal-aid primary or federal-aid secondary highways within urban areas for allocation to cities or counties for the construction of city streets or county roads within urban areas which would qualify as extensions of federal-aid secondary highways. The design standards of such projects shall be such as would qualify the project for the expenditure of such federal funds.

Upon the written request of any city or county, the commission and the department may include an allocation for the city or county in the next succeeding annual budget. Not more than five hundred thousand dollars (\$500,000) shall be allocated for such purpose to any city or county in any one year. Any amounts allocated to a city or county shall be paid from the State Highway Fund and shall be included in the computation of compliance with the requirements of Sections 188 and 188.8. No allocation shall be made to a city or county for any project unless the city or county has made provision, to the satisfaction of the commission and the department, for the expenditure on such project of amounts from any other sources available for such purpose at least equal to the amounts to be allocated by the commission and the department.

The projects for which funds are made available pursuant to this section may be constructed by the local agency or agencies concerned, or, by agreement between the local agency or agencies and the department, the department may acquire the necessary rights-of-way in the name of the local agency or agencies, and perform all other acts to complete the project.

Construction work by the department shall be subject to the State Contract Act. Agreements between the department and local agencies are authorized relative to the handling and accounting of funds, including the making of advancements so as to permit prompt payment for the work accomplished, and relative to any other phase of the work.

CHAPTER 130

An act to amend Section 16851 of the Education Code and Section 545 of the Vehicle Code, relating to schoolbuses.

[Approved by Governor April 27, 1965. Filed with
Secretary of State April 27, 1965.]

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

SECTION 1. Section 16851 of the Education Code is amended to read:

16851. A schoolbus is defined as any motor vehicle while being used for the transportation of any school pupil to and from a public school or to and from public school activities, except the following:

(a) A passenger vehicle designed for and when actually carrying not more than eight persons, including the driver.

(b) A nine-passenger station wagon when used for the transportation of not more than eight pupils and the driver, other than the regular transportation of pupils to and from a public school or the transportation of mentally retarded or physically handicapped pupils.

(c) A motor vehicle of any type carrying only members of the household of the owner thereof.

(d) A motor vehicle operated by a common carrier, or by and under exclusive jurisdiction of a publicly owned transit system, on scheduled runs but not used exclusively for the transportation of school pupils.

(e) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, or by a passenger charter-party carrier and used under a contractual agreement to transport pupils to and from school activities but not used regularly to transport pupils to and from a public school.

SEC. 2. Section 545 of the Vehicle Code is amended to read:

545. A "schoolbus" is any motor vehicle while being used for the transportation of any school pupil to and from a public or private school or to and from public or private school activities, except the following:

(a) A passenger vehicle designed for and when actually carrying not more than eight persons, including the driver.

(b) A nine-passenger station wagon when used for the transportation of not more than eight pupils and the driver,

other than the regular transportation of pupils to and from a public or private school or the transportation of mentally retarded or physically handicapped pupils.

(c) A motor vehicle of any type carrying only members of the household of the owner thereof.

(d) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, on scheduled runs but not used exclusively for the transportation of school pupils.

(e) A motor vehicle operated by a common carrier, or by and under the exclusive jurisdiction of a publicly owned transit system, or by a passenger charter-party carrier and used under a contractual agreement to transport pupils to and from school activities but not used regularly to transport pupils to and from a public or private school.

(f) A motor vehicle operated by the University of California.

CHAPTER 131

An act to amend Section 1330 of the Penal Code, relating to attendance of out of county witnesses.

[Approved by Governor April 27, 1965. Filed with
Secretary of State April 27, 1965.]

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

SECTION 1. Section 1330 of the Penal Code is amended to read:

1330. No person is obliged to attend as a witness before a court or magistrate out of the county where the witness resides, or is served with the subpoena, unless the distance be less than 150 miles from his place of residence to the place of trial, or unless the judge of the court in which the offense is triable, or a justice of the Supreme Court, or a judge of a superior court, or, in the case of a minor concerning whom a petition has been filed pursuant to Section 700 of the Welfare and Institutions Code, by the judge of the juvenile court hearing the petition, upon an affidavit of the district attorney or prosecutor, or of the defendant, or his counsel, or in the case involving a minor in whose behalf a petition has been filed in the juvenile court, of the probation officer approving the filing of such petition or of any party to such action, or his counsel, stating that he believes the evidence of the witness is material, and his attendance at the examination, trial, or hearing is material and necessary, shall endorse on the subpoena an order for the attendance of the witness.

CHAPTER 132

An act to amend Sections 71273, 71340, 71631, 71634, 71635, 72150, 72221 and 72700 of, and to add Sections 71636 and 71637 to, the Water Code, relating to municipal water districts.

[Approved by Governor April 30, 1965. Filed with Secretary of State April 30, 1965.]

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

SECTION 1. Section 71273 of the Water Code is amended to read:

71273. At its first meeting, and at its first meeting in the month of January of each odd-numbered year, the board shall elect one of its members president. The board may at any meeting elect one of its members vice president. If the president is absent or unable to act, the vice president shall exercise the powers of the president granted in this division.

SEC. 2. Section 71340 of said code is amended to read:

71340. At its first meeting, or as soon thereafter as practicable, the board shall appoint, by a majority vote, a secretary, treasurer, attorney, general manager, and auditor, and shall define their duties and fix their compensation. The board may at any meeting appoint a deputy secretary and a deputy treasurer.

Each of these officers shall serve at the pleasure of the board.

SEC. 3. Section 71631 of said code is amended to read:

71631. The standby charge shall not exceed ten dollars (\$10) per acre per year for each acre of land within the improvement district or five dollars (\$5) per year for a parcel less than one acre.

SEC. 4. Section 71634 of said code is amended to read:

71634. On or before the third Monday in August, the board shall furnish in writing to the board of supervisors and the county auditor of each affected county a description of each parcel of land within the district upon which a standby charge is to be levied and collected for the current fiscal year, together with the amount of standby charge fixed by the district on each parcel of land.

SEC. 5. Section 71635 of said code is amended to read:

71635. The board shall direct that, at the time and in the manner required by law for the levying of taxes for county purposes the board of supervisors shall levy, in addition to any other tax it levies, the standby charge in the amounts for the respective parcels fixed by the board.

SEC. 6. Section 72150 of said code is amended to read:

72150. Territory included within a district may be excluded from the district. When any part of the corporate area of a city is included in the territory proposed to be excluded from the district, the entire corporate area of the city,

or part thereof, then included within the district shall be included in the territory proposed to be excluded from the district except that when the boundaries of the corporate area of a city are also within a metropolitan water district, a portion of such city may be excluded from a district if at the conclusion of the exclusion proceedings such portion of the city will still remain within the boundaries of such metropolitan water district.

SEC. 7. Section 72221 of said code is amended to read:

72221. Incorporated territory lying within the boundaries of a city may be excluded from a district pursuant to this chapter only if the entire corporate area of the city is excluded from the district except that when the boundaries of the corporate area of a city are also within a metropolitan water district, a portion of such city may be excluded from a district if at the conclusion of the exclusion proceedings such portion of the city will still remain within the boundaries of such metropolitan water district.

SEC. 8. Section 72700 of said code is amended to read:

72700. The board, by resolution, may initiate proceedings for the annexation of territory within the district whether contiguous or not to an improvement district to such improvement district.

SEC. 9. Section 71636 is added to said code, to read:

71636. All county officers charged with the duty of collecting taxes shall collect district standby charges with the regular tax payments to the county. Said charges shall be collected in the same form and manner as county taxes are collected, and shall be paid to the district.

SEC. 10. Section 71637 is added to said code, to read:

71637. Charges fixed by the district shall be a lien on all the property benefited thereby. Liens for said charges shall be of the same force and effect as other liens for taxes, and their collection may be enforced by the same means as provided for the enforcement of liens for state and county taxes.

CHAPTER 133

An act to amend Section 2211 of the Corporations Code, relating to mutual water companies.

[Approved by Governor April 30, 1965. Filed with
Secretary of State April 30, 1965.]

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

SECTION 1. Section 2211 of the Corporations Code is amended to read:

2211. The presence in person or by proxy of the persons entitled to vote a majority of the voting shares at any meeting constitutes a quorum for the transaction of business unless, in

the case of a nonprofit corporation or a mutual water company, the bylaws provide a different number. In a mutual water company the bylaws shall not provide for a quorum of less than 20 percent of the voting shares.

Shares shall not be counted to make up a quorum for a meeting if voting of them at the meeting has been enjoined or for any reason they cannot be lawfully voted at the meeting.

CHAPTER 134

An act to amend Section 10251 of the Education Code, relating to the disposal of obsolete textbooks.

[Approved by Governor April 30, 1965. Filed with
Secretary of State April 30, 1965.]

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

SECTION 1. Section 10251 of the Education Code is amended to read:

10251. The governing board of a district maintaining one or more high schools may provide for the disposition of high school textbooks that have been declared obsolete by the governing board of the district, in the manner provided in Section 9701, except that the manner of disposal stipulated in Section 9701 shall not preclude the governing board from selling high school textbooks pursuant to Section 10054 of this code nor from selling on the secondhand market high school textbooks that are in fit condition to use, and may provide for the disposition of high school textbooks that have been determined by the board to be unusable for educational purposes in the manner provided in Section 9702.

CHAPTER 135

An act to amend Sections 1357, 1412, and 1677 of the Water Code, relating to water rights.

[Approved by Governor April 30, 1965. Filed with
Secretary of State April 30, 1965.]

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

SECTION 1. Section 1357 of the Water Code is amended to read:

1357. The board may order a reconsideration of all or part of a decision or order on the board's own motion or on petition of any person interested in any application, permit or license affected by the decision or order. Any such petition must be filed within 30 days after adoption by the board of a decision or order. The power of the board to order a reconsideration

on its own motion shall expire 30 days after it has adopted a decision or order. The board shall order or deny reconsideration on a petition therefor within 30 days after the petition is filed.

SEC. 2. Section 1412 of said code is amended to read:

1412. The holder of any permit which is revoked may, within 30 days after the service of notice of the revocation on the permittee by personal delivery or registered mail, file a petition for a writ of mandate in the superior court of the county in which is situated the point of proposed diversion of the water to inquire into the validity of the order revoking the permit. The right to petition shall not be affected by the failure to seek reconsideration before the board.

SEC. 3. Section 1677 of said code is amended to read:

1677. Any petition for a writ of mandate to inquire into the validity of an order of the board revoking a license shall be commenced within 30 days after the service of notice of revocation on the licensee. Service shall be by personal delivery or registered mail. The right to petition shall not be affected by the failure to seek reconsideration before the board.

CHAPTER 136

An act to amend Section 21153 of the Government Code, relating to appointment of retired members of the State Employees' Retirement System, declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 1965. Filed with
Secretary of State April 30, 1965.]

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

SECTION 1. Section 21153 of the Government Code is amended to read:

21153. The Governor, director of a state department, or the governing board of the contracting agency, may appoint any person who has been retired under this part as a member of any nonsalaried board, commission, or advisory committee, without reinstatement from retirement or loss or interruption of benefits under this part.

Appointment under the provisions of this section shall not be deemed employment within the meaning of Divisions 4 and 4½ of the Labor Code, and shall not provide a basis for the payment of workmen's compensation to a retired state employee or to his dependents.

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

Due to the number of vacancies in contractual agencies throughout the state it is necessary that this act take effect immediately so that such agencies have immediate power to appoint retired persons under this act.

CHAPTER 137

An act to maintain the Fish and Game Code by amending Sections 1122, 11001, and 12005; by amending and renumbering Section 314, as added by Chapter 1439 of the Statutes of 1963; and by repealing Sections 302, 303, 304, and 305, relating to fish and game.

[Approved by Governor April 30, 1965. Filed with
Secretary of State April 30, 1965.]

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

SECTION 1. Section 302 of the Fish and Game Code is repealed.

SEC. 2. Section 303 of said code is repealed.

SEC. 3. Section 304 of said code is repealed.

SEC. 4. Section 305 of said code is repealed.

SEC. 5. Section 314 of said code, as added by Chapter 1439 of the Statutes of 1963, is amended and renumbered to read:

315. The commission may at any time close any stream, lake, or other inland waters, or portions thereof, to the taking of any species or subspecies of fish to protect and properly conserve the fish, except for the taking of fish otherwise permitted by this code under a commercial fishing license, for such time as the commission may designate, or until such time as new legislation thereon enacted by the Legislature may become effective.

SEC. 6. Section 1122 of said code is amended to read:

1122. Any claim for damages arising against the state under Section 1121 shall be presented to the State Board of Control in accordance with Section 905.2 of the Government Code, and if not covered by insurance as herein provided shall be payable only out of funds appropriated by the Legislature for such purposes. If the state elects to insure its liability under Section 1121, the State Board of Control may automatically deny any such claim.

SEC. 7. Section 11001 of said code is amended to read:

11001. The following constitutes Fish and Game District 1: Those portions of the following counties not included in other districts: Shasta, Tehama, Plumas, Butte, Sierra, Sutter, Yuba, Nevada, Placer, Sacramento, Madera, Tulare; those portions of San Joaquin County lying east and north of the east bank of the San Joaquin River and not included in District 3; those portions of Stanislaus and Merced Counties lying east of the west bank of the San Joaquin

River; those portions of Fresno County lying east of the west bank of Fresno Slough, Fish Slough and Summit Lake; those portions of Kings County lying east of the main power line of the San Joaquin Light and Power Company, crossing the north line of Kings County in Section 4, T. 18 S., R. 19 E., southerly to its crossing of State Highway No. 41 between Secs. 21 and 22, T. 21 S., R. 19 E., and east of State Highway No. 41 southerly to its intersection with State Highway No. 33, and easterly of State Highway No. 33 from said intersection to the south line of said county in Section 36, T. 24 S., R. 18 E.; those portions of Kern County lying east of State Highway No. 33 between the northerly line of said county in Section one (1), T. 25 S., R. 18 E., M. D. B. & M., and the City of Taft and U.S. Highway No. 399 between the City of Taft and the City of Maricopa, and lying north of State Highway No. 166 from the City of Maricopa easterly to the intersection of said highway with U.S. Highway No. 99 in Section twelve (12), T. 11 N., R. 20 W., S. B. B. & M., and lying east of U.S. Highway No. 99 from the above-mentioned point of intersection to where the said U.S. highway crosses the northern boundary line of Los Angeles County, not included in other districts.

SEC. 8. Section 12005 of said code is amended to read:

12005. The minimum punishment for a violation of any of the following provisions of this code is a fine of ten dollars (\$10) or imprisonment in the county jail for five days:

(a) Those in Sections 1052 to 1060, inclusive, 2012, 3007, 3032, 7121, 7145, 7155, 7180, and 7181.

(b) Those in Sections 2250, 2251, and 4001 to 4009, inclusive.

CHAPTER 138

An act to amend Sections 822 and 1269b of the Penal Code, relating to bail.

[Approved by Governor April 30, 1965. Filed with
Secretary of State April 30, 1965.]

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

SECTION 1. Section 822 of the Penal Code is amended to read:

822. If the offense charged is a misdemeanor, and the defendant is arrested in another county, the officer must, without unnecessary delay, inform the defendant in writing of his right to be taken before a magistrate in that county, note on the warrant that he has so informed defendant, and, upon being required by defendant, take him before a magistrate in that county, who must admit him to bail in the amount specified in the indorsement referred to in Section 815a, and direct the defendant to appear before the court or magistrate

by whom the warrant was issued on or before a day certain which shall in no case be more than 10 days after such admittance to bail. If bail be forthwith given, the magistrate shall take the same and indorse thereon a memorandum of the aforesaid order for the appearance of the defendant.

If the defendant arrested in another county on a misdemeanor charge does not require the arresting officer to take him before a magistrate in that county for the purpose of being admitted to bail, or if such defendant, after being admitted to bail, does not forthwith give bail, the arresting officer shall immediately notify the law enforcement agency requesting the arrest in the county in which the warrant was issued that such defendant is in custody, and thereafter such law enforcement agency shall take custody of such defendant within five days in the county in which he was arrested and shall take such defendant before the magistrate who issued the warrant, or before some other magistrate of the same county.

If a defendant is arrested in another county on a warrant charging the commission of a misdemeanor, upon which warrant the amount of bail is indorsed as provided in Section 815a, and defendant is held in jail in the county of arrest pending appearance before a magistrate, the officer in charge of the jail shall, to the same extent as provided by Section 1269b, have authority to approve and accept bail from defendant in the amount indorsed on the warrant, to issue and sign an order for the release of the defendant, and, on posting of such bail, shall discharge defendant from custody.

SEC. 2. Section 1269b of said code is amended to read:

1269b. The officer in charge of a jail wherein an arrested person is held in custody and the clerk of the justice or municipal court of the judicial district in which the offense was alleged to have been committed and the clerk of the superior court in which the case against the defendant is pending shall have authority to approve and accept bail in such amount as fixed by the warrant of arrest or schedule of bail or order admitting to bail in cash or surety bond executed by a certified, admitted surety insurer as provided in the Insurance Code, to issue and sign an order for the release of the arrested person, and to set a time and place for the appearance of the arrested person before the appropriate court and give notice thereof, as follows:

(a) For appearance before the court of an arrested person who has been arrested for having committed a misdemeanor and is being held in custody prior to the filing of a formal complaint, and for appearance before the court of a defendant charged with a misdemeanor by a formal complaint filed in the court. If a defendant has appeared before a judge of the court on the charge contained in the complaint the bail shall be in the amount fixed by such judge at the time of such appearance; if no such appearance has been made the bail shall

be in the amount fixed in the warrant of arrest or, if no warrant of arrest has been issued, the amount of bail shall be pursuant to a schedule of bail in such case previously fixed and approved by the judge or judges of the court of the judicial district in which the offense is alleged to have been committed.

(b) For appearance before the court of a defendant charged with a felony by a formal complaint filed in court. If a defendant has appeared before a judge of the court on the charge contained in the complaint, the bail shall be in the amount fixed by such judge at the time of such appearance; if no such appearance has been made the bail shall be in the amount fixed in the warrant of arrest.

(c) It is the duty of the municipal and justice court judges in each county to prepare and adopt, by a majority vote, a schedule of bail for all misdemeanor offenses. It shall contain a list of such misdemeanor offenses and the amounts of bail applicable thereto as the judges determine to be appropriate, and, if it does not list all misdemeanor offenses specifically, it shall contain a general clause providing for a designated amount of bail as the judges of the county determine to be appropriate for all misdemeanor offenses not specifically listed in the schedule. The schedule of bail may be revised from time to time by the judges of the county, and the senior judge at each county seat shall call not more than two or less than one meeting each year of all municipal and justice court judges in the county for the purpose of establishing or revising a countywide uniform bail schedule. A copy of the schedule shall be sent to the officer in charge of the county jail and to the officer in charge of each city jail within the county.

Upon posting such bail the defendant or arrested person shall be discharged from custody as to the offense on which the bail is posted.

All money and surety bonds so deposited with such officer shall be transmitted immediately to the judge or clerk of the court by which the order was made or warrant issued or bail schedule fixed.

If a defendant or arrested person so released fails to appear at the time and in the court so ordered upon his release from custody, the court before which he was ordered to appear may forfeit the cash bail or surety bond, with or without issuing a warrant, and if the bail is a surety bond the surety company is obligated as provided by Section 1306 of the Penal Code, subject to the right of the court to set aside the forfeiture as provided by law.

(d) For the appearance before the proper court of a person who has been arrested for an offense on a warrant issued in a county of this state other than the county where such person is held in custody.

CHAPTER 139

*An act to amend Sections 840 and 844.1 of the
Agricultural Code, relating to honey.*

[Approved by Governor April 30, 1965. Filed with
Secretary of State April 30, 1965.]

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

SECTION 1. Section 840 of the Agricultural Code is amended to read:

840. When used in this chapter:

(a) "Container" means any box, crate, chest, carton, barrel, keg or any other receptacle containing honey.

(b) "Subcontainer" means any "section box" or other receptacle used within a container.

(c) "Clean and sound containers" means containers which are virtually free from rust, stains or leaks.

(d) "Section box" means the wood or other frame in which bees have built a small comb of honey.

(e) "Pack," or "packing" or "packed," means the arrangement of all or a part of the subcontainers in any container.

(f) "Deceptive pack" means any container or subcontainer of honey which has, in any exposed surface, honey or honey-comb, so superior in quality, appearance, condition or in any other respect to that in the interior of the container or subcontainer, or the unexposed portion, as to materially misrepresent the contents. The pack shall be considered deceptive even though the honey in a container is virtually uniform in quality as defined in this chapter, when the outer or exposed surface is composed of honey which is not an accurate representation of the variation in quality of the honey in the entire container. Any pack shall be considered deceptive which is "slack-filled" unless the container is so marked, even though such containers are marked with the proper net weight of the honey contained therein.

(g) "Slack-filled" means that the contents of any container occupy less than 85 percent of the volume of the closed container.

(h) "Deceptive arrangement" or "deceptive display" means any lot or load, arrangement or display of honey which has in any exposed surface, honey which is so superior in quality, appearance or condition, or in any other respects, to any of that which is concealed or unexposed as to materially misrepresent any part of the lot, load, arrangement or display.

(i) "Mislabeled" means the placing or presence of any false or misleading statement, design or device upon, or in connection with, any container or lot of honey, or upon the label, lining, or wrapper of any such container, or any placard used in connection therewith, and having reference to such honey. A statement, design or device is false and misleading,

when the honey to which it apparently or actually refers does not conform in every respect to such statement.

(j) "Placard" is any sign, label, or designation, other than an oral designation, used in connection with any honey as a description or identification thereof.

(k) "Honey" means the nectar of floral exudations of plants gathered and stored in the comb by honeybees (*Apis mellifica*). It is a levorotatory, contains not more than twenty (20) percent of water, not more than twenty-five (25) one hundredths of 1 percent of ash, not more than eight (8) percent of sucrose, its specific gravity is not less than 1.412, its weight not less than eleven (11) pounds, twelve (12) ounces per standard gallon of 231 cubic inches at sixty-eight (68) degrees Fahrenheit.

(l) "Comb honey" means honey in the comb.

(m) "Adulterated honey" shall mean any honey to which has been added honeydew, glucose, dextrose, molasses, sugar, sugar sirup, invert sugar, or any other similar product or products, other than the nectar of floral exudations of plants gathered and stored in the comb by honeybees.

(n) "Extracted honey" means honey which has been removed from the comb.

(o) "Crystallized honey" means honey which has assumed a solid form due to the crystallization of one or more of the natural sugars therein.

(p) "Honeydew" means (1) the saccharine exudation of plants or insects, other than nectareous exudations, gathered and stored in the comb by honeybees (*Apis mellifica*) and (2) it is dextrorotatory.

(q) "Foreign material" means wax particles, insects or other materials not deposited by bees but shall not include decorative artificial leaves or blossoms.

(r) "Foreign honey" means any honey not produced within the State of California.

(s) "Agent" includes broker, commission merchant, auctioneer, solicitor, seller on consignment, and any other person acting upon the actual or implied authority of another.

SEC. 2. Section 844.1 of said code is amended to read:

844.1. All containers or subcontainers of extracted honey shall be conspicuously marked with (1) the name and address of the producer or distributor; (2) the net weight of the honey in the container; (3) one of the United States grades established for honey by the United States Department of Agriculture, except honey to which pollen has been added, if the amount of pollen added is visible and each such container is plainly and conspicuously labeled with the words "pollen added"; and (4) in the case of opaque containers, with the color of the honey.

All extracted honey shall meet the requirements of the color classifications and grades as defined in United States grades, color standards, and packing requirements for honey by United

States Department of Agriculture, according to the color classification and grade as marked.

However, all honey regardless of grade term as marked, must be free from serious damage and at least as free from excessive foreign material as honey that has been strained through standard bolting cloth of 23 meshes per inch. Serious damage shall be deemed to mean any injury or defect that seriously affects the appearance or edibility of the honey such as overheating, which destroys both natural color and flavor, fermentation, which causes either foam and/or sourness, and objectionable flavor from any substance or thing other than floral source.

All containers or subcontainers of extracted honey which is produced entirely within the state may be conspicuously marked with the name "California."

As applied to extracted honey:

(a) If the color of the honey is designated on the container or subcontainer or upon a placard having reference to such honey it must conform to the color definitions provided in this chapter.

(b) Any honey which is a blend of two or more floral types of honey shall not be labeled as honey from any one particular floral source alone unless one floral type is predominant in which case such honey may be labeled as to the predominant floral type, as determined by flavor.

(c) Any "slack-filled" container shall be conspicuously marked "slack-filled."

In order to allow for variations incident to proper grading and handling, not more than 5 percent, by count, of the containers or of the subcontainers in any lot of honey may be below the requirements for the grade, but no part of this tolerance shall be allowed for defects causing serious damage.

Extracted honey in containers holding five ounces or more, shall be packed, offered for sale and sold in the exact units of weight as set forth in the table of standard weights of honey in containers provided for in Section 845.

When the combined net weight of the extracted honey in all subcontainers contained in one master container is equal to one of the units of weight specified in Section 845, the unit is a standard unit of weight if sold as a unit directly to the consumer.

CHAPTER 140

An act to validate the withdrawal of certain territory from a highway lighting district, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor April 30, 1965. Filed with
Secretary of State April 30, 1965.]

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

SECTION 1. Notwithstanding any other provision of law, all proceedings taken by the City Council of the City of Gardena in the County of Los Angeles between December 22, 1964, and December 29, 1964, to withdraw certain of its incorporated territory from the Los Angeles County Crenshaw Lighting District, established pursuant to the Highway Lighting District Act (Part 4 (commencing with Section 19000), Division 14, Street and Highways Code), is hereby validated and the withdrawal of the territory from said district is declared to be completely effective; provided that any existing contracts with the Southern California Edison Company are modified or canceled by May 1, 1965, so as to relieve said district of any obligation thereunder with respect to any of the withdrawn territory.

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 City Council of the City of Gardena in December took all the appropriate steps to withdraw certain of its incorporated territory from a highway lighting district, except that, inadvertently, it failed to have the Board of Supervisors of the County of Los Angeles modify or cancel certain contracts with the Southern California Edison Company executed on behalf of the district under which the district is obligated to maintain certain lighting facilities which modification or cancellation is required by law. The Southern California Edison Company is agreeable to such modification or cancellation. Along with the above withdrawal of territory, the city is forming a new citywide lighting district which will levy assessment on the territory withdrawn. Unless, the withdrawal is immediately validated and made effective, as provided in the act, the territory involved will be subject to taxation for lighting by both the city and the districts. It is therefore necessary that this act go into immediate effect.

CHAPTER 141

An act to amend Section 10831 of the Fish and Game Code, relating to fish and game district boundaries.

[Approved by Governor April 30, 1965. Filed with Secretary of State April 30, 1965.]

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

SECTION 1. Section 10831 of the Fish and Game Code is amended to read:

10831. The following constitutes Fish and Game District 1V: all that area within the County of Plumas within the following boundaries:

Beginning at the intersection of U. S. Alternate 40 Highway and U. S. Forest Service Road 24N12; thence following northerly the easterly side of U. S. Forest Service Road 24N12 to its intersection with U. S. Forest Service Road 24N10; thence easterly following the southerly side of U. S. Forest Service Road 24N10 to its intersection with U. S. Forest Service Road 24N07 (Relocated); thence easterly following the southerly side of U. S. Forest Service Road 24N07 (Relocated) to its intersection with U. S. Forest Service Road 25N08; thence southerly on the westerly side of U. S. Forest Service Road 25N08 to its intersection with U. S. Alternate 40 Highway; thence westerly along the northerly side of U. S. Alternate 40 Highway to the point of beginning.

CHAPTER 142

An act to amend Section 2006 of the Streets and Highways Code, relating to the county road commissioners.

[Approved by Governor May 3, 1965. Filed with Secretary of State May 3, 1965.]

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

SECTION 1. Section 2006 of the Streets and Highways Code is amended to read:

2006. The board of supervisors of each county shall, prior to January 1, 1948, appoint a single road commissioner for all road districts in the county. Every person who is appointed road commissioner after December 31, 1965, shall be a registered civil engineer; provided, that the City and County of San Francisco may appoint a person road commissioner who is not a registered civil engineer. Any person appointed road commissioner on or before December 31, 1965, need not be a registered civil engineer if he is approved by the board of supervisors as qualified and competent to handle the road and highway work of the county. Any person who is a road commissioner in any county on December 31, 1965, need not be a

registered civil engineer to be appointed road commissioner of another county after December 31, 1965. After October 1, 1952, no person shall be appointed road commissioner until the board of supervisors holds a public hearing on the qualifications of the candidate or candidates for the position of road commissioner. At least 14 days but not more than 30 days prior to such hearing notice of the hearing shall be posted at the county courthouse and published at least once in a newspaper of general circulation in the county if there is such. Nothing herein shall preclude one such person from serving two or more counties. An elective county official shall not be appointed road commissioner after October 1, 1952, unless such official is holding the position of road commissioner on that date. The road commissioner shall at all times be under the direction and supervision of the board of supervisors but may be dismissed, after a hearing, only upon a majority vote of the board. This paragraph shall not be applicable in chartered counties whose charter requires the county surveyor to perform the duties of, or exercise the powers conferred by law on, the road commissioner.

Each county shall furnish evidence to the State Controller that it has complied with the provisions of this section.

After January 1, 1948, neither the State Controller nor any other state officer shall make any allocations or payments to any county from the Highway Users' Tax Fund until such county has complied with the requirements of this section; except that in the event a vacancy occurs in the office of road commissioner of a county, said allocations or payments to such county shall not be suspended pursuant to this provision unless the county has not appointed a new road commissioner in accordance with this section within 120 days from the date the vacancy first occurred.

The 120-day time limit is contingent on the condition that there be a qualified acting road commissioner functioning during the interim period under direct appointment by the board of supervisors.

CHAPTER 143

An act authorizing a grant pursuant to the Davis-Grunsky Act to the Merced Irrigation District in connection with the Merced River Development, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 3, 1965. Filed with
Secretary of State May 3, 1965.]

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

SECTION 1. The Department of Water Resources is hereby authorized to make a grant to the Merced Irrigation District, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing

with Section 12880), Part 6, Division 6, Water Code), of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding the amount of six million five hundred thousand dollars (\$6,500,000), for enhancement of fish and wildlife and recreation in connection with the construction of the Merced River Development.

No further legislative approval shall be required with respect to the grant authorized to be made to the district by this act, but such grant shall not be made to the district until the district can actually demonstrate the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and the financial feasibility of the project.

SEC. 2. The maximum amount authorized under Section 1 of this act shall be in addition to any grant made to the district by the department pursuant to subdivision (3) of paragraph (c) of Section 12880 of the Water Code for initial water supply and sanitary facilities.

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 dam being built as a part of the Merced River Development is well under construction and, if the fish and wildlife enhancement and recreation features for which funds are authorized by this measure are to be integrated into the construction schedule, such funds must be available immediately.

CHAPTER 144

An act to repeal Section 5576 of the Welfare and Institutions Code, relating to mental commitments.

[Approved by Governor May 3, 1965. Filed with
Secretary of State May 3, 1965]

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

SECTION 1. Section 5576 of the Welfare and Institutions Code is repealed.

CHAPTER 145

An act to amend Section 947 of the Government Code, relating to suits against public entities.

[Approved by Governor May 3, 1965 Filed with
Secretary of State May 3, 1965.]

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

SECTION 1. Section 947 of the Government Code is amended to read:

947. (a) At any time after the filing of the complaint in any action against a public entity, the public entity may file and serve a demand for a written undertaking on the part of each plaintiff as security for the allowable costs which may be awarded against such plaintiff. The undertaking shall be in the amount of one hundred dollars (\$100) for each plaintiff or in the case of multiple plaintiffs in the amount of two hundred dollars (\$200), or such greater sum as the court shall fix upon good cause shown, with at least two sufficient sureties, to be approved by the court. Unless the plaintiff files such undertaking within 20 days after service of a demand therefor, his action shall be dismissed.

(b) If judgment is rendered for the public entity in any action against it, allowable costs incurred by the public entity in the action, but in no event less than fifty dollars (\$50), shall be awarded against each plaintiff.

(c) This section does not apply to an action commenced in a small claims court.

CHAPTER 146

An act to amend Section 28117 of the Government Code, relating to supervisors' travel expenses.

[Approved by Governor May 3, 1965 Filed with
Secretary of State May 3, 1965.]

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

SECTION 1. Section 28117 of the Government Code is amended to read:

28117. In a county of the 17th 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, fourteen thousand five hundred dollars (\$14,500) a year. He shall devote his full working time to the duties of his office.

(b) The district attorney, seventeen thousand dollars (\$17,000) a year for all services. He shall devote his entire time during office hours to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, for all services required of him as supervisor, ten thousand dollars (\$10,000) a year and his actual and necessary expenses and mileage incurred in the performance of any of the duties of his office. He may elect to use his own automobile or an automobile furnished by the county for use in all official business of the county requiring automobile travel. If he elects to use his own automobile for all such official business, then he shall receive nine cents (\$.09) for each mile actually traveled. If he elects to use an automobile furnished by the county, then all expenses for fuel, oil, supplies, upkeep and maintenance of such county automobile shall be paid from the county funds, and he shall not receive any reimbursement for mileage.

(d) Grand jurors, six dollars (\$6), trial jurors in the superior court, six dollars (\$6) and trial jurors in justice courts, six dollars (\$6), for each day's attendance. In addition, mileage fees shall be allowed all jurors at the rate of fifteen cents (\$.15) for each mile traveled in attending court or in attending sessions of the grand jury, in going only.

CHAPTER 147

An act to add Section 25538 to the Government Code, relating to an alternative procedure for the sale of real property by a county officer or department head.

[Approved by Governor May 3, 1965. Filed with Secretary of State May 3, 1965.]

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

SECTION 1. Section 25538 is added to the Government Code, to read:

25538. In counties having a population of 1,000,000 or more the board of supervisors may prescribe by ordinance a procedure alternative to that required by Sections 25520 through 25535 of this article. Such ordinance may designate a county officer or department head to sell any real property of an estimated value of twenty-five thousand dollars (\$25,000) or less belonging to such county. Any alternative procedure so prescribed shall require that the board of supervisors adopt and cause to be published pursuant to Section 6061.3, a resolution of its intention that such property be sold. Said resolution shall describe the property to be sold in such a manner so as to identify it; specify the minimum price and the terms upon which it will be sold; the date on which it will be sold, which shall be not less than seven days following the completion of publication; fix the place at which sealed proposals to purchase will be received; and fix the time and place where

such proposals will be opened and declared and oral bids received. At the time and place fixed for the opening of bids the county officer or department head may accept the highest bid, written or oral, or, if he deems such action to be for the best public interest he may reject any and all bids, either written or oral, and withdraw the property from sale; provided, however, that no oral bid shall be accepted unless it is made by a responsible person and exceeds by at least 5 percent the highest written proposal made by a responsible person.

Such alternative procedure may provide that in the event no written or oral proposal is made which is equal to or greater than the minimum price fixed in said resolution, then for a period of one year following the date of said resolution, or until the board of supervisors revokes such authority, the county officer or department head shall have the authority to negotiate a sale, subject to final acceptance by said board of supervisors, of said real property to any person for not less than the minimum price fixed by said resolution; and such alternative procedure may also provide that until such final acceptance occurs the county officer or department head may lease said real property by direct negotiation on behalf of the county on a month-to-month tenancy, but in no event for more than 12 months, without first obtaining the approval of the board of supervisors.

CHAPTER 148

An act to amend Section 68 of the Agricultural Code and Sections 24000 and 24003 of the Government Code, relating to county veterinarians.

[Approved by Governor May 3, 1965. Filed with
Secretary of State May 3, 1965.]

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

SECTION 1. Section 68 of the Agricultural Code is amended to read:

68. A county veterinarian may be appointed by the board of supervisors whenever the public welfare demands the services of such veterinarian. Such veterinarian shall serve at the pleasure of the appointive power and shall receive a salary fixed by the board of supervisors of the county, payable at the same time, in the same manner, and from the same fund as other county officers are paid. Such veterinarian shall act under the supervision of the director and shall enforce throughout the county all of the provisions of this code relating to the health and sanitary surroundings of livestock, poultry and rabbits and within unincorporated territory all orders and ordinances of the board of supervisors relating to such subjects. He may establish such quarantine, sanitary, and other regulations within his jurisdiction as he deems neces-

sary. He shall attend such meetings as shall be deemed necessary and advisable by the board of supervisors.

SEC. 2. Section 24000 of the Government Code is amended to read:

24000. The officers of a county are:

- (a) A district attorney.
- (b) A sheriff.
- (c) A county clerk.
- (d) A controller.
- (e) An auditor, who shall be ex officio controller.
- (f) A treasurer.
- (g) A recorder.
- (h) A license collector.
- (i) A tax collector, who shall be ex officio license collector.
- (j) An assessor.
- (k) A superintendent of schools.
- (l) A public administrator.
- (m) A coroner.
- (n) A surveyor.
- (o) Members of the board of supervisors.
- (p) A county veterinarian.
- (q) A fish and game warden.
- (r) A county librarian.
- (s) A county health officer.
- (t) Such other officers as are provided by law.

SEC. 3. Section 24003 of said code is amended to read:

24003. The county veterinarian shall at the time of his appointment be a qualified veterinary surgeon having on file in the office of the county clerk a certificate issued to him by the Board of Examiners in Veterinary Medicine.

CHAPTER 149

An act to codify Chapter 1742 of the Statutes of 1963, by repealing Sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 of said chapter, and by adding Chapter 9 (commencing with Section 8750) to Division 1 of Title 2 of the Government Code, relating to the California Arts Commission.

[Approved by Governor May 3, 1965. Filed with
Secretary of State May 3, 1965.]

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

SECTION 1. Chapter 9 (commencing with Section 8750) is added to Division 1 of Title 2 of the Government Code, to read:

CHAPTER 9. CALIFORNIA ARTS COMMISSION

8750. The Legislature finds and declares:

(a) That many of our citizens lack the opportunity to view, enjoy or participate in living theatrical performances, musical

concerts, operas, dance and ballet recitals, art exhibits, examples of fine architecture, and the performing and visual arts, generally.

(b) That with increasing leisure time the practice and enjoyment of the arts are of increasing importance.

(c) That many of our citizens possess talents of an artistic and creative nature which cannot be utilized to their fullest extent under existing conditions.

(d) That the general welfare of the people of the state will be promoted by giving further recognition to the arts as a vital part of our culture and heritage and as an important means of expanding the scope of our educational program.

(e) That interest in the arts will provide employment for artists in all fields and encourage citizens to participate in the practice of the arts instead of discouraging them and compelling them to leave the practice of the arts.

(f) That increased activities in the arts will increase employment in the state by encouraging the production of artistic events in various communities in the state, thus utilizing the talents and services of many citizens.

(g) That the standards of artistic performance will be improved because of competition created by encouragement of increased citizen participation, as well as a demand for higher standards by a broader and more numerous group of citizens.

(h) That the general economy will be helped by the increased employment in performance of artistic programs, by the construction of places for performance and exhibition of artistic programs, and by many visitors who will visit the state to witness these programs.

8751. The Legislature declares it to be the policy of the state to join with private patrons and with institutions and professional organizations concerned with the arts, to insure that the role of the arts in the life of our community will continue to grow and to play an ever more significant part in the welfare and educational experience of our citizens, and establish the paramount position of this state in the nation and in the world as a cultural center.

8752. The Legislature declares that all activities undertaken by the state, in carrying out the policy set out in Section 8751 shall be directed toward encouraging and assisting, rather than in any way limiting, the freedom of artistic expression which is essential for the well-being of the arts.

8753. There is in the state government a California Arts Commission. The commission shall be responsible directly to the Governor. The commission shall consist of 15 members appointed by the Governor with the consent of the Senate. The members of the commission shall be broadly representative of all fields of the performing and visual arts and shall be appointed from among private citizens who are widely known for their professional competence and experience in connection

with the performing and visual arts. In making these appointments due consideration shall be given to the recommendations made by representatives of civic, educational and professional associations and groups concerned with or engaged in the production or presentation of the performing and visual arts generally.

Two Members of the Senate, appointed by the Senate Committee on Rules, and two Members of the Assembly, appointed by the Speaker, shall meet with, and participate in, the work of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature. The Members of the Legislature appointed to the commission shall serve at the pleasure of the appointing power. For the purposes of this chapter, such Members of the Legislature shall constitute a joint interim legislative committee on the subject of this chapter and shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

8754. (a) Five members of the commission shall be appointed to serve until July 1, 1964; five members shall be appointed to serve until July 1, 1965; and five members shall be appointed to serve until July 1, 1966. Thereafter, all members shall be appointed for a term of three years. All members shall hold office until the appointment of their successors. Any vacancies shall be immediately filled by the Governor for the unexpired portion of the term in which they occur. No member of the commission shall be eligible for reappointment during a one-year period following the expiration of his term other than those members whose terms expire on July 1, 1964, or July 1, 1965.

(b) Members of the California Arts Commission shall serve without compensation, but each member shall be reimbursed for his necessary traveling and other expenses incurred in the performance of his official duties.

(c) The commission shall select annually from its membership a chairman and vice chairman.

8755. All meetings of the commission shall be open and public and all persons shall be permitted to attend any meetings of the commission.

8756. The commission shall have the powers and authority necessary to carry out the duties imposed upon it by this chapter including the power, but not limited to the following:

(a) To adopt rules and regulations in accordance with the provisions of the Administrative Procedure Act (commencing with Government Code, Section 11370) necessary for proper execution of the powers and duties granted to and imposed upon the commission by this chapter.

(b) To employ such administrative, technical and other personnel as may be necessary for the performance of its powers and duties.

(c) To fix the salaries of the personnel employed pursuant to this section which salaries shall be fixed as nearly as possible to conform to the salaries established by the State Personnel Board for classes of positions in the state civil service involving comparable duties and responsibilities.

(d) To hold hearings, make and sign any agreements and to do or perform any acts which may be necessary, desirable or proper to carry out the purposes of this chapter.

(e) To request and obtain from any department, division, board, bureau, commission, or other agency of the state such assistance and data as will enable it properly to carry out its powers and duties hereunder.

(f) To appoint such advisory committees as it deems advisable and necessary to the carrying out of its powers and duties hereunder.

(g) To accept any federal funds granted, by act of Congress or by executive order, for all or any of the purposes of this chapter.

(h) To accept any gifts, donations, or bequests for all or any of the purposes of this chapter.

8757. The commission shall:

(a) Make a comprehensive survey of public and private institutions engaged within the state in artistic and cultural activities, including but not limited to music, theater, dance, painting, sculpture, architecture and allied arts and crafts, and of such other cultural resources in the state as are contemplated by this chapter.

(b) Determine the legitimate needs and aspirations culturally and artistically of our citizens in all parts of the state.

(c) Ascertain how these resources, including those already in existence and those which should be brought to existence, are to serve the cultural needs and aspirations of the citizens of the state.

(d) Assist the communities within the state in originating and creating their own cultural and artistic programs.

(e) Submit a report to the Governor and to the Legislature not later than 10 calendar days following the commencement of each general session of the Legislature concerning such studies it has made and such actions it has taken and recommending such legislation and other action as is necessary for the implementation and enforcement of this chapter.

8758. In the course of carrying out its powers and duties under this chapter the commission shall avoid any actions which would interfere with the freedom of artistic expression or with the established or contemplated cultural programs in any local community.

SEC. 2. Section 1 of Chapter 1742 of the Statutes of 1963 is repealed.

SEC. 3. Section 2 of said act is repealed.

SEC. 4. Section 3 of said act is repealed.

SEC. 5. Section 4 of said act is repealed.

SEC. 6. Section 5 of said act is repealed.

- SEC. 7. Section 6 of said act is repealed.
SEC. 8. Section 7 of said act is repealed.
SEC. 9. Section 8 of said act is repealed.
SEC. 10. Section 9 of said act is repealed.

CHAPTER 150

An act to codify Section 55 of Chapter 1916 of the Statutes of 1963 by repealing said section and adding Section 20 to the Welfare and Institutions Code, relating to the State Social Welfare Board.

[Approved by Governor May 3, 1965 Filed with
Secretary of State May 3, 1965]

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

SECTION 1. Section 55 of Chapter 1916 of the Statutes of 1963 is repealed.

SEC. 2. Section 20 is added to the Welfare and Institutions Code, to read:

20. Whenever reference is made in this code to the adoption of regulations or personnel standards, or to the conduct of hearings, by the State Social Welfare Board, unless the context indicates otherwise, the reference shall be construed to refer to the Director of the Department of Social Welfare.

References to the State Social Welfare Board in Sections 3050, 3083, 4150, 4557, and 4724 shall be construed to refer to the director.

A hearing or other matter pertaining to a hearing before the State Social Welfare Board, not completed on September 20, 1963, shall be completed by the Director of the Department of Social Welfare.

CHAPTER 151

An act to codify Chapter 1442, Statutes of 1961, by repealing said chapter and by adding Section 15006 to the Government Code, relating to the responsibilities of the Department of Justice.

[Approved by Governor May 3, 1965 Filed with
Secretary of State May 3, 1965]

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

SECTION 1. Chapter 1442, Statutes of 1961, is repealed.

SEC. 2. Section 15006 is added to the Government Code, to read:

15006. The Department of Justice shall maintain a continuing investigation on a statewide basis of investment frauds and business crimes and shall assist district attorneys of the various counties in the prosecution thereof.

CHAPTER 152

An act to codify Section 13 of Chapter 1844, Statutes of 1961, by repealing said section and by adding Sections 17912 and 17913 to the Health and Safety Code, relating to the regulation of buildings used for human habitation.

[Approved by Governor May 3, 1965 Filed with
Secretary of State May 3, 1965]

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

SECTION 1. Section 13 of Chapter 1844, Statutes of 1961, is repealed.

SEC. 2. Section 17912 is added to the Health and Safety Code, to read:

17912. Rules and regulations promulgated pursuant to the provisions of this part, relating to the erection or construction of buildings or structures, shall not apply to existing buildings or structures or to buildings or structures as to which construction is commenced or approved prior to the effective date of the rules or regulations, except by act of the Legislature, but regulations relating to use, maintenance and change of occupancy shall apply to all buildings and structures approved for construction or constructed before or after the effective date of such rules or regulations.

SEC. 3. Section 17913 is added to said code, to read:

17913 The provisions of former Part 1 (commencing with Section 15000) of this division, as they existed on September 15, 1961, shall continue to govern the erection and construction of buildings and structures which have been constructed or the construction of which has been commenced or been approved prior to September 15, 1961, notwithstanding the repeal of that part.

CHAPTER 153

An act to repeal certain obsolete and superseded acts, relating to bonds.

[Approved by Governor May 3, 1965 Filed with
Secretary of State May 3, 1965.]

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

SECTION 1. The following acts are hereby repealed:

Year	Chapter
1893 -----	65
1899 -----	77
1943 -----	606
1960 (1st Ex.) -----	80

CHAPTER 154

An act to maintain the Welfare and Institutions Code by amending Section 401 thereof; by amending and renumbering Section 460, as added by Chapter 1800 of the Statutes of 1963, thereof; by repealing Section 1500.3 as added by Chapter 2096 of the Statutes of 1963, Section 3447.2, as added by Chapter 2169 of the Statutes of 1963, Section 3447.3, as added by Chapter 2168 of the Statutes of 1963, and Section 3447.4, as added by Chapter 2168 of the Statutes of 1963, thereof; and by amending and renumbering the chapter heading of Chapter 3.4 (commencing with Section 6605) of Part 4 of Division 6 thereof, relating to welfare and institutions.

[Approved by Governor May 3, 1965 Filed with
Secretary of State May 3, 1965.]

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

SECTION 1. Section 401 of the Welfare and Institutions Code is amended to read:

401. The State Department of Social Welfare may authorize the payment of state funds to defray in whole or in part the cost of a project undertaken by the welfare department of any county or by the welfare departments of a group of counties or by the State Department of Social Welfare in behalf of county welfare departments generally if the project is consistent with the purpose of this chapter and meets the criteria established pursuant to Section 402. Any county will be expected to meet at least the cost of equipment, supplies and facilities required by the staff engaged in carrying out any project approved pursuant to this chapter, except that state funds may be used to defray the entire cost of any project which is undertaken by a group of counties or is directed by the State Department of Social Welfare in behalf of county welfare departments generally or is directed by a recognized institution of higher learning. To the extent this section authorizes the State Department of Social Welfare or a recognized institution of higher learning to undertake and direct a project in behalf of county welfare departments, the provisions of Section 402 shall not apply to such projects.

SEC. 2. Section 460 of said code, as added by Chapter 1800 of the Statutes of 1963, is amended and renumbered to read:

459. To encourage the spouse of an applicant to retain or seek employment in order to be self-supporting, taxpaying, and to avoid becoming a recipient of public aid, the net earnings of the spouse, up to the amount of two hundred dollars (\$200) per month, after deduction for the expenses incurred in connection with such earnings, shall not be considered community property in computing how much of such earnings should be allocated to the applicant as income to him. Where the spouse is engaged in seasonal employment, the estimated

annual earnings of the spouse shall be prorated on a monthly basis.

SEC. 3. Section 1500.3 of said code, as added by Chapter 2096 of the Statutes of 1963, is repealed.

SEC. 4. Section 3447.2 of said code, as added by Chapter 2169 of the Statutes of 1963, is repealed.

SEC. 5. Section 3447.3 of said code, as added by Chapter 2168 of the Statutes of 1963, is repealed.

SEC. 6. Section 3447.4 of said code, as added by Chapter 2168 of the Statutes of 1963, is repealed.

SEC. 7. The chapter heading of Chapter 3.4 (commencing with Section 6605) of Part 4 of Division 6 of said code is amended and renumbered to read:

Article 3.4. Temporary Admission

CHAPTER 155

An act to maintain the Streets and Highways Code by amending Section 203, amending and renumbering Sections 220, 221, 222 and 223 as added by Chapter 1788 of the Statutes of 1963, and repealing Section 554 as added by Chapter 890 of the Statutes of 1963, Division 3.5 (commencing with Section 2220), Chapter 7.5 (commencing with Section 8201) of Part 2 of Division 9, and Part 2.5 (commencing with Section 8298.01) of Division 9, relating to streets and highways.

[Approved by Governor May 3, 1965. Filed with
Secretary of State May 3, 1965.]

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

SECTION 1. Section 203 of the Streets and Highways Code is amended to read:

203. Whenever a school district constructs a school building for the construction of which any apportionment is made pursuant to Chapter 8 (commencing with Section 19401) and Chapter 10 (commencing with Section 19551) of Division 14 of the Education Code and the city, city and county, or county in which such school building is situated requires the construction of any street or road connected with the school premises on which such school building is constructed, the State Allocation Board shall review the requirement and recommend to the governing body of the city, city and county or county a plan of construction adequate to meet the needs of the school district and the safety of the public. If a different plan of improvement or improvement to higher standards than that recommended by the State Allocation Board is required by the governing body of the city, city and county or county, the additional cost thereof shall be borne by the city, city and county, or county in which such school building is situated.

Notwithstanding any other provision of this code or any other law limiting the purposes for which money allocated to cities, cities and counties, or counties from the Highway Users Tax Fund or the State Highway Fund may be expended, any of the money so allocated may be expended for the construction of the streets or roads referred to in this section.

Nothing in this section shall be construed to require each cost item included in any charge made pursuant to this section to be separately stated.

SEC. 2. Section 220 of said code as added by Chapter 1788 of the Statutes of 1963 is amended and renumbered to read:

227. The Advisory Committee on a Master Plan for Scenic Highways, hereafter referred to in this chapter as the advisory committee, is hereby created. The advisory committee shall consist of seven members appointed by the Governor from among officials of cities and counties, persons having special competence in the field of landscape architecture as it relates to scenic conservation and others interested in highways, land planning, and park problems.

Of the seven members first appointed by the Governor, two shall serve until July 1, 1964, two until July 1, 1965, two until July 1, 1966, and one until July 1, 1967. Thereafter appointments shall be for a four-year term. Each member shall hold office until the appointment and qualification of his successor. Vacancies occurring prior to the expiration of a term shall be filled by appointment for the unexpired term.

SEC. 3. Section 221 of said code as added by Chapter 1788 of the Statutes of 1963 is amended and renumbered to read:

228. The advisory committee may consult with representatives of the State Office of Planning, the Department of Public Works, the Department of Parks and Recreation, and the Department of Water Resources who are appointed by the officer in charge of such office or department. These representatives shall supply to the advisory committee such technical and other assistance as the advisory committee requests.

SEC. 4. Section 222 of said code as added by Chapter 1788 of the Statutes of 1963 is amended and renumbered to read:

229. The advisory committee shall meet upon call of the Director of Public Works. The members of the advisory committee shall serve without compensation, but shall be reimbursed for all necessary expenses incurred in the performance of their duties.

SEC. 5. Section 223 of said code as added by Chapter 1788 of the Statutes of 1963 is amended and renumbered to read:

229.1. The advisory committee shall develop a master plan for scenic highways, shall advise and counsel the department with regard to the establishment and application by the department of standards for official scenic highways, and shall advise and counsel the department regarding the designation by the department of highways in the state scenic highway system as official state scenic highways when such highways meet the standards prescribed by the department for official

scenic highways, including the concept of the "Complete Highway," as described in Section 261. The committee shall also advise and counsel the department regarding the authorization by the department to a county to designate a county highway as an official county scenic highway.

SEC. 6. Section 554 of said code as added by Chapter 890 of the Statutes of 1963 is repealed.

SEC. 7. Division 3 5 (commencing with Section 2220) of said code is repealed.

SEC. 8. Chapter 7.5 (commencing with Section 8201) of Part 2 of Division 9 of said code is repealed.

SEC. 9. Part 2.5 (commencing with Section 8298.01) of Division 9 of said code is repealed.

CHAPTER 156

An act to maintain the Penal Code by amending Sections 691, 817, and 4011, and the heading of Article 2 (commencing with Section 925) of Chapter 3, Title 4, Part 2, thereof, relating to crimes and punishment.

[Approved by Governor May 3, 1965. Filed with
Secretary of State May 3, 1965.]

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

SECTION 1. Section 691 of the Penal Code is amended to read:

691. The following words have in Part 2 of this code the signification attached to them in this section, unless it is otherwise apparent from the context:

1. The words "inferior court" or "inferior courts" include municipal courts and justices' courts.

2. The words "competent court" when used with reference to the jurisdiction over any public offense, mean any court the subject matter jurisdiction of which includes the offense so mentioned.

3. The words "jurisdictional territory" when used with reference to a court, mean the city and county, county, city, township or other limited territory over which the criminal jurisdiction of such court extends, as provided by law, and in case of a superior court mean the county in which such court sits.

4. The words "accusatory pleading" include an indictment, an information, an accusation, a complaint filed with a magistrate charging a public offense of which the superior court has original trial jurisdiction, and a complaint filed with an inferior court charging a public offense of which such inferior court has original trial jurisdiction.

5. The words "prosecuting attorney" include any attorney, whether designated as district attorney, city attorney, city

prosecutor, prosecuting attorney, or by any other title, having by law the right or duty to prosecute, in behalf of the people, any charge of a public offense.

6. The word "county" includes county, city and county, and city.

SEC. 2. Section 817 of said code is amended to read:

817. A peace officer is the sheriff, undersheriff, deputy sheriff, coroner, deputy coroner, regularly employed and paid as such of a county, marshal or deputy marshal of a municipal court, constable of a judicial district, marshal, policeman of a city or town, or any juvenile officer of a city or town engaged in performing juvenile law enforcement functions which are generally performed by the local police department, the Deputy Director of the State Department of Justice, the Chief, Assistant Chief, special agents of the Bureau of Criminal Identification and Investigation, the Chief, Assistant Chief and narcotics agents of the Bureau of Narcotic Enforcement, and any parole officer of the State Department of Corrections, and any placement or parole officer of the Youth Authority.

Inspectors and investigators regularly employed and paid as such in the office of a district attorney, members of the California Highway Patrol, policemen of the San Francisco Port Authority, a supervisor or guard employed by the Department of Corrections, each member of an arson-investigating unit of an organized fire department, the Chief and inspectors of the Bureau of Food and Drug Inspections, inspectors and investigators of the California State Board of Pharmacy not exceeding 10 in number, investigators of the Board of Medical Examiners of the State of California, special investigators of the Board of Osteopathic Examiners of the State of California, investigators of the Board of Chiropractic Examiners of the State of California, and investigators of the Department of Motor Vehicles are respectively peace officers for the purpose only of carrying out the duties of their respective employments. When he is carrying out his duties, a supervisor or guard employed by the Department of Corrections engaged in transportation of prisoners or apprehension of prisoners who have escaped is a peace officer whether acting within or without this state.

Any qualified person, when deputized or appointed by the proper authority as a deputy sheriff or city policeman for the purpose only of transporting prisoners, is a peace officer while engaged in the transportation of prisoners.

When a sheriff designates any qualified public officer or employee as a deputy sheriff for the purpose of supervising the labor of county prisoners, such person, while acting in the performance of such services, is a peace officer.

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

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

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

When, pursuant to Nevada law, an officer or employee of the Nevada State Prison has in his custody in California a prisoner of the State of Nevada whom he is transporting from the Nevada State Prison or any honor or forest camp in Nevada to another point in Nevada for the purposes of fire-fighting or conservation work, such officer or employee of the Nevada State Prison shall have the power to maintain custody of the prisoner in California and to retake the prisoner if he should escape in California to the same extent as if such officer or employee were a peace officer appointed under California law and the prisoner had been committed to his custody in proceedings under California law.

SEC. 3. The heading of Article 2 (commencing with Section 925 of Chapter 3, Title 4, Part 2 of said code is amended to read:

Article 2. Investigation of County and District Affairs

SEC. 4. Section 4011 of said code is amended to read:

4011. (a) When it is made to appear to a judge of the superior court by affidavit of the sheriff or district attorney and oral testimony that a prisoner confined in any city or county jail requires medical or surgical treatment necessitating hospitalization, which treatment cannot be furnished or supplied at said city or county jail, the court in its discretion may order the removal of such person or persons from said city or county jail to the county hospital in said county; provided, if there is no county hospital in said county, then to any hospital designated by said court; and it shall be the duty of the sheriff to maintain the necessary guards for the safekeeping of such prisoner, the expense of which shall be a charge against the county.

(b) The cost of such medical services and such hospital care and treatment shall be charged against the county subject to subsections (c) and (d), in the case of a prisoner in or taken from the county jail, or against the city in the case of a prisoner in or taken from the city jail, and the city or county may recover the same by appropriate action from the person so served or cared for, or any person or agency responsible for his care and maintenance. If the prisoner is in the county jail under contract with a city or under some other arrangement with the city to keep the city prisoner in the county jail, then the city shall be charged, subject to subsections (d) and (e), for the prisoner's care and maintenance

with the same right of recovery against any responsible person or any other agency.

(c) When such prisoner is poor and indigent the cost of such medical services and such hospital care and treatment shall, in the case of persons removed from the city jail be paid out of the general fund of such city, and in the case of persons removed from the county jail to a hospital other than a county hospital, such cost shall be paid out of the general fund of such county or city and county. In the case of city jail prisoners removed to the county hospital, the cost of such hospital care and treatment to be paid by the city to the county, shall be the rate per day fixed by the board of supervisors of such county. The said board of supervisors may, but need not, fix different rates for different classes of patients, or for different wards, and any and all such rates may be changed by the said board of supervisors at any time, but shall at all times approximate as nearly as may be, the average actual cost to the county of such hospital care and treatment either in such wards or for such classes of patients or otherwise.

(d) In the event such prisoner is financially able to pay for his care, support and maintenance, the medical superintendent of said hospital other than a county hospital may, with the approval of said judge of the superior court, enter into a special agreement with such person, or with his relatives or friends, for his care, support, maintenance, and other hospital expenses.

Any prisoner may decline such care or treatment and provide other care and treatment for himself at his own expense.

CHAPTER 157

An act to maintain the Labor Code by amending Sections 100.5, 1290, 1299, 1302, 1307, 4904, and 5308, relating to labor.

[Approved by Governor May 3, 1965. Filed with
Secretary of State May 3, 1965.]

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

SECTION 1. Section 100.5 of the Labor Code is amended to read:

100.5. Preferred claims for work performed or personal services rendered are provided for in Sections 1204, 1205, 1206, 1207, and 1208 of the Code of Civil Procedure, and subdivision (6) of Section 950 of the Probate Code.

SEC. 2. Section 1290 of said code is amended to read:

1290. No minor under the age of 16 years shall be employed, permitted, or suffered to work in or in connection with any manufacturing establishment or other place of labor or employment at any time except as may be provided in this

article or by the provisions of Division 9 (commencing with Section 10501) of the Education Code

SEC. 3. Section 1299 of said code is amended to read:

1299. Every person, or agent or officer thereof, employing either directly or indirectly through third persons minors under the age of 18 years, shall:

(a) Keep a separate register containing the names, ages, and addresses of such minor employees.

(b) Keep posted in a conspicuous place in every room where such minors are employed a notice stating the hours per day for each day of the week required of such minors.

(c) Keep on file all permits and certificates, either to work or to employ, issued under the provisions of this article or of Division 9 (commencing with Section 10501) of the Education Code. Such records and files shall be open at all times to the inspection of the school attendance and probation officers, the State Board of Education, and the officers of the Division of Labor Statistics and Law Enforcement.

SEC. 4. Section 1302 of said code is amended to read:

1302. The attendance officer of any county or school district in which any place of employment is situated, or the probation officer of such county, may at any time, enter such place of employment for the purpose of investigating violations of the provisions of this article, or violations of the provisions of Division 9 (commencing with Section 10501) of the Education Code. If an attendance or probation officer is denied entrance to such place of employment, any magistrate may, upon the filing of an affidavit by the attendance or probation officer setting forth the fact that he has a good cause to believe that the provisions of this article or of Division 9 (commencing with Section 10501) of the Education Code are being violated in such place of employment, issue an order directing the attendance or probation officer to enter the place of employment for the purpose of making such investigations.

SEC. 5. Section 1307 of said code is amended to read:

1307. All minors coming within the provisions of Division 9 (commencing with Section 10501) of the Education Code shall be placed or delivered into the custody of the school district authorities of the county or city in which they are found illegally at work.

SEC. 6. Section 4904 of said code is amended to read:

4904. If notice is given in writing to the insurer, or to the employer if uninsured, setting forth the nature and extent of any claim that is allowable as a lien, the claim is a lien against any amount thereafter payable as compensation, subject to the determination of the amount and approval of the lien by the commission. In determining the amount of lien to be allowed for unemployment compensation disability benefits under subdivision (f) of Section 4903 the commission shall allow such lien in the amount of benefits which it finds were paid for the same day or days of disability for which an award of compensation for temporary disability indemnity is

made. In the case of agreements for the compromise and release of a disputed claim for compensation, the applicant and defendant may propose to the commission, as part of the compromise and release agreement, an amount out of the settlement to be paid to any lien claimant claiming under subdivision (f) of Section 4903. The determination of the commission, subject to petition for reconsideration and to the right of judicial review, as to the amount of lien allowed under subdivision (f) of Section 4903, whether in connection with an award of compensation or the approval of a compromise and release agreement, shall be binding on the lien claimant, the applicant, and the defendant, insofar as concerns the right to benefits paid under the Unemployment Insurance Code for which the lien was claimed. The commission may order the amount of any lien claim, as determined and allowed by it, to be paid directly to the person entitled, either in a lump sum or in installments.

SEC. 7. Section 5308 of said code is amended to read:

5308. The commission has jurisdiction to determine controversies arising out of insurance policies issued to self-employed persons, conferring benefits identical with those prescribed by this division.

The commission may try and determine matters referred to it by the parties under the provisions of Title 9 (commencing with Section 1280) of Part 3 of the Code of Civil Procedure, with respect to controversies arising out of insurance issued to self-employed persons under the provisions of this division. Such controversies may be submitted to it by the signed agreement of the parties, or by the application of one party and the submission of the other to its jurisdiction, with or without an express request for arbitration.

The State Compensation Insurance Fund, when the consent of the other party is obtained, shall submit to the commission all controversies susceptible of being arbitrated under this section.

In acting as arbitrator under this section, the commission has all the powers which it may lawfully exercise in compensation cases, and its findings and award upon such arbitration have the same conclusiveness and are subject to the same mode of reopening, review, and enforcement as in compensation cases. No fee or cost shall be charged by the commission for arbitrating the issues presented under this section.

CHAPTER 158

An act to maintain the Health and Safety Code by amending Sections 11002.1, 14408, 18880, 26560, and 26580, and by repealing Section 4786.5 and Part 2.5 (commencing with Section 34600) of Division 24, relating to health and safety.

[Approved by Governor May 3, 1965 Filed with
Secretary of State May 3, 1965]

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

SECTION 1. Section 11002.1 of the Health and Safety Code is amended to read:

11002.1. The chief by rule may add new narcotics to those enumerated in Sections 11001 and 11002 after notice and hearing, in accordance with the Administrative Procedure Act, Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code; provided, however, that such rule shall be drafted in form of proposed narcotic law for submission to the next succeeding general session of the Legislature; and provided further, that no such rule shall remain in effect beyond 90 days after the final adjournment of that session of the Legislature.

SEC. 2. Section 14408 of said code is amended to read:

14408. Every contract between a district and a city entered into after the effective date of this section which provides for the furnishing of fire protection services by the district to the city, except a contract to render assistance whenever a fire occurs within the limits of a city of such proportions that it cannot be adequately handled by the fire department of the city, shall be for a term of at least one year.

Neither the district nor the city shall have the power to abrogate such a contract during the term of the contract. The contractual relationship between the district and the city may, however, be terminated by the voters of either the district or the city.

The board of supervisors or the governing body of the city may, at any time, call and conduct a special election in the district or the city, as the case may be, for the purpose of submitting to the voters of the district or the city a proposition for the termination of the contractual relationship between the district and the city.

An election in the district shall be called and conducted in the same manner as an election for the formation of a district. An election in the city shall be called and conducted in the same manner as other special elections in the city, except that no notice of the election, other than the notice prescribed by Section 22835 of the Elections Code, need be given and neither sample ballots nor polling place notices need be mailed for such an election.

If at an election in the district, or an election in the city, a majority of the voters voting vote in favor of the termination

of the contractual relationship between the district and the city, the contractual relationship shall be terminated on the first day of July next succeeding the date of the election, if the election is held on or before February 1st of the fiscal year of the district. If the election is held subsequent to February 1st of the fiscal year, the contractual relationship shall be terminated on the 30th day of June of the fiscal year next succeeding.

SEC. 3. Section 18880 of said code is amended to read:

18880. (a) This part does not apply to any hotel which is subject to the provisions of Part 1.5 (commencing with Section 17910) of this division. A "motel" as defined in Section 18502 shall not be considered subject to Part 1.5.

(b) This part does not apply to any apartment house which is over one story in height and which is subject to the provisions of Part 1.5 of this division.

SEC. 4. Section 26560 of said code is amended to read:

26560. The director shall require the Chief of the Division of Laboratories, or the Chief of the Bureau of Food and Drug Inspections to make examinations and analyses of foods which are on sale in California and which are suspected of being adulterated or misbranded.

SEC. 5. Section 26580 of said code is amended to read:

26580. Whenever a duly authorized agent of the board finds, or has probable cause to believe, that any food is adulterated, or so misbranded as to be dangerous or fraudulent, he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, adulterated, or misbranded and has been detained or quarantined, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by the Chief of the Bureau of Food and Drug Inspections or the court.

SEC. 6. Section 4786.5 of said code is repealed.

SEC. 7. Part 2.5 (commencing with Section 34600) of Division 24 of said code is repealed.

CHAPTER 159

An act to maintain the Government Code by amending Sections 1322, 9360.7, 16310, 25211.12, 25351.3, 27706, 54205, and 71006, by amending and renumbering Sections 13397 and 53024, by adding Article 16.5 (commencing with Section 31870) to Chapter 3 of Part 3 of Division 4 of Title 3, by repealing Section 8522, and by repealing Article 17 (commencing with Section 31880) of Chapter 3 of Part 3 of Division 4 of Title 3 as enacted by Chapter 624 of the Statutes of 1963, relating to state and local government.

[Approved by Governor May 3, 1965 Filed with
Secretary of State May 3, 1965.]

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

SECTION 1. Section 1322 of the Government Code is amended to read:

1322 In addition to any other statutory provisions requiring confirmation by the Senate of officers appointed by the Governor, the appointments by the Governor of the following officers and the appointments by him to the listed boards and commissions are subject to confirmation by the Senate:

- (a) California Horse Racing Board.
- (b) Certified Shorthand Reporters Board.
- (c) Chief, Division of Housing.
- (d) Chief, Division of Industrial Safety.
- (e) Chief, Division of Industrial Welfare.
- (f) Chief, Division of Labor Law Enforcement.
- (g) Commissioner of Corporations.
- (h) Contractors State License Board.
- (i) Director of Fish and Game.
- (j) Director of Mental Hygiene.
- (k) Director of Public Health.
- (l) Real Estate Commissioner.
- (m) State Athletic Commission.
- (n) State Board of Barber Examiners.
- (o) State Librarian.

SEC. 2. Section 8522 of said code is repealed.

SEC. 3. Section 9360.7 of said code is amended to read:

9360.7. Any Member of the Senate or Assembly who after the effective date of this section retires for service or disability shall receive the retirement allowance provided by this chapter unmodified by any optional settlement elected pursuant to Article 7 (commencing with Section 9361) of this chapter.

The surviving spouse of such a member who dies after retirement may elect to receive an allowance under this section. Any surviving spouse making such election shall receive an allowance equal to one-half of the retirement allowance, unmodified by any optional settlement which would be payable to the member were he living and retired under this chapter.

The surviving spouse of a member who is a Member of the Senate or Assembly and who dies before retirement but after becoming eligible for retirement may elect to receive an allowance under this section. Any surviving spouse making such election shall receive an allowance equal to one-half of the amount of the retirement allowance, unmodified by any optional settlement, that would be payable to the member were he living and retired under this chapter.

The election provided for in this section shall be made by a writing filed with the board within 60 days after the death of the member.

The allowance to a surviving spouse provided by this section is payable commencing upon the death of the member and continuing until the death or remarriage of the surviving spouse. If pursuant to this section, an allowance is paid to a surviving spouse, no payment shall be made pursuant to Section 9359.8 or pursuant to Article 7 (commencing with Section 9361) of this chapter.

SEC. 4. Section 13397 of said code as added by Chapter 1555 of the Statutes of 1963 is amended and renumbered to read:

13398. Any contract or purchase order for supplies or equipment to be manufactured by the contractor specially for the state and not suitable for sale to others in the ordinary course of the contractor's business may provide, on such terms and conditions as the department deems necessary to protect the state's interests, for progress payments for work performed and costs incurred at the contractor's shop or plant, provided that not less than 10 percent of the contract price is required to be withheld until final delivery and acceptance of the supplies or equipment, and provided further, that the contractor is required to submit a faithful performance bond, acceptable to the department, in a sum not less than one-half of the total amount payable under the contract securing the faithful performance of the contract by the contractor.

SEC. 5. Section 16310 of said code is amended to read:

16310. When the General Fund is exhausted, and there is money in some other fund not required to meet any demand which has accrued or may accrue against it, the Controller shall notify the Governor and the Treasurer. If they find that the money is not needed in the other fund, the Governor may order the Controller to direct the transfer of all or any part of the money to the General Fund. All money so transferred shall be returned to the fund from which it was transferred as soon as there is sufficient money in the General Fund to return it. This section does not authorize any transfer which will interfere with the object for which a special fund was created.

SEC. 6. Section 25211.12 of said code is amended to read:

25211.12. The provisions of the Elections Code relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of general elections

so far as they may be applicable shall govern all area elections except:

(a) To the extent that the provisions of the Elections Code pertaining to the conduct of local elections are inconsistent with the provisions of that code pertaining to general elections, the provisions pertaining to local elections shall control.

(b) Inconsistent provisions of this division (commencing with Section 24000) shall control over any provisions of the Elections Code.

SEC. 7. Section 25351.3 of said code is amended to read:

25351.3. In addition to its other powers and duties the board may:

(a) Acquire land for and construct, lease, sublease, build, furnish, refurnish or repair buildings for justice, municipal, or superior courts and for convention and exhibition halls, trade and industrial centers, auditoriums, opera houses, music halls and centers, motion picture and television museums, and related facilities as places of public assembly for the use, benefit and enjoyment of the public, including offstreet parking places for motor vehicles, ways of ingress and egress and such other facilities and improvements as are necessary or convenient for their use.

(b) Acquire land and construct such buildings, structures and facilities thereon in whole or in part, with county funds or it may, by contract or lease with any nonprofit association or corporation, provide for the acquisition of land or the construction of such buildings, structures and facilities, or all or any part thereof, for such public purposes, upon such terms as the board may determine.

(c) Lease, pursuant to Section 25371 of this code, any real property owned by the county and available for such public purposes to any person, firm, corporation or nonprofit association or corporation for such purposes, or any thereof, such person, firm, corporation or nonprofit association or corporation to lease the real property as improved back to the county for use for the purposes stated in the lease. Any lease authorized by the board under this subdivision (c) shall be awarded to the lowest responsible bidder after public competitive bidding conducted in the manner determined by the board. Notice inviting bids shall be published pursuant to Section 6066 of this code in such newspaper as the board may direct.

(d) Enter into a lease or sublease, without advertising for bids therefor, of such buildings, structures and facilities or any thereof with any nonprofit association or corporation which agrees to use the buildings, structures and facilities so leased to it for the public purposes for which the same were or are to be built; or contract, without advertising for bids therefor, with any nonprofit association or corporation for the maintenance, operation and management, or any thereof, of such buildings, structures and facilities or any part thereof, including the scheduling and promotion of events therein, for a specified term, not to exceed forty (40) years, upon such

terms and conditions as may be agreed upon. Such leases, subleases or contracts shall provide that at least annually there shall be paid to the county the net revenue, if any, from the operation and use of the facilities, remaining after the payment of expenses and costs, if any, for maintenance, operation or management, interest and principal payments upon loans to the nonprofit corporation or association for purposes of maintenance, operation or management, and any other expenses, and after providing maintenance and operation reserves. Such lease, sublease, or contract shall also provide that upon its expiration, all of the assets of the nonprofit association or corporation after payment or discharge of its indebtedness and liabilities shall be transferred to the county.

(e) If the county has a population in excess of 4,000,000, without advertising for bids therefor, grant any real property owned by the county, or lease, for a term not to exceed ninety-nine (99) years, any real property owned by the county, to any city, district or other public corporation for any of the above public uses, without consideration except the agreement of grantee or lessee to use said real property for the public uses specified, and upon such terms and conditions as may be agreed upon by the board and the grantee or lessee.

The amendment to this section enacted by the Legislature at its 1963 Regular Session shall not be construed to affect or modify the duty of any county or board of supervisors to provide adequate quarters for courts but is intended to provide an alternative method of financing the acquisition of property and buildings for use for courthouse purposes.

SEC. 8. Section 27706 of said code is amended to read:

27706. The public defender shall perform the following duties:

(a) Upon request of the defendant or upon order of the court, he shall defend, without expense to the defendant, any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior court at all stages of the proceedings, including the preliminary examination. The public defender shall, upon request, give counsel and advice to such person about any charge against him upon which the public defender is conducting the defense, and shall prosecute all appeals to a higher court or courts of any person who has been convicted, where, in his opinion, the appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.

(b) Upon request, he shall prosecute actions for the collection of wages and other demands of any person who is not financially able to employ counsel, where the sum involved does not exceed one hundred dollars (\$100), and where, in the judgment of the public defender, the claim urged is valid and enforceable in the courts.

(c) Upon request, he shall defend any person who is not financially able to employ counsel in any civil litigation in

which, in the judgment of the public defender, the person is being persecuted or unjustly harassed.

(d) Upon order of the court, he shall represent any person who is not financially able to employ counsel in proceedings under Chapter 4 (commencing with Section 5500) of Part 1 of Division 6 and under Chapter 1 (commencing with Section 5000) of Part 1 of Division 6 of the Welfare and Institutions Code.

(e) Upon order of the court, he shall represent any person who is entitled to be represented by counsel but is not financially able to employ counsel in proceedings under Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code when such proceedings are concerned with a person alleged to be or who has been found to be within the description of Sections 601 or 602 of the Welfare and Institutions Code.

SEC. 9. Article 17 (commencing with Section 31880) of Chapter 3 of Part 3 of Division 4, of Title 3 of said code, as enacted by Chapter 624 of the Statutes of 1963, is repealed.

SEC. 10. Article 16.5 (commencing with Section 31870) is added to Chapter 3 of Part 3 of Division 4 of Title 3 of said code, to read:

Article 16.5. Cost of Living Adjustment

31870. The board shall before April 1 of each year determine whether there has been an increase or decrease in the cost of living as provided in this section. Notwithstanding Section 31481 or any other provision of this chapter (commencing with Section 31450), every retirement allowance, optional death allowance, or annual death allowance payable to or on account of any member, of this system or a superseded system, who retires or dies or who has retired or died shall, as of July 1st of each year, be increased or decreased by a percentage of the total allowance then being received found by the board to approximate to the nearest one-half of 1 percent and rounded off to the nearest whole dollar, the percentage of annual increase or decrease in the cost of living as of January 1st of each year as shown by the then current Bureau of Labor Statistics Consumers Price Index for the area in which the county seat is situated, but such change shall not exceed 2 percent per year; however, the amount of any cost of living increase or decrease in any year which is not met by the maximum annual change of two (2) percent in allowances shall be accumulated to be met by increases or decreases in allowances in future years; except that no decrease shall reduce the allowance below the amount being received by the member or his beneficiary on the effective date of the allowance or the application of this article, whichever is later.

31871. Any such increases in allowances which are based upon service rendered prior to the applicable date of this article (as fixed pursuant to Section 31874) shall be funded

insofar as possible from the moneys in the reserve described in Section 31592 which are in excess of one (1) percent of the assets of the retirement system; except that in counties which have applied Section 31592.2 the board of supervisors may fund all or part of such increases from the county advance reserves.

31872. Any such increases in allowances which are not funded as provided in Section 31871 and any such increases which are based upon service rendered after the applicable date of this article (as fixed pursuant to Section 31874) shall be funded by contributions set by the board, as it determines necessary.

31873. Any increases in contributions shall be shared equally between the county or district and the contributing members, with the individual members' contributions based upon their sex and age at their nearest birthday at time of entrance into the retirement system.

31874. This article (commencing with Section 31870) may be made applicable in any county on the date specified in the ordinance, or if no such date is specified, on the first day of the month after the effective date of an ordinance adopted by the board of supervisors to this effect, provided that an actuarial survey of the retirement system has been made by the adopting county prior to the passage of said ordinance.

SEC. 10. Section 53024 of said code is amended and re-numbered to read:

53067. Payment on any contract with a local agency for the creation, construction, alteration, repair, or improvement of any public structure, building, road or other improvement, of any kind which will exceed in cost a total of five thousand dollars (\$5,000) shall be made as the legislative body prescribes upon estimates made and approved by the legislative body, but progress payments shall not be made in excess of 90 percent of the percentage of actual work completed plus a like percentage of the value of material delivered on the ground or stored subject to or under the control of the local agency, and unused. The local agency shall withhold not less than 10 percent of the contract price until final completion and acceptance of the project. However, at any time after 50 percent of the work has been completed, if the legislative body finds that satisfactory progress is being made, it may make any of the remaining progress payments in full for actual work completed, or may withhold any amount up to 10 percent thereof as the governing body may find appropriate based on the contractor's progress.

SEC. 12. Section 54205 of said code is amended to read:

54205. Any local agency may request the Department of General Services to make purchases of materials, equipment, or supplies on its behalf in accordance with the provisions of Section 13408.5.

SEC. 13. Section 71006 of said code is amended to read:
71006. All fines, forfeitures, deposits in court, and unclaimed bail shall be disposed of as provided in Section 1463 of the Penal Code and Sections 42200 and 42201 of the Vehicle Code.

CHAPTER 160

An act to maintain the Civil Code by repealing Section 783 as added by Chapter 463 of the Statutes of 1963, relating to condominiums.

[Approved by Governor May 3, 1965. Filed with
Secretary of State May 3, 1965.]

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

SECTION 1. Section 783 of the Civil Code as added by Chapter 463 of the Statutes of 1963 is repealed.

CHAPTER 161

An act to amend Section 487 of the Penal Code, relating to firearms.

[Approved by Governor May 3, 1965. Filed with
Secretary of State May 3, 1965.]

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

SECTION 1. Section 487 of the Penal Code is amended to read:

487. Grand theft is theft committed in any of the following cases:

1. When the money, labor or real or personal property taken is of a value exceeding two hundred dollars (\$200); provided, that when domestic fowls, avocados, olives, citrus or deciduous fruits, nuts and artichokes are taken of a value exceeding fifty dollars (\$50); provided, further, that where the money, labor, real or personal property is taken by a servant, agent or employee from his principal or employer and aggregates two hundred dollars (\$200) or more in any 12 consecutive month period, then the same shall constitute grand theft.

2. When the property is taken from the person of another.

3. When the property taken is an automobile, firearm, horse, mare, gelding, any bovine animal, any caprine animal, mule, jack, jenny, sheep, lamb, hog, sow, boar, gilt, barrow or pig.

CHAPTER 162

*An act to amend Section 437c of the Code of Civil Procedure,
relating to summary judgments.*

[Approved by Governor May 3, 1965 Filed with
Secretary of State May 3, 1965]

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

SECTION 1. Section 437c of the Code of Civil Procedure is amended to read:

437c. In superior courts and municipal courts if it is claimed the action has no merit, or that there is no defense to the action, on motion of either party, after notice of the time and place thereof in writing served on the other party at least 10 days before such motion, supported by affidavit of any person or persons having knowledge of the facts, the answer may be stricken out or the complaint may be dismissed and judgment may be entered, in the discretion of the court unless the other party, by affidavit or affidavits shall show such facts as may be deemed by the judge hearing the motion sufficient to present a triable issue of fact. A judgment so entered is an appealable judgment as in other cases. The word "action" as used in this section shall be construed to include all types of proceedings. The word "answer" as used in this section shall be construed to include counterclaim and cross-complaint. A motion filed pursuant to the provisions of this section shall be considered a pleading.

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

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

If it appear that such defense applies only to a part of the plaintiff's claim, or that a good cause of action does not exist as to a part of the plaintiff's claim, or that any part of a claim

is admitted or any part of a defense is conceded, the court shall, by order, so declare, and the claim or defense shall be deemed established as to so much thereof as is by such order declared and the cause of action may be severed accordingly, and the action may proceed as to the issues remaining between the parties. No judgment shall be entered prior to the termination of such action but the judgment in such action shall, in addition to any matters determined in such action, award judgment as established by the proceedings herein provided for. A judgment entered under this section is an appealable judgment as in other cases

CHAPTER 163

An act to add Section 1560 to the Probate Code, relating to guardianship.

[Approved by Governor May 3, 1965. Filed with
Secretary of State May 3, 1965.]

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

SECTION 1. Section 1560 is added to the Probate Code, to read:

1560. The guardian upon the death of his ward, if there is no real property, nor interest therein nor lien thereon, in this state, in the guardianship estate, may pay in full or in part from any assets of such ward which are under his control the unpaid expenses of his ward's funeral and last illness. When a claim therefor is presented to the guardian, he must indorse thereon his allowance or rejection, with the date thereof. If he allows the claim, it must be presented to the judge, who must in the same manner indorse upon it his approval or rejection, and, if approved, it must be filed with the clerk within 30 days thereafter. After the payment of such expenses the guardian may transfer any remaining assets in accordance with and subject to the provisions of Section 630 Probate Code. The value of the deceased ward's property for the purpose of ascertaining the right to transfer under said section shall be determined after deduction of said expenses paid.

CHAPTER 164

An act to amend Section 1540 of the Insurance Code, relating to merger of reciprocal insurers.

[Approved by Governor May 3, 1965. Filed with
Secretary of State May 3, 1965.]

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

SECTION 1. Section 1540 of the Insurance Code is amended to read:

1540. Any two or more domestic reciprocal insurers, upon affirmative vote of not less than two-thirds of the subscribers of each such insurer who vote on such merger pursuant to due notice and the prior approval of the commissioner of the terms of such notice, of the manner and form of such voting and of such proposed merger, may merge. The commissioner shall not approve any plan for such merger which is inequitable to subscribers, or in any case where the bylaws or other rules, regulations, power of attorney or other instrument affecting the rights of subscribers of either such reciprocal, has been amended within one year prior to the date of filing with the commissioner of the application for such approval.

CHAPTER 165

An act to amend Sections 940 and 942 of the Insurance Code, relating to deposits of securities by insurers with the Insurance Commissioner.

[Approved by Governor May 3, 1965. Filed with
Secretary of State May 3, 1965.]

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

SECTION 1. Section 940 of the Insurance Code is amended to read:

940. The commissioner shall accept and hold securities in trust for the policyholders or policyholders and creditors of an insurer and for their benefit, whenever (a) the law of another state or of a foreign country requires such a deposit with an officer of this state as a prerequisite to transacting insurance business in that state or country, or (b) the law of this state requires such a deposit with an officer of this state.

SEC. 2. Section 942 of said code is amended to read:

942. The commissioner shall, upon the receipt of such securities, forthwith make a special deposit thereof in the State Treasury, in packages marked with the name of the insurer from whom received. The securities shall remain there as security for policyholders or policyholders and creditors of the insurer to whom they respectively belong. The state is respon-

sible for the custody and safe return of any money or securities so deposited. The State Treasurer shall deposit any such moneys under the provisions of Sections 16370 and 16375 of the Government Code.

CHAPTER 166

An act to amend Section 35201.5 of the Government Code, relating to annexation of territory to cities.

[Approved by Governor May 3, 1965. Filed with Secretary of State May 3, 1965.]

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

SECTION 1. Section 35201.5 of the Government Code is amended to read:

35201.5. Pursuant to this article, a city may annex non-contiguous territory not exceeding 100 acres in area which lies in the same county as that in which the city is situated and which is owned by the city and used for a municipal purpose except that no territory may be annexed under the provisions of this article if, at the time the territory is proposed for annexation, one or more registered voters reside in the territory. If after the completion of such annexation, the city sells such territory or any part thereof or one or more registered voters reside thereon, such territory or part thereof ceases to be a part of the city.

If territory is annexed pursuant to this section, the annexing city may not annex any territory not owned by it and not contiguous to it although such territory is contiguous to the territory annexed pursuant to this section.

Notwithstanding any other provision of this section to the contrary, a city which annexes territory pursuant to this section may annex pursuant to this article additional territory which is owned by the State of California and which is contiguous to such first annexed territory if the total acreage of the first annexed and the subsequently annexed territory together does not exceed 100 acres in area. If after the completion of such subsequent annexation, the city sells all of such first annexed territory or one or more registered voters reside thereon, the subsequently annexed territory ceases to be part of the city.

If territory annexed to a city pursuant to this section becomes contiguous to such city, the limitations imposed by this section shall terminate.

CHAPTER 167

*An act to amend Section 1634 of the Insurance Code,
relating to insurance licensing.*

[Approved by Governor May 3, 1965. Filed with
Secretary of State May 3, 1965.]

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

SECTION 1. Section 1634 of the Insurance Code is amended to read:

1634. No license is required under the provisions of this chapter for a person to act in the following capacities:

(a) As an employee, not paid on a commission basis, of a title insurer;

(b) As a salaried solicitor or agent of a mortgage insurer or mortgage guaranty insurer provided no part of the compensation of such person is on a commission basis;

(c) As the attorney in fact of a reciprocal or interinsurance exchange;

(d) As a life insurance analyst;

(e) As a surplus line broker or special lines surplus line broker; or

(f) As a bail agent, bail solicitor or bail permittee.

CHAPTER 168

*An act to amend Section 1699 of the Insurance Code,
relating to insurance producers' licenses.*

[Approved by Governor May 3, 1965. Filed with
Secretary of State May 3, 1965.]

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

SECTION 1. Section 1699 of the Insurance Code is amended to read:

1699. A person holding a certificate of convenience pending examination who passes the qualifying examination and is otherwise eligible for the permanent license applied for is eligible to receive such permanent license provided that, if such permanent license is to be issued for a license period for which the license fee has not been paid, such license shall not be issued until the required fee has been paid; and provided further that unless such fee is paid within 60 days after mailing to him of a notice of such eligibility such fee shall be increased by an amount equal to the fee for one license year for such license and eligibility for such license shall in all events terminate unless exercised within one year following passing of the qualifying examination. This section shall not operate to extend any certificate of convenience pending examination be-

yond six months after the issuance thereof and the person who held the same shall be deemed unlicensed for all purposes during the period between the termination of such certificate and the actual issuance of such permanent license.

CHAPTER 169

An act to amend Section 1701 of the Insurance Code, relating to certificates of convenience in insurance.

[Approved by Governor May 3, 1965. Filed with Secretary of State May 3, 1965.]

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

SECTION 1. Section 1701 of the Insurance Code is amended to read:

1701. The holder of a certificate of convenience may not transact insurance, nor participate directly or indirectly in any commissions paid thereunder or therefor covering himself or any person specified in Sections 760 or 760.5, except that the holder of a certificate of convenience to act in the following capacities may, if he receives no commissions thereon until after he has received his permanent license, transact personal insurance upon himself to the following extent:

(a) As a life and disability agent or life only agent, life insurance for a face amount of not exceeding ten thousand dollars (\$10,000);

(b) As a life and disability agent or disability only agent, disability insurance under which the largest specific indemnity is not more than twenty thousand dollars (\$20,000).

CHAPTER 170

An act to add Section 700.04 to the Insurance Code, relating to the paid-in capital requirements for life insurers, title insurers, mortgage insurers, and mortgage guaranty insurers.

[Approved by Governor May 3, 1965. Filed with Secretary of State May 3, 1965.]

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

SECTION 1. Section 700.04 is added to the Insurance Code, to read:

700.04 Paid-in capital for life insurers is governed by Section 10510 of this code; for title insurers by Section 12359; for mortgage insurers by Section 12440; and for mortgage guaranty insurers by Section 12640.03.

CHAPTER 171

An act to amend Section 12 of the Santa Barbara County Flood Control and Water Conservation District Act (Chapter 1057, Statutes 1955), relating to the Santa Barbara Flood Control and Water Conservation District.

[Approved by Governor May 3, 1965. Filed with Secretary of State May 3, 1965.]

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

SECTION 1. Section 12 of the Santa Barbara County Flood Control and Water Conservation Act (Chapter 1057, Statutes 1955) is amended to read:

Sec. 12. The board shall have power, in any year:

1. To levy ad valorem taxes or assessments upon all property in the district to pay the general administrative costs and expenses of the district, and to carry out any of the objects or purposes of this act of common benefit to the district; provided, however, that said ad valorem tax or assessment shall not exceed four cents (\$.04) on each one hundred dollars (\$100) of assessed valuation; provided further, that, for the fiscal year 1956-57 only, said ad valorem tax or assessment may be levied at a rate not to exceed four cents (\$.04) on each one hundred dollars (\$100) of assessed valuation to provide initial working capital for the district; and

2. To levy taxes or assessments in each or any of said zones and participating zones to pay the cost and expenses of carrying out, constructing, maintaining, operating, extending, repairing or otherwise improving any or all works or improvements established or to be established within or on behalf of said respective zones, according to the benefits derived or to be derived by said respective zones, by the following method:

By a levy or assessment upon all taxable property within a zone or participating zone; provided, that the total amount of all taxes and assessments levied on property within any zone for the benefit of said zone shall not exceed twenty cents (\$.20) on each one hundred dollars (\$100) of assessed valuation, exclusive of the amounts necessary for interest and redemption of any bonds voted within such zone and exclusive of the districtwide levy provided for in subdivision 1 hereof. It is declared that for the purposes of any tax or assessment levied under this subdivision, the property so taxed or assessed within a given zone is equally benefited.

In the event of project cooperation with any of the governmental bodies as authorized in subdivision 6 of Section 5 of this act, and requiring the making of a contract with any such governmental body for the purposes set forth in said subdivision 6, by the terms of which work is to be performed by any such governmental body in any specified zone or participating zones, for the particular benefit thereof, and by said proposed contract the district is to pay to such govern-

mental body, a sum of money in consideration or subvention for the performance of said work by such governmental body, the board may, after proceedings in the manner prescribed in Section 11 of this act, levy and collect a special tax or assessment upon the property in such zone or participating zones, whereby to raise funds to enable the district to make such payment, in addition to other taxes or assessments herein otherwise provided for.

Said taxes or assessments shall be levied and collected together with, and not separately from taxes for county purposes, and the revenues derived from said district taxes or assessments shall be paid into the county treasury to the credit of said district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any zone from the taxes or assessments levied under the provisions of subdivision 2 of this section shall be expended for constructing, maintaining, operating, extending, repairing or otherwise improving any works or improvements located in any other zone, except in the case of joint projects, or for projects authorized or established outside such zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, such zones will become, and shall be referred to as, participating zones.

CHAPTER 172

An act to amend Sections 10026, 10027, 10074, 10131, 10131.2, 10141, 10153, 10176, and 10177 of, to repeal Chapter 4 (commencing with Section 10250) of Part 1 of Division 4 of, and to add Sections 10030, 10146, and 10150.8 to, the Business and Professions Code, relating to the regulation of real estate and business opportunity licensees.

[Approved by Governor May 4, 1965. Filed with
Secretary of State May 5, 1965.]

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

SECTION 1. Section 10026 of the Business and Professions Code is amended to read:

10026. The term "advance fee" as used in this part is a fee claimed, demanded, charged, received, collected or contracted for a listing, advertisement or offer to sell or lease property, other than in a newspaper of general circulation, issued primarily for the purpose of promoting the sale or lease of business opportunities or real estate or for referral to real estate brokers or salesmen, or soliciting borrowers or lenders for, or to negotiate loans on, business opportunities or real estate.

SEC. 2. Section 10027 of said code is amended to read:

10027. The term "listing" as used in this part includes, but is not limited to:

(a) The name or a list of the names, of the owners, landlords, exchangers, or lessors, or the location or locations, of property, or of an interest in property, offered for rent, sale, lease, or exchange.

(b) The name, or a list of the names, or the location or locations at which prospective or potential purchasers, buyers, lessees, tenants or exchangers of property may be found or contacted.

(c) An agreement by which a person who is engaged in the business of promoting the sale or lease of business opportunities or real estate agrees to render to an owner or lessee of such property any services, to promote the sale or lease of said property.

(d) An agreement by which a person who is engaged in the business of finding, locating or promoting the sale or lease of business opportunities or real estate, agrees to circularize, notify or refer real estate brokers or salesmen to said property which is offered for sale or lease.

SEC. 3. Section 10030 is added to said code, to read:

10030. As used in this part, the words business opportunity shall include the sale or lease of the business and goodwill of an existing business enterprise or opportunity.

SEC. 4. Section 10074 of said code is amended to read:

10074. After qualifying as such neither the commissioner nor any of the deputies, clerks or employees of the division shall be interested in any mineral, oil or gas business, mineral, oil or gas brokerage firm, real estate company or any real estate brokerage firm, as director, stockholder, officer, member, agent or employee, or act as a broker or salesman, or act as a copartner or agent for any broker or brokers, salesman or salesmen.

SEC. 5. Section 10131 of said code is amended to read:

10131. A real estate broker within the meaning of this part is a person who, for a compensation or in expectation of a compensation, does or negotiates to do one or more of the following acts for another or others:

(a) Sells or offers to sell, buys or offers to buy, solicits prospective sellers or purchasers of, solicits or obtains listings of, or negotiates the purchase, sale or exchange of real property or a business opportunity.

(b) Leases or rents or offers to lease or rent, or places for rent, or solicits listings of places for rent, or solicits for prospective tenants, or negotiates the sale, purchase or exchanges of leases on real property, or on a business opportunity, or collects rents from real property, or improvements thereon, or from business opportunities.

(c) Assists or offers to assist in filing an application for the purchase or lease of, or in locating or entering upon, lands owned by the state or federal government.

(d) Solicits borrowers or lenders for or negotiates loans or collects payments or performs services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property or on a business opportunity.

(e) Sells or offers to sell, buys or offers to buy, or exchanges or offers to exchange a real property sales contract, or a promissory note secured directly or collaterally by a lien on real property or on a business opportunity, and performs services for the holders thereof.

SEC. 6. Section 10131.2 of said code is amended to read:

10131.2. A real estate broker within the meaning of this part is also a person who engages in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee in connection with any employment undertaken to promote the sale or lease of real property or of a business opportunity by advance fee listing, advertisement or other offering to sell, lease, exchange or rent property or a business opportunity, or to obtain a loan or loans thereon.

SEC. 7. Section 10141 of said code is amended to read:

10141. Within one month after the closing of a transaction in which title to real property or in the sale of a business when real or personal property is conveyed from a seller to a purchaser through a licensed real estate broker, such broker shall inform or cause the information to be given to the seller and purchaser in writing of the selling price thereof and in event an exchange of real property or a business opportunity is involved, such information shall include a description of said property and amount of added money consideration, if any. If the transaction is closed through escrow and the escrow holder renders a closing statement which reveals such information, that shall be deemed compliance with this section on the part of the broker.

SEC. 8. Section 10146 is added to said code, to read:

10146. Any real estate broker who contracts for or collects an advance fee from any other person, hereinafter referred to as the "principal," shall deposit any such amount or amounts, when collected in a trust account with a bank or other recognized depository. Such funds are trust funds and not the funds of the agent. Amounts may be withdrawn therefrom for the benefit of the agent only when actually expended for the benefit of the principal or five days after the verified accounts mentioned hereinafter have been mailed to the principal.

The commissioner may issue such rules and regulations as he deems necessary to regulate the method of accounting, and to accomplish the purpose of the provisions of this code relating to advance fees including, but not limited to, establishing forms for and determining information to be included in such accountings. Each principal shall be furnished a verified copy of such accountings at the end of each calendar quarter and when the contract has been completely performed by the

licensee. The Real Estate Commissioner shall be furnished a verified copy of any account or all accounts on his demand therefor.

Where advance fees actually paid by or on behalf of any principal are not handled in accordance with the preceding paragraph, it shall be presumed that the agent has violated Sections 506 and 506a of the Penal Code. The principal may recover treble damages for amounts so misapplied and shall be entitled to reasonable attorneys' fees in any action brought to recover the same.

SEC. 9. Section 10150.8 is added to said code, to read:

10150.8. Any person who held an unrevoked or unsuspended business opportunity license ninety (90) days prior to the effective date of the repeal of the business opportunity license law may apply for and be issued a real estate license of the same class for the remaining term of said license without examination or fee. Any business opportunity broker or salesman application pending ninety (90) days prior to the effective date of said repeal shall be reprocessed as a real estate application of the same class upon written request of the applicant. Any fee on file will be applied to said real estate application; said application shall meet all other requirements, including examination, for real estate license before said real estate license may be issued. This section shall not apply to a holder of a business opportunity license who held a real estate license of the same class.

SEC. 10. Section 10153 of said code is amended to read:

10153. In addition to the proof of honesty, truthfulness and good reputation required of any applicant for a real estate license, the commissioner shall ascertain by written examination that the applicant, and in case of a copartnership or corporation applicant for a real estate broker's license that each officer, agent or member thereof through whom it proposes to act as a real estate licensee, has:

(a) Appropriate knowledge of the English language, including reading, writing and spelling and of arithmetical computations common to real estate and business opportunity practices.

(b) An understanding of the principles of real estate and business opportunity conveyancing, the general purposes and general legal effect of agency contracts, deposit receipts, deeds, mortgages, deeds of trust, chattel mortgages, bills of sale, land contracts of sale and leases, and of the principles of business and land economics and appraisals.

(c) A general and fair understanding of the obligations between principal and agent, of the principles of real estate and business opportunity practice and the canons of business ethics pertaining thereto, of the provisions of this part, of Chapter 1 of Part 2, and of the regulations of the Real Estate Commissioner as contained in Title 10 of the California Administrative Code.

SEC. 11. Section 10176 of said code is amended to read:

10176. The commissioner may, upon his own motion, and shall, upon the verified complaint in writing of any person. investigate the actions of any person engaged in the business or acting in the capacity of a real estate licensee within this state, and he may temporarily suspend or permanently revoke a real estate license at any time where the licensee, while a real estate licensee, in performing or attempting to perform any of the acts within the scope of this chapter has been guilty of any of the following:

- (a) Making any substantial misrepresentation.
- (b) Making any false promises of a character likely to influence, persuade or induce.
- (c) A continued and flagrant course of misrepresentation or making of false promises through real estate agents or salesmen.
- (d) Acting for more than one party in a transaction without the knowledge or consent of all parties thereto.
- (e) Commingling with his own money or property the money or other property of others which is received and held by him.
- (f) Claiming, demanding, or receiving a fee, compensation or commission under any exclusive agreement authorizing or employing a licensee to sell, buy or exchange real estate or a business opportunity for compensation or commission where such agreement does not contain a definite, specified date of final and complete termination.
- (g) The claiming or taking by a licensee of any secret or undisclosed amount of compensation, commission or profit or the failure of a licensee to reveal to the employer of such licensee the full amount of such licensee's compensation, commission or profit under any agreement authorizing or employing such licensee to do any acts for which a license is required under this chapter for compensation or commission prior to or coincident with the signing of an agreement evidencing the meeting of the minds of the contracting parties, regardless of the form of such agreement, whether evidenced by documents in an escrow or by any other or different procedure.
- (h) The use by a licensee of any provision allowing the licensee an option to purchase in an agreement authorizing or employing such licensee to sell, buy, or exchange real estate or a business opportunity for compensation or commission, except when such licensee prior to or coincident with election to exercise such option to purchase reveals in writing to the employer the full amount of licensee's profit and obtains the written consent of the employer approving the amount of such profit.
- (i) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.
- (j) Obtaining the signature of a prospective purchaser to an agreement which provides that such prospective purchaser

shall either transact the purchasing, leasing, renting or exchanging of a business opportunity property through the broker obtaining such signature, or pay a compensation to such broker if such property is purchased, leased, rented or exchanged without the broker first having obtained the written authorization of the owner of the property concerned to offer such property for sale, lease, exchange or rent.

SEC. 12. Section 10177 of said code is amended to read:

10177. The commissioner may suspend or revoke the license of any real estate licensee, or may deny the issuance of a license to an applicant, who has done any of the following:

(a) Procured, or attempted to procure, a real estate license, for himself or any salesman, by fraud, misrepresentation or deceit, or by making any material misstatement of fact in an application for a real estate license.

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following such conviction, suspending the imposition of sentence, or of a subsequent order under the provision of Section 1203.4 of the Penal Code allowing such licensee to withdraw his plea of guilty and to enter a plea of not guilty, or dismissing the accusation or information.

(c) Knowingly authorized, directed, connived at or aided in the publication, advertisement, distribution, or circulation of any material false statement or representation concerning his business, or any business opportunity or any land or subdivision (as defined in Chapter 1 of Part 2 of this division) offered for sale.

(d) Willfully disregarded or violated any of the provisions of the Real Estate Law (commencing with Section 10000 of this code) or of Chapter 1 (commencing with Section 11000) of Part 2 of this division or of the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 of Part 2 of this division.

(e) Willfully used the term "realtor" or any trade name or insignia of membership in any real estate organization of which the licensee is not a member.

(f) Acted or conducted himself in a manner which would have warranted the denial of his application for a real estate license.

(g) Demonstrated negligence or incompetence in performing any act for which he is required to hold a license.

(h) If, as a broker licensee, failed to exercise reasonable supervision over the activities of his salesmen.

(i) Has used his employment by a governmental agency in a capacity giving access to records, other than public records, in such manner as to violate the confidential nature of such records.

(j) Any other conduct, whether of the same or a different character than specified in this section, which constitutes fraud or dishonest dealing.

(k) Violated any of the terms, conditions, restrictions, and limitations contained in any order granting a restricted license.

(l) Violated Section 8616 of this code.

SEC. 13. Chapter 4 (commencing with Section 10250) of Part 1 of Division 4 of said code is repealed.

SEC. 14. This act shall become operative on January 2, 1966.

CHAPTER 173

An act to add Section 13552.5 to the Education Code, relating to leaves of absence for teachers elected to the Legislature, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 5, 1965. Filed with
Secretary of State May 5, 1965.]

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

SECTION 1. Section 13552.5 is added to the Education Code, to read:

13552.5. Every person employed by a school district as a permanent employee in a position requiring certification qualifications who is elected to the Legislature shall be granted a leave of absence from his duties as an employee of the district by the governing board of the district.

During the term of such leave of absence, the employee may be employed by the school district to perform such less than full-time service requiring certification qualifications, for such compensation and upon such terms and conditions, as may be mutually agreed upon.

Such absence shall not affect in any way the classification of such employee.

Within six months after the term of office of such employee expires he shall be entitled to return to the position held by him at the time of his election, at the salary to which he would have been entitled had he not absented himself from the service of the school district under this section.

Notwithstanding any provision of this code to the contrary, a person employed to take the place of any such employee shall not have any right to such position following the return of such employee to the position.

This section shall apply to any permanent certificated school district employee who held the office of Member of the Assembly or State Senator on or after January 4, 1965.

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 employment status of a number of Members of the Legislature who hold teaching and other positions requiring certification qualifications in the employ of public school districts is unclear. It has come to the attention of the Legislature that some school district governing boards are proposing to take action against such employee-members which will jeopardize their continued employment with the school districts solely because of their service in the Legislature. In order that the employment status and rights of such Members of the Legislature will be preserved, and to immediately bar any official action by local authorities which may be pending against such Members of the Legislature, or to nullify such actions which may have been taken, it is necessary that this act take effect immediately.

CHAPTER 174

An act to amend Section 226 of the Civil Code, relating to adoptions.

[Approved by Governor May 5, 1965. Filed with
Secretary of State May 5, 1965.]

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

SECTION 1. Section 226 of the Civil Code is amended to read:

226. Any person desiring to adopt a child may for that purpose petition the superior court of the county in which the petitioner resides and the clerk of the court shall immediately notify the State Department of Social Welfare at Sacramento in writing of the pendency of the action and of any subsequent action taken. In all cases in which consent is required, except in the case of an adoption by a stepparent where one natural or adoptive parent retains his or her custody and control of the child, unless an agency licensed by the State Department of Social Welfare to find homes for children and place children in homes for adoption joins in the petition for adoption, the petition shall contain an allegation that the petitioners will file promptly with the department or the county adoption agency information required by the department in the investigation of the proposed adoption. The omission of such allegation from a petition so filed shall not, however, affect the jurisdiction of the court to proceed, nor shall it have heretofore affected the jurisdiction of any court to have proceeded, upon such petition omitting such allegation, in any manner provided in this chapter or otherwise, nor shall such omission have affected or affect the validity of any decree of

adoption or other order heretofore or hereafter made by any court with respect to such petition omitting such allegation.

SEC. 2. The amendment of Section 226 of the Civil Code by this act does not constitute a change in, but is declaratory of, the preexisting law.

CHAPTER 175

An act to amend Section 12951 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor May 5, 1965. Filed with
Secretary of State May 5, 1965.]

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

SECTION 1. Section 12951 of the Vehicle Code is amended to read:

12951. The licensee shall have the license issued to him in his immediate possession at all times when driving a motor vehicle upon a highway and when driving shall display the same upon demand of a peace officer enforcing the provisions of this code.

Any charge under this section shall be dismissed when the person charged produces in court a driver's license duly issued to such person and valid at the time of his arrest, except that upon a third or subsequent charge under this section the court in its discretion may dismiss the charge. Conviction under this section shall be punishable by a fine not exceeding fifty dollars (\$50) or by imprisonment in the county jail not exceeding five days.

CHAPTER 176

An act to add Section 11302.5 to the Streets and Highways Code, relating to pedestrian malls.

[Approved by Governor May 5, 1965. Filed with
Secretary of State May 5, 1965.]

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

SECTION 1. Section 11302.5 is added to the Streets and Highways Code, to read:

11302.5. A copy of the resolution of intention shall be recorded in the office of the county recorder of the county in which lies any portion of any parcel of land abutting upon any portion of the proposed pedestrian mall or upon any portion of any intersecting street. The copy shall be recorded not less than 90 days prior to the hearing.

CHAPTER 177

An act to amend Sections 31549, 31673, 31770.1, 31771, 31777, 31850, 31851, and 31856 of, and to add Sections 31569.4, 31851.5, and 31853.5 to, the Streets and Highways Code, relating to vehicle parking districts.

[Approved by Governor May 5, 1965 Filed with
Secretary of State May 5, 1965.]

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

SECTION 1. Section 31549 of the Streets and Highways Code is amended to read:

31549. If at the hearing and after all proceedings, if any, taken at the hearing for a change of boundaries have been concluded, it appears that the owners of more than one-half of the area of the land included within the proposed district and subject to assessment have made objection in writing to the doing of the things proposed to be done as an entirety the legislative body, by a resolution entered upon its minutes, shall so find. Thereafter the legislative body shall not proceed further under the ordinance of intention, and the proceeding is terminated.

SEC. 2. Section 31569.4 is added to said code, to read:

31569.4. Whenever a district (hereinafter in this section called the "new district") is formed under this part which includes all or any part of a district previously formed under this part, the limit on the assessment levied in the new district as provided in Section 31569 or Section 31569.1, as the case may be, shall be reduced by the amount of the balance outstanding of all previous assessments levied under this part upon that portion of the district previously formed which lies within the new district. The balance outstanding shall be computed as provided in Section 31863

SEC. 3. Section 31673 of said code is amended to read:

31673. At any time after the assessment is recorded, the legislative body shall 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.

SEC. 4. Section 31770.1 of said code is amended to read:

31770.1. At its discretion, the legislative body of any city may, by ordinance, provide for the appointment, removal, qualifications, terms of office and number of members of parking place commissioners for such city. Such board shall have all of the powers and duties of parking place commissioners appointed under this part. Such board, so appointed, may be an existing board created by city charter or ordinance or a new board created by ordinance. Such board may act for all vehicle parking districts established within the city under this

part or for such of the districts as may be specified in the ordinance.

SEC. 5. Section 31771 of said code is amended to read:
31771. The commission shall consist of three members.

SEC. 6. Section 31777 of said code is amended to read:

31777. A commissioner may be an owner or lessee of property, or an officer, employee, or agent of a corporation owning or leasing property, within the district or, in the case of a commission appointed under Section 31865, within one of the districts, or any other qualified person.

SEC. 7. Section 31850 of said code is amended to read:

31850. The city legislative body may sell or lease any property acquired for parking places which is not needed for that public use.

SEC. 8. Section 31851 of said code is amended to read:

31851. Any money received from the sale or lease of property not needed for parking places shall be placed in such fund as the board directs, and may be used for any purpose for which revenues from fees, charges, and rentals for the use of parking places of the district may be used, except the proceeds from the sale or lease of property acquired with the proceeds of an assessment shall not be applied as a credit upon any assessments except those levied for the acquisition of the property.

SEC. 9. Section 31851 5 is added to said code, to read:

31851.5. Whenever the legislative body determines that any portion of property acquired for parking places is not needed for that public use, the city may devote such property to some other public use which the legislative body finds will be of general benefit to the area comprising the district. Before making such determination the legislative body shall hold a public hearing thereon and shall give notice of such hearing published pursuant to Section 6061 of the Government Code in a newspaper circulated in the city at least 10 days before such hearing. The notice shall contain a general description of the property as to which the determination is proposed to be made and shall contain a general description of the public use to which such property is proposed to be devoted. The determination shall not be made if prior to the hour fixed for the hearing, the owners of more than one-half of the area of the lands within the district have filed with the clerk of the legislative body written objection to the proposed determination.

SEC. 10. Section 31853 5 is added to said code, to read:

31853.5. Whenever under this part an assessment may be levied, either in connection with the original formation of the district or subsequent thereto, for the purpose of acquiring parking places for the district, the lands to be acquired may include lands as to which the city has previously entered into a contract to purchase, whether or not the title to said lands has already passed to the city under such contract, and the proceeds of such assessment may be used to pay all or any part of the unpaid balance of the purchase price.

SEC. 11. Section 31856 of said code is amended to read:

31856. Property for additional parking places may be acquired:

(a) By a lump sum payment or by contract of purchase with payments made annually, or otherwise, over a period of years, but any such contract shall not provide for payments to be over a period longer than 25 years from the date of the contract. The purchase price may be paid from the limited taxes levied for acquisition of parking places under Section 31822, from revenues derived from operation of parking places of the district, or from any other funds of the district available for the purpose.

(b) By lease, but any such lease shall not run for a period longer than 25 years. Rental on any lease may be paid from revenues derived from the operation of parking places of the district, from the limited taxes levied for maintenance, operation, repair, and improvement under Section 31822, or from any other funds of the district available for the purpose.

(c) Under lease and option to purchase. Any such lease and option shall not run for a longer period than 25 years. The purchase price may be provided from revenues derived from operation of parking places of the district, from the limited taxes levied for acquisition of parking places under Section 31822, or from any other funds of the district available for the purpose.

(d) Pursuant to Section 31861.

(e) Any contract of purchase, lease or lease with option to purchase entered into pursuant to subdivision (a), (b) or (c) of this section may contain agreements or covenants requiring levies pursuant to Section 31822, or requiring the fixing and collection of fees, charges and rentals for the use of parking places of the district or both, sufficient to produce funds from which the purchase price or rent shall be paid in accordance with the terms of the contract or lease.

CHAPTER 178

An act to amend Sections 11018, 11018.3, and 11019 of the Business and Professions Code, relating to subdivided lands.

[Approved by Governor May 5, 1965. Filed with
Secretary of State May 5, 1965.]

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

SECTION 1. Section 11018 of the Business and Professions Code is amended to read:

11018. The Real Estate Commissioner shall make an examination of any subdivision, and shall, unless there are grounds for denial, issue to the subdivider a public report authorizing

the sale or lease in this state of the lots or parcels within the subdivision. The commissioner may publish the report.

The grounds for denial are:

(a) Failure to comply with any of the provisions in this chapter or the regulations of the commissioner pertaining thereto.

(b) The sale or lease would constitute misrepresentation to or deceit or fraud of the purchasers or lessees.

(c) Inability to deliver title or other interest contracted for.

(d) Inability to demonstrate that adequate financial arrangements have been made for all offsite improvements included in the offering.

(e) Inability to demonstrate that adequate financial arrangements have been made for any community, recreational or other facilities included in the offering.

(f) Failure to make a showing that the parcels can be used for the purpose for which they are offered.

(g) Failure to provide in the contract or other writing the use or uses for which the parcels are offered, together with any covenants or conditions relative thereto.

(h) Agreements or bylaws to provide for management or other services pertaining to common facilities in the offering, which fail to comply with the regulations of the commissioner.

(i) Failure to demonstrate that adequate financial arrangements have been made for any guaranty or warranty included in the offering.

SEC. 2. Section 11018.3 of said code is amended to read:

11018.3. Any subdivider objecting to the denial of a public report may, within 30 days after receipt of the order of denial, file a written request for a hearing. The commissioner shall hold the hearing within 20 days thereafter unless the party requesting the hearing shall have requested a postponement. If the hearing is not held within 20 days after request for a hearing is received plus the period of any such postponement or if a proposed decision is not rendered within 45 days after submission and an order adopting or rejecting such proposed decision is not issued within 15 days thereafter, the order of denial shall be rescinded and a public report issued.

SEC. 3. Section 11019 of said code is amended to read:

11019. Whenever the commissioner finds that any owner, subdivider, or other person is violating any of the provisions of Chapter 1 of Part 2 or of the regulations pertaining thereto, or that the further sale or lease of lots or parcels in a subdivision would constitute grounds for denial of the issuance of a public report under the provisions of Section 11018, the commissioner may order the person to desist and refrain from violating the provisions of Chapter 1 of Part 2 or of the regulations pertaining thereto or from the further sale or lease of lots or parcels within the subdivision.

After such an order is made, the person or persons named therein may, within 30 days after receipt of the order, file a written request for a hearing. The commissioner shall hold a

hearing within 15 days thereafter, unless the party requesting the hearing shall have requested a postponement. If the hearing is not held within 15 days after the request for hearing plus the period of any such postponement or if a proposed decision is not rendered within 30 days after submission and an order adopting or rejecting such proposed decision is not issued within 15 days thereafter, the order shall be rescinded.

CHAPTER 179

An act to add Section 27508.5 to, and to amend Sections 27508, 27510, 27513, 27552, 27553, 27601, 27602 and 27614 of, the Education Code, relating to library district trustees.

[Approved by Governor May 5, 1965. Filed with
Secretary of State May 5, 1965.]

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

SECTION 1. Section 27508.5 is added to the Education Code, to read:

27508.5. Two additional trustees shall be elected to the board of library trustees at the regularly scheduled election of the board next following the effective date of this section, one such member to serve for a term of three years, and the other for a term of two years. The member who receives the highest number of votes shall serve for a term of three years. In the event that the two members receive equal numbers of votes, the lengths of their terms shall be determined by lot.

The provisions of this chapter regarding qualifications and terms of office shall be equally applicable to these additional trustees.

SEC. 2. Section 27508 of said code is amended to read:

27508. If a majority of the votes at the election is in favor of a library district, the board of supervisors shall by resolution, establish the library district, and shall appoint five trustees, who shall be qualified electors and residents within the limits of the district, to be known as a board of library trustees of the town or village for which they are appointed.

SEC. 3. Section 27510 of said code is amended to read:

27510. The members of the first board appointed shall be so classified by the board of supervisors at the time of their appointment, that two of their number go out of office on the 30th day of June next succeeding their appointment, two at the end of one year thereafter, and the other at the end of two years thereafter.

SEC. 4. Section 27513 of said code is amended to read:

27513. The fact of the presentation of the petition, and the order establishing the library district and making the appointment of the five library trustees, shall be entered in the minutes of the board of supervisors and shall be conclusive

evidence of the due presentation of a proper petition, and that each of the petitioners was, at the time of signature and presentation of the petition, a taxpayer and resident of the proposed district, and of the fact and regularity of all prior proceedings of every kind and nature provided for by this article (commencing at Section 27501), and of the existence and validity of the district.

SEC. 5. Section 27552 of said code is amended to read:

27552. Special meetings may be called at any time by three trustees, by written notices served upon each member at least 12 hours before the time specified for the meeting.

SEC. 6. Section 27553 of said code is amended to read:

27553. Three members constitute a quorum for the transaction of business.

SEC. 7. Section 27601 of said code is amended to read:

27601. An election shall be held in each library district, annually, on the first Tuesday in June, for the election of library trustees to fill the offices, the terms of which expire that year, and each trustee thereby elected shall hold office for three years, dating from the 1st day of July next succeeding the election or until a successor is elected, or appointed, and qualified. The election shall be consolidated with state primary election held in even-numbered years.

SEC. 8. Section 27602 of said code is amended to read:

27602. The number of library trustees for any library district established under the provisions of this chapter is five.

SEC. 9. Section 27614 of said code is amended to read:

27614. If one person is to be elected, the person receiving the highest number of votes shall be elected, if two persons are to be elected, the two persons receiving the highest number of votes shall be elected.

CHAPTER 180

An act to add Sections 1710.23a and 1710.23b to the Labor Code, relating to nurses' registries.

[Approved by Governor May 5, 1965. Filed with
Secretary of State May 5, 1965.]

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

SECTION 1. Section 1710.23a is added to the Labor Code, to read:

1710.23a. The Labor Commissioner may issue to a person eligible therefor a certificate of convenience to conduct the business of a nurses' registry where the person licensed to conduct such nurses' registry has died, or has been declared incompetent by the judgment of a court of competent jurisdiction, or has had a conservator appointed for his estate by a court of competent jurisdiction. Such a certificate of con-

venience may be denominated an estate certificate of convenience.

SEC. 2. Section 1710.23b is added to said code, to read:

1710.23b. To be eligible for a certificate of convenience, a person shall be:

(a) The executor or administrator of the estate of a deceased person licensed to conduct the business of a nurses' registry; or

(b) If no executor or administrator has been appointed, the widow or heir otherwise entitled to conduct the business of such deceased licensee; or

(c) The guardian of the estate of an incompetent person licensed as a nurses' registry, or the conservator appointed for the conservation of the estate of a person licensed to conduct the business of a nurses' registry.

Such estate certificate of convenience shall continue in force for a period of not to exceed 90 days, renewable by the Labor Commissioner for such period as he may deem appropriate, pending the disposal of the nurses' registry license or the procurement of a new license under the provisions of this chapter.

CHAPTER 181

An act to amend Section 1370.4 of the Insurance Code, relating to reciprocal or interinsurance exchanges.

[Approved by Governor May 5, 1965. Filed with
Secretary of State May 5, 1965.]

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

SECTION 1. Section 1370.4 of the Insurance Code is amended to read:

1370.4. An exchange admitted prior to October 1, 1961, shall be exempt from the provisions of Section 1370.2 until it replaces its attorney in fact, except when the replacement is in strict compliance with a contract between the exchange and its current attorney in fact entered into prior to October 1, 1961, or the effective legal control of its attorney in fact passes, by means other than by way of judicial process (including but not limited to: probate proceedings, bankruptcy proceedings or an action by a dissident minority interest to force a sale or partition of the attorney in fact) to persons none of whom had a proprietary interest therein on October 1, 1961, subject to the further provisions of this section and to the provisions of Section 1370.8.

While exempted from the provisions of Section 1370.2 as modified by Section 1370.8, such an exchange shall be subject to and comply with the surplus requirements provided in this chapter (commencing with Section 1280) immediately prior to October 1, 1961.

The exemption from Section 1370.2 provided by this section shall be progressively abolished so that on and after the dates specified in the left-hand column of the following table every exchange shall be required to maintain at least a minimum surplus equal to that percentage of the minimum paid-in capital required by this code of capital stock insurers transacting the same classes of insurance which is set forth in the right-hand column of the following table.

January 1, 1967-----	20%
January 1, 1970-----	40%
January 1, 1973-----	70%
January 1, 1976-----	100%

In a case where the provisions of Section 1370.8 become applicable any additional minimum surplus required by that section shall be in addition to any required under the provisions of this paragraph.

CHAPTER 182

An act to amend Section 35788 of the Vehicle Code, relating to agreements to haul overweight loads.

[Approved by Governor May 5, 1965. Filed with
Secretary of State May 5, 1965.]

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

SECTION 1. Section 35788 of the Vehicle Code is amended to read:

35788. Upon application to the Director of Public Works for permission to use and operate on highways private or contract vehicles for the purpose of hauling loads which weigh in excess of the maximum load weight limits, the director may enter into an agreement with the applicant, permitting such overloads, specifying protective restrictions and providing for the payment of a financial contribution for the issuance of such permission, except that the overload shall not exceed 25 percent of the maximum load weight limitation, in pounds, set forth in this code. The agreement shall not permit the applicant to transport such excess weight loads on highways for distances exceeding 75 miles. All contributions received by the Department of Public Works shall be used for the construction, improvement, or maintenance of the highway designated in the permission to operate overweight loads. Sections 188 and 188.8 of the Streets and Highways Code shall not apply to contributions received pursuant to this section, and any expenditures of the contributions by the department shall not be credited against amounts required to be expended pursuant to Sections 188 and 188.8 of the Streets and Highways Code.

CHAPTER 183

An act to amend Section 21454 of the Vehicle Code, relating to left turn areas.

[Approved by Governor May 5, 1965. Filed with Secretary of State May 5, 1965.]

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

SECTION 1. Section 21454 of the Vehicle Code is amended to read:

21454. A green arrow on an official traffic control signal means that vehicular traffic facing the signal may make the movement indicated by the green arrow but shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such green arrow is exhibited. Vehicular traffic may make a semicircular or U-turn only where such turn is permitted by signs erected at such location. A green arrow may be displayed alone or with red, yellow or green.

It is unlawful to operate a traffic signal which is equipped with a green light and a red arrow which are shown simultaneously. A green arrow shall not be displayed so as to direct vehicular traffic in a manner as to conflict with another flow of vehicular traffic directed at the same time in another direction.

CHAPTER 184

An act to amend Section 22407 of the Vehicle Code, relating to speed limits.

[Approved by Governor May 5, 1965. Filed with Secretary of State May 5, 1965.]

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

SECTION 1. Section 22407 of the Vehicle Code is amended to read:

22407. Whenever the Department of Public Works determines upon the basis of engineering and vehicle equipment studies and a traffic survey that the speed of 50 miles per hour is more than is reasonable or safe for vehicles mentioned in Section 22406 in descending a grade upon any portion of a state highway, the department may determine and declare a speed limit of 45, 40, 35, 30, 25 or 20 miles per hour, whichever is found most appropriate to facilitate the orderly movement of traffic and is reasonable and safe, which declared speed limit shall be effective for such vehicles when appropriate signs giving notice thereof are erected upon the highway.

CHAPTER 185

*An act to amend Section 1710.17 of the Labor Code,
relating to license fees for nurses' registries.*

[Approved by Governor May 5, 1965 Filed with
Secretary of State May 5, 1965.]

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

SECTION 1. Section 1710.17 of the Labor Code is amended to read:

1710.17. A filing fee of twenty-five dollars (\$25) shall be paid to the Labor Commissioner at the time an application for issuance of a nurses' registry license is filed. In addition to such filing fee, each nurses' registry shall pay to the Labor Commissioner annually at the time a license is issued or renewed a license fee of:

(a) One hundred fifty dollars (\$150) in cities having a population of over 100,000.

(b) Seventy-five dollars (\$75) in cities having a population of over 25,000 and not exceeding 100,000.

(c) Fifty dollars (\$50) in all other places.

(d) Fifty dollars (\$50) for each branch office maintained by the nurses' registry.

All figures as to population shall be based on the latest United States government census.

CHAPTER 186*An act to amend Sections 24609, 26458, and 26503 of the
Vehicle Code, relating to equipment of motor vehicles.*

[Approved by Governor May 5, 1965. Filed with
Secretary of State May 5, 1965.]

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

SECTION 1. Section 24609 of the Vehicle Code is amended to read:

24609. (a) A vehicle or the vehicle at the end of a train of vehicles which is subject to Section 22406 shall be equipped with at least two red reflectors not less than $2\frac{3}{4}$ inches in effective diameter or 6 square inches in effective area mounted on the left and right side respectively on the rear of the vehicle at a height not to exceed 60 inches nor less than 24 inches above the ground and so designed and maintained as to be visible at night from all distances within 500 feet from the vehicle or train of vehicles when directly in front of a motor vehicle displaying lawful lighted headlamps, not depressed.

(b) A motor truck weighing unladen more than 5,000 pounds and every trailer coach shall be equipped with at least two reflectors as provided in this section.

(c) The engineering requirements for reflectors under this section shall be governed by specifications to be determined and publicized by the department.

SEC. 2. Section 26458 of said code is amended to read:

26458. The braking system on every motor vehicle required to be equipped with power brakes or on any towed vehicle required to be equipped with brakes and which is equipped with power brakes shall be so arranged that one control on the towing vehicle shall, when applied, operate all the service brakes on the power unit and combination of vehicles. This requirement shall not be construed to prohibit motor vehicles from being equipped with an additional control to be used to operate the brakes on the trailer or trailers. This section shall not apply to vehicles engaged in driveway-towaway operations, disabled vehicles while being towed, or towed motor vehicles provided the combination of vehicles meets the stopping distance requirements of Section 26454.

SEC. 3. Section 26503 of said code is amended to read:

26503. Every motor vehicle equipped with airbrakes shall be equipped with a standard type safety valve which shall be installed so as to have an uninterrupted connection with the air reservoir or tank. It shall be adjusted and maintained so that it will open and discharge the air system under any condition at a pressure of not to exceed 150 pounds per square inch and close and reseal itself at a point above the maximum air governor setting. The department may by regulation prescribe a higher maximum opening pressure for air pressure systems designed for, and capable of safely operating with, pressure safety valves with a higher opening pressure.

CHAPTER 187

An act to amend Section 2160.5 of the Welfare and Institutions Code, relating to Old Age Security Law.

[Approved by Governor May 5, 1965. Filed with
Secretary of State May 5, 1965.]

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

SECTION 1. Section 2160.5 of the Welfare and Institutions Code, is amended to read:

2160.5. Aid shall be granted to any person who is a resident of a home or institution maintained by any fraternal, benevolent, or other nonprofit organization if the organization has not been paid for the life care and maintenance of the person through assessment of or dues of the person or otherwise, whether or not the person has agreed or promised to pay for

his maintenance in the event that he receives any pension, bequest, devise, or other inheritance.

The county from which the person came to such home prior to October 1, 1959, shall, for the purpose of this section, be considered the residence of such person to grant such aid.

CHAPTER 188

An act to amend Sections 8210 and 8211 of the Fish and Game Code, relating to salmon.

[Approved by Governor May 5, 1965. Filed with
Secretary of State May 5, 1965.]

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

SECTION 1. Section 8210 of the Fish and Game Code is amended to read:

8210. In Districts 6, 7, 10, 11, 15, 16, 17, 18 and 19 under the authority of a commercial fishing license, salmon may be taken only by hook and line and only between April 15th and September 30th. There is no bag limit. No such king salmon may be less than 26 inches in length and no such silver salmon may be less than 25 inches in length, measured from tip of the snout to the extreme tip of the tail.

SEC. 2. Section 8211 of said code is amended to read:

8211. In Districts 6, 7, 10, 11, 15, 16, 17, 18, and 19, under the authority of a commercial fishing license, king salmon may be taken only by hook and line and only between April 15th and September 30th. Silver salmon may be taken only by hook and line and only between July 1st and September 30th. There is no bag limit. No such king salmon may be less than 26 inches in length and no such silver salmon may be less than 22 inches in length, measured from tip of the snout to the extreme tip of the tail.

This section shall be in full force and effect only during such times that the States of Oregon and Washington have in effect laws or regulations prohibiting the taking of silver salmon by commercial trolling prior to July 1st of any year. At all other times, Sections 2361 and 8210 are effective insofar as commercial fishing is concerned.

Upon receipt of statements annually from the Secretaries of State of the States of Oregon and Washington that laws or regulations prohibiting the taking of salmon as described are in effect, the Secretary of State of California shall notify the department that this section is in effect for the year concerned. In order for this section to be effective such notification shall be made prior to April 15th of each year.

CHAPTER 189

An act to amend Section 8218 of the Fish and Game Code, relating to salmon.

[Approved by Governor May 5, 1965. Filed with
Secretary of State May 5, 1965.]

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

SECTION 1. Section 8218 of the Fish and Game Code is amended to read:

8218. It is unlawful to gaff, club, otherwise injure, or possess any king or silver salmon under the legal size.

CHAPTER 190

An act to amend Sections 12023.5 and 12404 of the Business and Professions Code, relating to weights and measures.

[Approved by Governor May 5, 1965. Filed with
Secretary of State May 5, 1965.]

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

SECTION 1. Section 12023.5 of the Business and Professions Code is amended to read:

12023.5. Notwithstanding any other provision of this code or any other law, jute cordage, hard fiber cordage, and hard fiber twine (whether covered or uncovered) may be marked and sold on a gross weight basis. The provisions of the foregoing sentence shall not apply to sales in retail stores for consumer use of any such product which has been removed from the wrapper or container in which it was received by the retailer.

SEC. 2. Section 12404 of said code is amended to read:

12404. In all sales of commodities, usually sold by the ton or fractional parts thereof, the seller shall give to the purchaser full weight, at the rate of 2,000 pounds to the ton.

In all sales of articles which are sold in commerce by avoirdupois weight, the seller shall give to the purchaser full weight, at the rate of 16 ounces to the pound.

Any person violating this section is guilty of a misdemeanor.

CHAPTER 191

An act to amend Section 18 of the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), relating to water conservation districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 7, 1965 Filed with
Secretary of State May 7, 1965.]

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

SECTION 1. Section 18 of the Water Conservation Act of 1927 (Chapter 91, Statutes 1927) is amended to read:

Sec. 18. Number of Directors May Be Changed. At any time not less than 130 days before a general election of a district organized under this act, the owners of more than 10 percent of the acres of land comprising the district (to be determined from the next preceding assessment rolls of the county or counties in which the lands of the district are situated) may present a petition to the board of directors of the district petitioning said board to change the number of divisions in the district and the number of directors, or to change the manner of electing the directors. Thereupon the board shall call a special election and submit to the voters in the district the question of whether or not the number of divisions in the district and the number of directors shall be changed, or the question of whether the manner of electing the directors shall be changed, pursuant to said petition. Notice of such election shall be given, and the same shall be held, and the result thereof determined and declared, in conformity with the provisions of this act governing the biennial elections of directors, insofar as applicable. The notice must set forth a copy of said petition, but need not include the names of the signers of said petition. At such election the ballots shall contain a brief statement of the change proposed by said petition, and shall contain the words "Petition—Yes" and "Petition—No". If the votes cast as "Petition—Yes" constitute a majority of the total number of votes cast at such election, then, but not otherwise, on and after the next ensuing general election for the district, there shall be either three or five or seven directors, as so petitioned, and said directors shall be elected by the district at large or by divisions, as so petitioned; and at said next election, and thereafter, the directors shall be so elected; and if it was so petitioned that the directors be elected by divisions instead of at large, said board shall make an order dividing the district into three, five or seven divisions, as so petitioned, in the same manner as divisions are established by the board of supervisors in proceedings for the formation of a district under this act. At the first election after the making of such order, a full board of directors shall be elected in accordance with such order, to succeed the electors then in office, and upon the qualification (in the manner hereinbefore provided) of

the directors so elected, they shall classify themselves by lot and hold office in the manner and for the terms as herein provided for the directors elected at the time of the formation of the district.

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

In order to provide for the election of directors without incurring the considerable expense of obtaining the assessment role for 1965-66, it is necessary that this act take effect immediately.

CHAPTER 192

An act to add Section 7604.6 to the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 7, 1965. Filed with
Secretary of State May 7, 1965.]

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

SECTION 1. Section 7604.6 is added to the Education Code, to read:

7604.6. A school district shall be deemed to have met the requirement of Section 7604 that on and after July 1, 1965, the course of study in the elementary schools shall include a foreign language beginning not later than grade 6 and continuing through grade 6 or 8, as the case may be, if the district includes a foreign language in the course of study for grade 6 of the elementary schools of the district on and after July 1, 1965, and, on and after July 1, 1966, in grades 6 and 7, and, on and after July 1, 1967, and thereafter, in grades 6, 7 and 8.

For the purposes of this section grades 7 and 8 of a junior high school or high school shall be deemed grades 7 and 8 of an elementary school and any school district maintaining such grades in a junior high school or high school shall be deemed to have met the foreign language requirements of Section 7700 for such grades 7 and 8 by complying with this section.

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

Foreign language course requirements become operative on July 1, 1965. Unless legislation deeming variations therefrom as meeting the requirements takes effect prior to that date, affected school districts will be put to the unnecessary burden

and additional expense of preparing for and putting into operation at different dates two different foreign language programs. For these reasons, this act must take effect immediately.

CHAPTER 193

An act to amend Section 227 of the Civil Code, relating to the parent-child relationship in adoptions.

[Approved by Governor May 7, 1965. Filed with
Secretary of State May 7, 1965.]

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

SECTION 1. Section 227 of the Civil Code is amended to read:

227. The person or persons desiring to adopt a child, and the child proposed to be adopted, must appear before the court; provided, that if said adoptive parent is then commissioned or enlisted in the military service, or auxiliary thereof, of the United States, or of any of its allies, or in the American Red Cross, so that it is impossible or impracticable, because of such person's absence from the State of California, or otherwise, for said person to make such appearance in person, and said circumstances are established by satisfactory evidence, said appearance may be made for such person by his or her counsel, commissioned and empowered in writing so to do and which said power of attorney may be incorporated in the petition for adoption. The court must examine all persons appearing before it pursuant to this section. The examination of each such person shall be conducted separately but within the physical presence of each such other person or persons unless the court, in its discretion, shall order otherwise. The party or parties adopting shall execute or acknowledge an agreement in writing that the child shall be treated in all respects as the lawful child of the party or parties. If satisfied that the interest of the child will be promoted by the adoption, the court may thereupon make and enter a decree of adoption of the child by the adopting parent or parents, and the child and the adopting parents shall thereupon and thereafter sustain toward each other the legal relationship of parent and child and have all the rights and be subject to all the duties of that relation. In a case where the adopting parent is permitted to appear by counsel, the agreement may be executed and acknowledged by such counsel for such absent party, or may be executed by such absent party before a notary public, or any other person authorized to take acknowledgments including the persons authorized by Sections 1183 and 1183.5 of this code; provided, that in any case where said adoptive parent is permitted to appear by counsel hereunder, or otherwise, the

court may, in its discretion, cause such examination of said adoptive parent, other interested party, or witness to be made upon deposition, as it deems necessary, said deposition to be taken upon commission, as prescribed by the Code of Civil Procedure, and the expense thereof to be borne by the petitioner. The petition, relinquishment, agreement, order, and any power of attorney and deposition must be filed in the office of the county clerk and shall not be open to inspection by any other than the parties to the action and their attorneys and the State Department of Social Welfare except upon the written authority of the judge of the superior court.

CHAPTER 194

An act to add Section 279 to the Penal Code, relating to offenses involving child custody.

[Approved by Governor May 7, 1965 Filed with
Secretary of State May 7, 1965.]

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

SECTION 1. Section 279 is added to the Penal Code, to read:

279. (a) Every person who has actual physical control of a child for a limited period of time in the exercise of the right to visit with, or to be visited by, such child, or the right to limited custody of such child, pursuant to an order, judgment or decree of any court, which order, judgment or decree grants custody of such child to another, and who, without good cause and with intent to detain or conceal such child, keeps said child in this state after the expiration of such period without the consent of the person or persons entitled to custody of such child, violates this section.

(b) Every person who has custody of a child pursuant to an order, judgment or decree of any court, which order, judgment or decree grants another person limited rights to custody of such child or the right to visit with, or to be visited by, such child, and who conceals such child in this state without good cause and with intent to deprive such other person of such right of limited custody or visitation, violates this section.

(c) In any case in which a parent of a child has, pursuant to an order, judgment or decree of any court, a right of custody to the child equal to that of the other parent or, pursuant to an order, judgment or decree of any court, has no right of custody to the child, and removes the child without the consent of the other parent, from the place where the child is then residing or staying and conceals the child in this state from such other parent without good cause and with intent to prevent the other parent from exercising rights of custody to the child, he violates this section.

(d) Every person who violates this section is guilty of a misdemeanor and is punishable as prescribed by Section 19 of the Penal Code.

CHAPTER 195

An act to amend Sections 8254 and 8257 of the Fish and Game Code, relating to lobster.

[Approved by Governor May 7, 1965. Filed with
Secretary of State May 7, 1965.]

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

SECTION 1. Section 8254 of the Fish and Game Code is amended to read:

8254. Lobsters may not be taken for commercial purposes except in Districts 18, 19, 20A and that part of District 20 southerly of Santa Catalina Island between Southeast Rock and China Point under a revocable, nontransferable permit subject to such regulations as the commission shall prescribe.

Every person who takes, assists in taking, possesses or transports lobsters while on any boat, barge or vessel, or who uses or operates or assists in using or operating any boat, net, trap, line or other appliance to take lobsters, must have a valid lobster permit issued to him and must be in possession of said permit while engaged in any of such activities.

Such permits may be issued annually by the department and shall be for the period of the commercial lobster season. However, any person who has had such a permit revoked may be required by the commission to appear before it and no new permit may be issued to such person unless the commission finds that such issuance will be in the best interests of lobster fishing.

SEC. 2. Section 8257 of said code is amended to read:

8257. The permit number of the person owning or in command of any boat used to take lobster shall be visibly displayed on both sides of the boat in 10-inch black numbers, one inch wide, on a white background.

CHAPTER 196

*An act to add Section 10816 to the Education Code,
relating to school attendance.*

[Approved by Governor May 7, 1965. Filed with
Secretary of State May 7, 1965.]

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

SECTION 1. Section 10816 is added to the Education Code, to read:

10816. Whenever an elementary district, lying within the boundaries of two or more high school districts, is divided, and a portion of its territory included within a unified district as a result of the formation of the unified district pursuant to the provisions of Section 3001 to 3389, inclusive, and the unified district does not maintain an elementary school in the territory so included, the elementary pupils living within such included territory may attend the elementary school such pupils would have normally attended had such unified district not been formed.

If, under the provisions of this section, a pupil attends a school situated in a district other than the district in which the pupil lives, an agreement shall be entered into between the governing boards of such districts requiring the payment of not less than the actual cost of education of the pupil determined in the manner provided by Section 10805.

The attendance, under an agreement entered into pursuant to this section, shall be credited to the district attended.

CHAPTER 197

*An act to amend Section 8276 of the Fish and
Game Code, relating to crabs.*

[Approved by Governor May 7, 1965. Filed with
Secretary of State May 7, 1965.]

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

SECTION 1. Section 8276 of the Fish and Game Code is amended to read:

8276. Notwithstanding any other provisions of this code or any regulations made pursuant to this code:

(a) Crabs may be taken in Districts 6, 7, 8, and 9 only between December 8th and July 15th.

(b) Crabs may be taken in all other districts only between the second Tuesday in November and June 30th.

(c) Crabs may not be taken for commercial purposes in any district or part of a district lying within the portions of Crescent City Harbor between the south sand barrier and the breakwater.

This section shall remain in effect until the 91st day after the final adjournment of the 1967 Regular Session of the Legislature.

CHAPTER 198

An act to amend Section 1053 of the Fish and Game Code, relating to licenses, permits and tags.

[Approved by Governor May 7, 1965. Filed with
Secretary of State May 7, 1965.]

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

SECTION 1. Section 1053 of the Fish and Game Code is amended to read:

1053. Not more than one license or license tag of the same class shall be issued to or purchased by a person for the same license year, except upon:

1. The expiration of the license.
2. The filing of an affidavit showing the loss or destruction of an unexpired license or license tag previously issued and payment of the full fee.
3. The filing of an affidavit showing the loss or destruction of an unexpired commercial fishing license or packing and processing license and payment of a fee of three dollars (\$3).
4. The filing of an affidavit showing the loss or destruction of an unexpired sport fishing or hunting license, and payment of a fee of one dollar (\$1). Duplicate sport fishing or hunting licenses issued pursuant to this subdivision shall be issued only by the department.

Except with respect to the affidavit required under subdivision 4, any person authorized by the department to issue licenses may administer the oath for purposes of the affidavit without any fee. The affidavit required under subdivision 4 shall be acknowledged before a notary public. Each of the affidavits provided for under subdivisions 2, 3, and 4 shall be filed with the department at the times and in the manner prescribed by the department.

CHAPTER 199

An act to amend Section 275 of the Agricultural Code, relating to bees.

[Approved by Governor May 7, 1965. Filed with
Secretary of State May 7, 1965.]

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

SECTION 1. Section 275 of the Agricultural Code is amended to read:

275. It is unlawful for any person who has relocated a colony or colonies of bees within the state to fail to send a

notice within five days of such relocation to the commissioner of the county in which the movement originated, and a second notice to the commissioner of the county of destination if the bees are moved from one county to another. The notice shall include a statement of all of the following:

- (a) The number of colonies of bees moved.
- (b) The number of colonies of bees left at the point of origin.
- (c) The location of the point of origin and point of destination.
- (d) The name and address of the apiary operator.

CHAPTER 200

An act to amend Sections 2705 and 2725 of the Public Utilities Code, relating to water companies.

[Approved by Governor May 7, 1965. Filed with
Secretary of State May 7, 1965.]

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

SECTION 1. Section 2705 of the Public Utilities Code is amended to read:

2705. Any corporation or association which is organized for the purposes of delivering water to its stockholders and members at cost, including use of works for conserving, treating and reclaiming water, and which delivers water to no one except its stockholders or members, or to the state or any agency or department thereof, to any city, county, school district, or other public district, or to any other mutual water company, at cost, is not a public utility, and is not subject to the jurisdiction, control or regulation of the commission; provided, however, that a mutual water company may perform the following acts without becoming a public utility and becoming subject to the jurisdiction, control or regulation of the commission:

(a) May deliver water at cost to any lessee of its stock or shares or other evidence of membership where such lease is in writing signed by the owner of such stock or shares or other evidence of membership and the lessee thereof and approved by such mutual water company.

(b) May deliver water at cost to any land leased by a stockholder, shareholder or member of such mutual water company to a person not a stockholder, shareholder or member thereof, provided such lease is in writing signed by such stockholder shareholder or member and such lessee of such land and approved by such mutual water company.

(c) In a bona fide water emergency, but for no longer than the existence of such emergency, may deliver water at cost to any person owning or leasing real property located within or

adjacent to the service area of such mutual water company, provided that such water is delivered pursuant to a written contract signed by such mutual water company and the person to whom such water is delivered.

(d) May deliver water pursuant to any contract for water service made prior to October 1, 1961, (1) in settlement of litigation involving disputed water rights or any judgment in such litigation or (2) in consideration of the conveyance of a well, water right, or easement for water distribution purposes.

All such leases and contracts shall be preserved for a period of 10 years by a mutual water company and shall be subject to inspection by the commission.

The term "cost" as used in this section shall be construed to mean without profit.

SEC. 2. Section 2725 of said code is amended to read:

2725. As used in this chapter, "mutual water company" means any private corporation or association organized for the purposes of delivering water to its stockholders and members at cost, including use of works for conserving, treating and reclaiming water.

CHAPTER 201

An act to codify Section 163 of Chapter 12 of the Statutes of 1961 by repealing said section and adding Section 22600.1 to the Education Code, relating to the California State Colleges.

[Approved by Governor May 7, 1965. Filed with
Secretary of State May 7, 1965.]

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

SECTION 1. Section 163 of Chapter 12 of the Statutes of 1961 is repealed.

SEC. 2. Section 22600.1 is added to the Education Code, to read:

22600.1. Whenever, in any law, the term "Trustees of the State College System of California" or the term "chief executive officer of the State College System" is used, such terms shall be deemed to mean the Trustees of the California State Colleges and the chancellor of the California State Colleges respectively.

CHAPTER 202

An act to repeal a certain obsolete and superseded act, relating to retirement of University of California employees.

[Approved by Governor May 7, 1965. Filed with
Secretary of State May 7 1965.]

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

SECTION 1. Chapter 2374 of the Statutes of 1957 is repealed.

CHAPTER 203

An act to maintain the Education Code by amending Section 1016 of, and repealing Section 906.5 thereof, relating to the government and operation of schools.

[Approved by Governor May 7, 1965. Filed with
Secretary of State May 7, 1965.]

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

SECTION 1. Section 906.5 of the Education Code is repealed.

SEC. 2. Section 1016 of said code is amended to read:

1016. The governing board of any school district may contract for the services of an attorney in private practice to prepare and conduct school district litigation, or to assist it in the preparation and conduct of school district litigation, and compensation of such attorney pursuant to contract shall be a proper use of school district funds but the school district shall first obtain the written views of the district attorney or county counsel as to the merits of the litigation and the form of the proposed contract of employment with the private attorney. The district attorney or the county counsel shall furnish his written views within seven days from the time he is requested by the governing board of the school district.

CHAPTER 204

An act to maintain the Education Code by adding Chapter 2.5 (commencing with Section 879) to Division 3, amending Sections 16627, 23805, 24752 and 27146 of, amending the heading of Article 2 (commencing with Section 24751) of Chapter 13 of Division 18, amending and renumbering Sections 21802, 23953, 23954, 23955, 23956, 23957, 23958, and 24202 (as added by Chapter 1396 of the Statutes of 1963), repealing Section 16626.5, and repealing Sections 25411.1, 25411.2, 25411.3, and 25411.4 (all as added by Chapter 1044 of the Statutes of 1963), repealing Chapter 3 (commencing with Section 871) of Division 3 (as added by Chapter 629 of the Statutes of 1963) thereof, relating to schools, libraries, and institutions of learning, including their establishment, maintenance, government and operation.

[Approved by Governor May 7, 1965. Filed with
Secretary of State May 7, 1965.]

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

SECTION 1. Chapter 3 (commencing with Section 871) of Division 3 of the Education Code, as added by Chapter 629 of the Statutes of 1963, is repealed.

SEC. 2. Chapter 2.5 (commencing with Section 879) is added to Division 3 of said code, to read:

CHAPTER 2.5. COUNTY BOARDS OF SUPERVISORS

879. Except as provided in Sections 1681 to 1686, inclusive, all actions required by this code to be taken by the board of supervisors of the county in which a school district is located, shall, in the case of any joint school district, be taken by the concurrent action of the boards of supervisors of each county in which any part of the joint district is located.

SEC. 3. Section 16626.5 of said code is repealed.

SEC. 4. Section 16627 of said code is amended to read:

16627. Any city, county, or city and county charter provision to the contrary notwithstanding, each person employed by a school district on July 1, 1955, and each person employed by a school district on September 11, 1957, who was theretofore excluded, solely by reason of the provisions of the predecessor of Section 16626 in effect prior to July 1, 1955, or who was theretofore excluded solely by reason of the provisions of the predecessor of this section prior to September 11, 1957, from membership in any retirement system in which the district participates or to which it contributes for the purpose of providing retirement rights and benefits for employees of the district not employed in a status requisite for membership in the State Teachers' Retirement System, shall become a member of the retirement system from which he was excluded, on July 1, 1955, or on September 11, 1957, if theretofore excluded solely by reason of the provisions of the predecessor of this section in effect prior to that date. Every such member shall be entitled to credit for service in child care centers rendered prior to July 1, 1955, or prior to September 11, 1957, if theretofore excluded, and before he became a member of the system, in the same manner as if he had not theretofore been excluded from membership in the retirement system, except that he shall not be required to make any contributions to the retirement system in respect to such service rendered prior to his membership, and all contributions necessary to provide benefits on account of such service shall be paid to the retirement system by the school district by which the member is employed. For the purpose of computing benefits for services rendered prior to July 1, 1955, as provided in this section, the average monthly salary earned by such employee in the fiscal year 1954-55 shall be used and for the purpose of computing benefits for service rendered between July 1, 1955, and September 11, 1957, for members receiving credit for service between those dates under the provisions of the predecessor of this section as amended by Chapter 1238 of the Statutes of 1957, the average monthly salary earned by such employees in the fiscal year 1956-57 shall be used.

Notwithstanding any other provisions of this section, for the purpose of computing benefits for any person retired on and after January 1, 1958, for services rendered prior to July 1, 1955, as provided in this section, and for the purpose of computing benefits for service rendered between July 1, 1955, and September 11, 1957, for members receiving credit for service between those dates under the provisions of this section, the "final compensation" of such person shall be computed in the same manner as for other employees who are included in the same retirement system and in the same class of retirement system members and who are not affected by this section. The amendment to this section enacted at the 1963 sessions shall be applied to increase the allowances, payable subsequent to October 1, 1963, in respect to those members who retired on or after July 1, 1955.

Notwithstanding any other provision of this section no increased allowance shall be paid, as authorized by this section, to any person who has retired between July 1, 1955, and October 1, 1963, unless the person to whom the increase would otherwise be payable mails written application for the increase to the appropriate retirement system prior to April 1, 1964.

SEC. 5 Section 21802 is amended and renumbered to read:

21703. Any unified school district maintaining a junior college may issue bonds not to exceed 15 percent of the taxable property of the district as shown by the last equalized assessment of the county or counties in which the district is located. Any unified school district not maintaining a junior college may issue bonds not to exceed 10 percent of the taxable property of the district as shown by such equalized assessment.

In computing the outstanding bonded indebtedness of any unified school district for all purposes of this section, except as provided in subdivision (b) of this section, any outstanding bonds shall be deemed to have been issued for elementary school purposes, high school purposes and junior college purposes, respectively, in the respective amounts that the proceeds of the sale of such outstanding bonds, excluding any premium and accrued interest received on said sale, were or have been allocated by the governing board of such unified school district to each of said purposes respectively.

(a) For the purposes of the State School Building Aid Law of 1952 (commencing with Section 19551) with respect to applications for apportionments and apportionments filed or made prior to the effective date of the amendment to Section 21802 made at the 1961 Regular Session and to the repayment thereof, Sections 19401 to 19486, inclusive, only, any unified school district shall be considered to have a bonding capacity in the amount permitted by law for an elementary school district, a bonding capacity in the amount permitted by law for a high school district, and if the district maintains a junior college, a bonding capacity in the amount permitted by law for a junior college district.

(b) Except as provided in subdivision (a) of this section, for the purposes of the State School Building Aid Law of 1952 (commencing with Section 19551) only, in computing the outstanding bonded indebtedness of a unified district maintaining a junior college, outstanding bonds shall be deemed to have been issued for either (1) junior college purposes or (2) both elementary school and high school purposes, together as a single purpose, in the respective amounts that the proceeds of the sale of the outstanding bonds, excluding any premium or accrued interest received on such sale, were or have been allocated by the governing board of the unified district to each of the two purposes and no separate allocation shall be made as between elementary school purposes and high school purposes. For the purposes of such law in computing the outstanding bonded indebtedness of a unified district which does not maintain a junior college, all of such indebtedness shall be deemed to have been issued for elementary and high school purposes which shall constitute a single purpose, without allocation between elementary schools and high schools.

SEC. 6. Section 23805 of said code is amended to read:

23805. If a student body organization is authorized to finance and construct a student body center pursuant to Section 23804, the trustees shall fix, in addition to any other student fee the trustees are authorized to fix, a building and operating fee not to exceed twenty dollars (\$20) per student annually which shall be required of all students attending the college. All money collected by a state college on behalf of a student body organization under this section shall be available for financing, operating and constructing the student body center. These funds may be drawn against by the appropriate officers of the student body organization for expenditures necessary to carry out the financing, operating and construction of the student body center.

SEC. 7. Section 23953 of said code is amended and re-numbered to read:

24151. There is hereby continued in existence a board of examiners for vocational teachers. The board shall consist of the Commission for Vocational Education, as created and established by the State Board of Education and two other members, selected by the trustees who are presidents of state colleges and who shall hold office at the pleasure of the trustees.

SEC. 8. Section 23954 of said code is amended and re-numbered to read:

24152. The board shall set up an examination or shall evaluate the qualifications of vocational teachers desirous of qualifying for the baccalaureate degree. The evaluation shall be based upon the education, completion of approved vocational teacher training, occupational experience, supervisory experience, and managerial experience of the candidate. The board is authorized to recommend to state colleges the number of units to be allowed towards a baccalaureate degree, but shall not recommend that a candidate be granted more than

40 units for occupational experience, supervisory experience and managerial experience. The evaluation shall be at the discretion of the board.

SEC. 9. Section 23955 of said code is amended and renumbered to read:

24153. On the basis of the examination and an evaluation of the candidate's experience and other qualifications made by the board, it shall recommend the granting of a baccalaureate degree in vocational arts by any state college.

SEC. 10. Section 23956 of said code is amended and renumbered to read:

24154. Any candidate for a baccalaureate degree shall be a high school graduate, shall have had not less than seven years actual experience in the trade or occupation in which he desires to qualify, and shall have had a minimum of 1,620 hours teaching experience in an approved vocational class, or 1,000 hours teaching experience in an approved trade extension class.

In lieu of the educational qualifications, the board may evaluate and make recommendations concerning such other qualifications as it deems applicable for persons lacking the formal educational qualifications.

SEC. 11. Section 23957 of said code is amended and renumbered to read:

24155. All meetings of the board shall be open and public.

SEC. 12. Section 23958 of said code is amended and renumbered to read:

24156. All records of the board shall be open to inspection by the public during regular office hours.

SEC. 13. Section 24202 of said code, as added by Chapter 1396 of the Statutes of 1963, is amended and renumbered to read:

24201.1. The trustees shall make an annual report to the Governor and to each house of the Legislature on matters pertaining to and affecting the salaries, wages, hours of work, conditions of work and other matters relating to personnel under the jurisdiction of the trustees. The report shall be filed with the Governor and each house of the Legislature within five days after the opening day of the Legislature in each year.

SEC. 14. The heading of Article 2 (commencing with Section 24751) of Chapter 13 of Division 18 of said code is amended to read:

Article 2. California State Polytechnic College

SEC. 15. Section 24752 of said code is amended to read:

24752. The California State Polytechnic College Agricultural Project Revolving Fund in the sum of ten thousand dollars (\$10,000) is continued in existence. The fund shall be used for loans to needy and deserving students for the purchase of livestock, poultry, seed, feed, and such other materials as are necessary for the conducting of projects by students

under supervision of instructors in the school. All sums borrowed shall be returned to the revolving fund as soon as projects are completed.

SEC. 16. Section 25411.1 of said code, as added by Chapter 1044 of the Statutes of 1963, is repealed.

SEC. 17. Section 25411.2 of said code, as added by Chapter 1044 of the Statutes of 1963, is repealed.

SEC. 18. Section 25411.3 of said code, as added by Chapter 1044 of the Statutes of 1963, is repealed.

SEC. 19. Section 25411.4 of said code, as added by Chapter 1044 of the Statutes of 1963, is repealed.

SEC. 20. Section 27146 of said code is amended to read:

27146. If a public agency or two or more public agencies desiring to form a consolidated or cooperative system, applying for grants, is unable to meet all of the minimum standards of Section 27131, the public agency or agencies may submit to the State Librarian a plan of service officially adopted by the public agency or agencies concerned for meeting all of the standards within a period of two completed fiscal years, the plan to indicate how much progress towards meeting the standards it is anticipated will be achieved each year. The State Librarian may then approve grants in the full amount to which the public agencies would be eligible were they to meet all standards, subject to the condition that a review will be made by the State Librarian of the provisional annual reports for the library systems, and that the second annual per capita grant will be contingent upon satisfactory achievement of the goals set up for the first fiscal year, according to the plan of service.

CHAPTER 205

An act to maintain the Code of Civil Procedure by amending Sections 89 and 628, relating to court proceedings.

[Approved by Governor May 7, 1965 Filed with
Secretary of State May 7, 1965.]

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

SECTION 1. Section 89 of the Code of Civil Procedure is amended to read:

89. 1. Municipal courts shall have original jurisdiction of civil cases and proceedings as follows:

(a) In all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to five thousand dollars (\$5,000) or less, except cases which involve the legality of any tax, impost, assessment, toll or municipal fine.

(b) In actions for dissolution of partnership, where the total assets of the partnership do not exceed five thousand dol-

lars (\$5,000); in actions of interpleader, where the amount of money, or the value of the property involved, does not exceed five thousand dollars (\$5,000).

(c) To cancel or rescind a contract, when such relief is sought in connection with an action to recover money, not exceeding five thousand dollars (\$5,000), or property of a value not exceeding five thousand dollars (\$5,000), paid or delivered under or in consideration of such contract; to revise a contract where such relief is sought in an action upon such contract, of which action the court otherwise has jurisdiction.

(d) In all proceedings in forcible entry or forcible or unlawful detainer, where the rental value is six hundred dollars (\$600) or less per month, and where the whole amount of damages claimed is five thousand dollars (\$5,000) or less.

(e) In all actions to enforce and foreclose liens on personal property, where the amount of such liens is five thousand dollars (\$5,000) or less.

(f) In all actions to enforce and foreclose liens of mechanics, materialmen, artisans, laborers, and of all other persons to whom liens are given under the provisions of Chapter 2, Title 4, Part 3 of this code, where the amount of such liens is five thousand dollars (\$5,000) or less; provided, that where an action to enforce any such lien is pending in a municipal court, and affects property which is also affected by a similar action pending in a superior court, or where the total amount of such liens sought to be foreclosed against the same property, by action or actions in a municipal court, aggregates an amount in excess of five thousand dollars (\$5,000), the municipal court, in which any such action, or actions, is, or are, pending, upon motion of any interested party, shall order such action or actions pending therein transferred to the proper superior court. Upon the making of such order, the same proceedings shall be taken as are provided by Section 399 of this code, with respect to the change of place of trial.

(g) To issue temporary restraining orders and preliminary injunctions, to take accounts, and to appoint receivers, where necessary to preserve the property or rights of any party to an action of which the court has jurisdiction; to appoint a receiver in aid of execution as provided in Section 564, subdivision 4 of the Code of Civil Procedure; to charge the interest of a debtor partner with payment of the unsatisfied amount of any judgment rendered by such court in the manner provided in Section 15028 of the Corporations Code, or any amendment thereof, and in such cases to appoint a receiver and to make any order or perform any act mentioned or authorized in said section; in proceedings under Section 689 of this code, or any amendments thereof, to determine title to personal property seized in an action pending in, or upon execution issued by, such court.

(h) In all actions under Section 720 for the recovery of an interest in personal property or to enforce the liability of the debtor of a judgment debtor, where the interest claimed

adversely is of a value not exceeding five thousand dollars (\$5,000) or the debt denied does not exceed five thousand dollars (\$5,000).

2. Each municipal court shall have jurisdiction of all cases in equity to try title to personal property when the amount involved is not more than five thousand dollars (\$5,000) and of all cases in equity when pleaded as defensive matter, in any case properly pending in such municipal court.

SEC. 2. Section 628 of said code is amended to read:

628. In superior courts and municipal courts upon receipt of a verdict, an entry must be made in the minutes of the court, specifying the time of trial, the names of the jurors and witnesses, and setting out the verdict at length; and where special verdict is found, either the judgment rendered thereon, or if the case be reserved for argument or further consideration, the order thus reserving it.

In justice courts the verdict of the jury shall be entered in the docket as provided in Section 71614 of the Government Code.

CHAPTER 206

An act to amend Section 1305 of the Penal Code, relating to bail.

[Approved by Governor May 7, 1965. Filed with
Secretary of State May 7, 1965.]

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

SECTION 1. Section 1305 of the Penal Code is amended to read:

1305. If, without sufficient excuse, the defendant neglects to appear for arraignment or for trial or judgment, or upon any other occasion when his presence in court is lawfully required, or to surrender himself in execution of the judgment, the court must direct the fact to be entered upon its minutes and the undertaking of bail, or the money deposited instead of bail, as the case may be, must thereupon be declared forfeited, and, if the amount of the forfeiture exceeds fifty dollars (\$50), the clerk of the court shall, promptly upon entering the fact of such failure to appear in the minutes, mail notice of the forfeiture to the surety on the bond or depositor of money instead of a bond. But if at any time within 90 days after such entry in the minutes, the defendant and his bail appear, and satisfactorily excuse the defendant's neglect or show to the satisfaction of the court that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If within said 90 days after such entry in the minutes, it be made to appear

to the satisfaction of the court that the defendant is dead or is physically unable, by reason of illness or insanity, or by reason of detention by civil or military authorities, to appear in court at any time during said 90 days, and that the absence of the defendant was not with the connivance of the bail, the court shall direct the forfeiture of the undertaking or the deposit to be discharged upon such terms as may be just. If at any time within said 90 days after such entry in the minutes, the bail with the defendant in his custody should appear, the bail may surrender the defendant to the court, may make a motion to set aside the forfeiture, and may request the court not to reinstate the bail.

CHAPTER 207

An act to add Section 68074.1 to the Government Code, relating to the seal of the superior, municipal and justice courts.

[Approved by Governor May 7, 1965. Filed with
Secretary of State May 7, 1965.]

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

SECTION 1. Section 68074.1 is added to the Government Code, to read:

68074.1. The seal of any superior, municipal or justice court may be affixed by a seal press or stamp which will print or emboss a seal which will reproduce legibly under photographic methods.

CHAPTER 208

An act to add Section 32455 to the Revenue and Taxation Code, relating to the alcoholic beverage tax.

[Approved by Governor May 7, 1965. Filed with
Secretary of State May 7, 1965.]

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

SECTION 1. Section 32455 is added to the Revenue and Taxation Code, to read:

32455. It is unlawful for the board or any person having an administrative position under this part to make known in any manner whatever any information set forth or disclosed in any report from any winegrower pursuant to this part regarding the names of the purchasers and the amounts of individual sales of wines which the winegrower has exported from this state, or to permit the portion of any report or copy thereof which contains such information to be seen or examined by any person. This section does not prohibit the publica-

tion by the board of any winegrower's total receipts from the export of wines from this state.

Nothing in this section shall prevent the board from exchanging with officials of other states information concerning the interstate shipments of wine.

CHAPTER 209

An act to repeal Section 36806 of the Government Code, relating to city council meetings.

[Approved by Governor May 7, 1965. Filed with Secretary of State May 7, 1965.]

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

SECTION 1. Section 36806 of the Government Code is repealed.

CHAPTER 210

An act to amend Sections 11503, 11885, 12813, 12843, 12921, 13010, 13451, 13452, 13454, 13456, 13481, 13511, 13565, 13591, 13593, 13621, 13652, and 14055 of, to repeal Section 13566 of, and to amend the title of Chapter 8 (commencing with Section 13451) of Division 6 of, the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor May 7, 1965. Filed with Secretary of State May 7, 1965.]

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

SECTION 1. Section 11503 of the Public Utilities Code is amended to read:

11503. "District" means a municipal utility district formed under this division or under Chapter 218 of the Statutes of 1921, as originally enacted or subsequently amended; "special district" means a special district for sewage disposal purposes created under this division or under Chapter 218 of the Statutes of 1921, as originally enacted or subsequently amended; and "board" means the board of directors of a district.

SEC. 2. Section 11885 of said code is amended to read:

11885. The board shall supervise and regulate every utility 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 service, product, or commodity owned or controlled by the district.

SEC. 3. Section 12813 of said code is amended to read:

12813. Notwithstanding any of the provisions of this article, the board may, in its discretion, finance any sewage

disposal enterprise, the interest on and retirement of any bonded indebtedness therefor, and provide for the maintenance and operation thereof entirely by the levy and collection of taxes upon the property within the special district for which the enterprise is constructed or operated, or by rates and charges imposed upon the users of the facilities of the enterprise, or by both taxes, rates, and charges, apportionment of expenses among public agencies served, or any combination of the foregoing.

SEC 4 Section 12843 of said code is amended to read:

12843. Indebtedness which has been incurred for the construction and operation of a public utility, where the revenue from the utility for three years or more next preceding has been sufficient to pay the interest and principal due on any bonds issued for its construction or acquisition, in addition to the cost of operation and maintenance, shall not be counted and included in ascertaining the limit of indebtedness, and any indebtedness incurred for the acquisition, construction or operation of a public utility within any special district shall be excluded in ascertaining the aggregate indebtedness specified in Section 12842.

SEC 5 Section 12921 of said code is amended to read:

12921. The Improvement Act of 1911 may be used by a district formed pursuant to this division for the construction of water facilities. In the application of said improvement act to proceedings instituted by such district, the terms used in said improvement act shall have the following meanings:

(a) "City council" and "council" mean the board of the district.

(b) "Municipality" and "city" mean district

(c) "Clerk" and "city clerk" mean secretary of the board.

(d) "Superintendent of streets," "street superintendent" and "city engineer" mean the engineer appointed by the district to perform the engineering work for the assessment district.

(e) "Tax collector" means county tax collector.

(f) "Treasurer" and "city treasurer" mean the person or officer who has charge of and makes payment of the funds of the district.

(g) "Right-of-way" shall mean any parcel of land over which the district shall have an easement for the purpose of constructing or maintaining water or sewer lines.

SEC. 7. Section 13010 of said code is amended to read:

13010 The Municipal Improvement Act of 1913 may be used by a district formed pursuant to this division for any purpose or purposes which a district may carry out.

SEC. 8. The title of Chapter 8 (commencing with Section 13451) of Division 6 of said code is amended to read:

CHAPTER 8. SPECIAL DISTRICT FOR SEWAGE DISPOSAL

SEC. 9. Section 13451 of said code is amended to read:

13451. One or more special districts for sewage disposal purposes may be created within the boundaries of a district as provided in this chapter.

SEC. 10. Section 13452 of said code is amended to read:

13452. Resolutions shall first be passed by the legislative bodies of half or more, but of not less than two, of the public agencies, all or any part of the area of which it is intended to include in the proposed special district, declaring that the public interest or necessity demands the creation of a special district for sewage disposal purposes and describing its boundaries. The boundaries of the proposed special district may include territory outside any such public agency if the territory is within the area of the municipal utility district. When the entire area of any public agency is to be included in the special district it may be described in the resolutions by name. Certified copies of the resolutions shall be filed with the secretary of the district.

SEC. 11. Section 13454 of said code is amended to read:

13454. The petition shall declare that the public interest or necessity demands the creation of a special district for sewage disposal purposes within the area of the district described in the petition. The 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.

SEC. 12. Section 13456 of said code is amended to read:

13456. The board may initiate proceedings for the creation of a special district for sewage disposal purposes within the area of the district by passing a resolution declaring that the public interest or necessity demands the creation of a special district for sewage disposal purposes, and describing its boundaries, which shall include all or any part of two or more public agencies. A public agency to be included may be described by name. No certified copy of the resolution need be filed with the secretary of the district.

SEC. 13. Section 13481 of said code is amended to read:

13481. Within 60 days after receipt of the resolutions of the public agencies or receipt of the certification of the sufficiency of a petition by the secretary of the district, or the passage of the resolution of the board, the board shall, by resolution, designate the special district as "----- (here insert name) Municipal Utility District, Special District No. -- ---- (here insert number)" (all such special districts shall be numbered consecutively) and shall fix a time and place for a hearing on the proposed creation of the special district for sewage disposal purposes and shall publish notice thereof.

SEC. 14. Section 13511 of said code is amended to read:

13511. At any time after the board has approved the creation of the proposed special district, and fixed its boundaries, the board shall call and publish notice of an election within the proposed special district for the purpose of determining whether the proposed special district will be created and, if the board so determines, for the submission of a proposition for incurring a bonded indebtedness for the acquisition, construction, or completion by the district of any works, lands, structures, rights, or any other property necessary or convenient for the collection, treatment, or disposition of sewage matter for the special district. If the board determines that no bonded indebtedness is presently necessary, the board may call the election for the creation and establishment of the special district only, and a bond election may later be called.

SEC. 15. Section 13565 of said code is amended to read:

13565. Each utility which a district is authorized to acquire, construct, own, operate, control, or use pursuant to this division shall be considered to be a utility owned and operated by the district even though service therefrom is limited to a special district created as provided in this division.

SEC. 16. Section 13566 of said code is repealed.

SEC. 17. Section 13591 of said code is amended to read:

13591. The board may use temporarily any district funds for the payment of any costs or expenses incident to the proposed or actual creation of a special district for sewage disposal purposes or the acquisition, construction, or completion of any works, lands, structures, rights, or other property necessary or convenient for the collection, treatment, or disposition of sewage matter for the special district or incident to the operation or maintenance of the special district.

SEC. 18. Section 13593 of said code is amended to read:

13593. Nothing in this article limits the general powers of a district with reference to sewage disposal.

SEC. 19. Section 13621 of said code is amended to read:

13621. At any time after the creation of a special district a proposition of incurring bonded indebtedness for the acquisition, construction, or completion by the district of any works, lands, structures, rights, or any other property necessary or convenient for the collection, treatment, or disposition of sewage matter for the special district may be submitted.

SEC. 20. Section 13652 of said code is amended to read:

13652. The board shall by resolution determine that the annexation of the territory will facilitate the acquisition or operation of a public utility for the special district, describe therein the territory, declare its intention to annex the territory to the special district, set forth the terms and conditions upon which the territory shall be annexed, fix the time and place for hearing on the question of the annexation, and provide for the giving of notice of the hearing.

SEC. 21. Section 14055 of said code is amended to read :

14055. If the board determines that the annexation of the territory would facilitate the acquisition or operation of any public utility for the district, or be of advantage to the district, then the board shall also determine the terms and conditions upon which the annexation should be made.

SEC. 22. This act is intended to implement the recommendations of the Assembly Interim Committee on Municipal and County Government as set forth in Volume 6, Number 22 of the committee report to the 1965 Legislature.

CHAPTER 211

An act to amend Section 25257 of the Government Code, relating to county boards of supervisors.

[Approved by Governor May 7, 1965. Filed with
Secretary of State May 7, 1965.]

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

SECTION 1. Section 25257 of the Government Code is amended to read :

25257. Any county department, officer or employee or any officer of a judicial district located within the county charged by law with the collection of any county tax assessment, penalty or cost, license fees or money owing the county for any reason, or any fine, assessment or penalty imposed by a municipal or justice court, which is due and payable, may file a verified application with the board of supervisors for a discharge from accountability for the collection of such tax assessment, penalty or cost, license fees or money owing the county for any reason, or fine, assessment or penalty imposed by a municipal or justice court, if the amount is too small to justify the cost of collection.

CHAPTER 212

An act to amend Section 409.5 of the Penal Code, relating to public health and safety.

[Approved by Governor May 8, 1965. Filed with
Secretary of State May 8, 1965.]

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

SECTION 1. Section 409.5 of the Penal Code is amended to read :

409.5. Whenever a menace to the public health or safety is created by a calamity such as flood, storm, fire, earthquake, explosion, accident or other disaster, officers of the California

Highway Patrol, police departments or sheriff's office may close the area where the menace exists for the duration thereof by means of ropes, markers or guards to any and all persons not authorized by such officer to enter or remain within the closed area. If such a calamity creates an immediate menace to the public health, the local health officer may close the area where the menace exists pursuant to the conditions which are set forth above in this section. Any person not authorized willfully entering the area or willfully remaining within the area after notice to evacuate shall be guilty of a misdemeanor.

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

CHAPTER 213

An act to amend Section 50 of the Elections Code, relating to war voters.

[Approved by Governor May 8, 1965. Filed with
Secretary of State May 8, 1965.]

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

SECTION 1. Section 50 of the Elections Code is amended to read:

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

CHAPTER 214

An act to amend Section 218 of the Elections Code, relating to affidavits of cancellation.

[Approved by Governor May 8, 1965. Filed with
Secretary of State May 8, 1965.]

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

SECTION 1. Section 218 of the Elections Code is amended to read:

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

registration is still uncanceled. Upon receipt of the affidavit of cancellation, the former registration shall be canceled immediately.

The notice of cancellation shall contain the affiant's former street and house number, city or town and county; place of birth; occupation; printed name and affiant's signature, and shall be in substantially the following form:

Use this card only for canceling registration in another county	
AFFIDAVIT OF CANCELLATION	
State of California	} ss.
County of _____	
The undersigned affiant, being duly sworn, says: I was registered as an elector of the County of _____, State of California under the name of _____ residing at (Print name) _____ Street, in the City or Town of _____, occupa- tion _____, birthplace _____, that since such regis- tration I have removed from said county and I hereby authorize and direct the county clerk to cancel such regis- tration.	
_____ (Signature as registered)	
Subscribed and sworn to before me this _____ day of _____, 19 ____.	
_____ Name of county clerk or registrar of voters	
By _____ Deputy	

SEC. 2. The county clerk may deplete his existing supply of affidavits of cancellation before using the form prescribed in Section 218.

CHAPTER 215

An act to amend Section 7604 of, and to add Section 7604.1 to, the Education Code, relating to courses of study in public schools, declaring the urgency thereof, to take effect immediately

[Approved by Governor May 8, 1965. Filed with
Secretary of State May 8, 1965.]

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

SECTION 1. Section 7604 of the Education Code is amended to read:

7604. The course of study in the elementary schools shall include instruction in the following prescribed branches in the several grades in which each is required pursuant to this article (commencing at Section 7601):

(a) Beginning in grade 1, and continuing through grade 6 or 8, as the case may be, instruction shall be given in all of the following:

- (1) Reading.
- (2) Writing.
- (3) Spelling.
- (4) Arithmetic, with emphasis on basic principles and techniques.

(5) Health. Whenever any part of the instruction in "health" conflicts with the religious beliefs of the parent or guardian of any pupil, the pupil, on written request of the parent or guardian, may be excused from the part of the training which conflicts with such religious beliefs.

(b) Beginning not later than grade 4 and continuing through grade 6 or 8, as the case may be, instruction shall be given in all of the following:

(1) English as a separate subject with emphasis on thoroughness, and as a discipline separate from the subject of social studies.

(2) Geography.

(3) History, including the early history of California and the history of the United States.

(c) Beginning not later than grade 6, and continuing through grade 6 or 8, as the case may be, instruction shall be given in all of the following:

(1) Civics.

(2) A foreign language or languages.

(3) Natural science.

(d) The course of study in the elementary schools shall include instruction, in the grade or grades prescribed by the board of education of the city, county, or city and county, in all of the following:

(1) Art.

(2) Music.

(e) Such other studies, not to exceed three, as may be prescribed by the board of education of the city, county, or city and county.

Notwithstanding other provisions of this section to the contrary, a foreign language or languages may but is not required to be included in the course of study in the elementary schools until June 30, 1965, and on and after July 1, 1965, such course of study shall include a foreign language or languages beginning not later than grade 6 and continuing through grade 6 or 8, as the case may be.

Notwithstanding specification of a particular foreign language in a course of study adopted by a county board of education for elementary schools of the county pursuant to Section

654, the governing board of any such school may provide instruction in one or more other foreign languages in substitution of or in addition to the language specified by the county board.

The State Board of Education shall, on or before July 1, 1964, adopt necessary rules and regulations establishing criteria to be used as the basis for exclusion or exemption of pupils from foreign language instruction; and, in accordance with these rules, regulations and criteria, school district governing boards may exempt or exclude pupils from foreign language instruction. Except as elsewhere provided in this code, the rules, regulations, and criteria adopted by the State Board of Education, under this section, shall limit exemption or exclusion of pupils to those included in the following categories:

(1) Those who are mentally retarded as defined by Sections 6902 and 6903 of this code.

(2) Those whose native tongue is a foreign language and who are not proficient in the English language.

(3) Those having a high priority need for remedial reading.

(4) Those who have been found to be unable to benefit by such instruction.

(5) Those who are enrolled in private courses of foreign language instruction which are at least equivalent to the courses in foreign language given in the public schools.

The Legislature here declares that it is the policy of the state to foster and encourage foreign language programs in the elementary and secondary schools by which the children of this state learn to speak and write foreign languages with facility in order that they be adequately prepared to undertake their duties as American citizens in a world in which the ability to communicate with peoples of other countries is of ever-increasing importance.

Sec. 2. Section 7604.1 is added to said code, to read:

7604.1. Notwithstanding any provision of Section 7604 or any other section to the contrary, during the period July 1, 1965, to June 30, 1970, the State Board of Education may, on an annual basis, exempt any school district or any particular school maintained by a school district from the requirement of providing instruction in a foreign language in grade 6, 7, or 8, or any combination or all of such grades. This exemption may be granted only upon written application supported by evidence satisfactory to the board that the providing of such instruction would impose an unreasonable burden on the district.

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:

Because it would impose an unreasonable burden on many school districts in the state if they should be required to teach foreign languages to grades 7 and 8 in the school year commencing in the fall of 1965, it is necessary that this act take effect immediately.

CHAPTER 216

An act to amend Sections 73951, 73952, 73953 and 73958 of, to add Section 73957 to, and to repeal Sections 73951.1, 73953.1 and 73957 of the Government Code, relating to municipal courts.

[Approved by Governor May 8, 1965 Filed with
Secretary of State May 8, 1965]

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

SECTION 1. Section 73951 of the Government Code is amended to read:

73951. There shall be three judges.

SEC. 2. Section 73951.1 of said code is repealed.

SEC. 3. Section 73952 of said code is amended to read:

73952. There shall be one clerk, who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule No. 41.5 of Section 74343.1.

SEC. 4. Section 73953 of said code is amended to read:

73953. The clerk may appoint:

(a) Five deputy clerks IV, each of whom shall receive the monthly salary specified in Schedule No. 30.5.

(b) Thirteen deputy clerks III, each of whom shall receive the monthly salary specified in Schedule No. 26.

(c) Eight deputy clerks II, each of whom shall receive the monthly salary specified in Schedule No. 23.

(d) Eight deputy clerks I, each of whom shall receive the monthly salary specified in Schedule No. 19. Appointments to such positions shall be at Step B of the schedule.

The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1. The provisions of subdivisions (a), (b), (c), and (d) of said section apply to the attachés appointed pursuant to this section. In no event shall the salary of the clerk or any deputy clerk who occupied his position on the day prior to the effective date of this section be less than his salary on such day.

SEC. 5. Section 73953.1 of the Government Code is repealed.

SEC. 6. Section 73957 of said code is repealed.

SEC. 6.5. Section 73957 is added to said code, to read:

73957. The headquarters of the municipal court and the clerk and marshal of the North County Judicial District shall

be located within the City of Oceanside or such other place as shall be designated by the Board of Supervisors of the County of San Diego. The municipal court shall hold sessions at its headquarters and at a department at a location within the City of Escondido and at such other location or locations within the North County Judicial District as shall be designated by the board of supervisors. The judge of the superseded Escondido Justice Court, or his successor, shall be assigned to the department located within the City of Escondido and his assignment shall include the trial and proper disposition of all matters filed in that department of the court. The clerk and marshal of the North County Judicial District shall maintain branch offices at a location within the City of Escondido as shall be designated by said board of supervisors. The Escondido branch office shall maintain the same office hours as the headquarters offices and shall provide facilities for complete municipal court services, including the filing of original complaints and other documents and the posting of bail, and the board of supervisors shall provide facilities within the City of Escondido for the complete transaction of business of the court including the holding of jury trials.

SEC. 7. Section 73958 of said code is amended to read:

73958. (a) All persons holding positions on the 91st day after any regular session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Any person whose title is changed as a result of this act shall receive credit for continued service to which he would be entitled under his previous position and shall receive compensation at the step covering such length of service. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

(b) In addition to the compensation provided in this article, the attachés of the municipal court shall receive, and they shall be entitled to the same vacations, sick leave, leaves of absence and similar privileges and benefits as are now or may hereafter be provided for the employees of the County of San Diego, including the right to participate in a retirement plan, and in any group health, accident or life insurance plan adopted by the Board of Supervisors of San Diego County. Such privileges and benefits shall be retroactively applied. The municipal court judges may adopt rules for the conduct of and personnel privileges to be afforded the attachés of the court.

(c) All attachés may be appointed, promoted, removed, suspended or discharged for cause by the appointing authority subject in such appointment, promotion, removal, suspension or discharge to civil service provisions applicable to the classified personnel of San Diego County. Whenever a person or attaché is appointed or promoted to a position, such person or attaché must serve a probationary period of at least six months.

(d) Notwithstanding the provisions of Section 71183, a person appointed by the clerk from an eligible list certified by the Civil Service Commission of the County of San Diego to fill a temporary position established pursuant to Section 72150 and employed in such temporary position immediately prior to the 91st day after the final adjournment of a regular session of the Legislature, may be appointed by such clerk to a like permanent position in such clerk's office without further examination, qualification or certification on a civil service eligible list; provided, that the number of such positions in the clerk's office has been increased by the last regular session of the Legislature so as to make such temporary position a permanent position.

CHAPTER 217

An act to amend Section 47960 of the Water Code, relating to water storage districts.

[Approved by Governor May 8, 1965. Filed with
Secretary of State May 8, 1965.]

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

SECTION 1. Section 47960 of the Water Code is amended to read:

47960. The provisions of Chapter 5 (commencing with Section 46670) of this part with reference to the method of collection of assessments shall not be applicable to the collection of assessments under this chapter in the event that the board elects to proceed under Section 47930 of this code.

CHAPTER 218

An act to amend Sections 855, 13469.1, and 13651.2 of the Education Code, relating to industrial accident and illness leaves for school district employees, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 8, 1965. Filed with
Secretary of State May 8, 1965.]

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

SECTION 1. Section 855 of the Education Code is amended to read:

855. Each person employed by a county superintendent of schools in a position requiring certification qualifications, and whose salary is paid from the county school service fund, has the same right with respect to leaves of absence, sick leave,

and bereavement leave as a person employed by a school district in a position requiring certification qualifications.

The provisions of Sections 13453 to 13466, inclusive, and Sections 13467, 13468, 13468.1, 13469, 13469.1, and 13470 apply to persons so employed by a county superintendent of schools and so paid from the county school service fund. Whenever, in such provisions, a duty or power is imposed upon or granted to the governing board of a school district or an employee thereof, such power or duty shall, for the purposes of this section, be deemed to be granted to or imposed on the county superintendent of schools or his employee, respectively. When "district" is used in such provisions, it shall, for the purposes of this section, be deemed to mean "county superintendent of schools". Compensation paid to such employees during such leaves shall be paid from the county school service fund.

The granting of leaves of absence to such employees pursuant to Section 13457 shall be by the county superintendent of schools, upon approval by the county board of education.

SEC. 2. Section 13469.1 of said code is amended to read:

13469.1. Governing boards of school districts shall provide by rules and regulations for industrial accident and illness leaves of absence for persons employed in a position requiring certification qualifications. The governing board of any district which is created or whose boundaries or status is changed by an action to organize or reorganize districts completed after the effective date of this section shall provide by rules and regulations for such leaves of absence on or before the date on which the organization or reorganization of the district becomes effective for all purposes as provided in Section 1704 of this code.

Such rules or regulations shall include the following provisions:

a. Allowable leave shall be for not less than 60 days during which the schools of the district are required to be in session or when the employee would otherwise have been performing work for the district in any one fiscal year for the same accident;

b. Allowable leave shall not be accumulated from year to year;

c. Industrial accident or illness leave shall commence on the first day of absence;

d. When a person employed in a position requiring certification qualifications is absent from his duties on account of an industrial accident or illness, he shall be paid such portion of the salary due him for any month in which the absence occurs as, when added to his temporary disability indemnity under Division 4 or Division 4.5 of the Labor Code, will result in a payment to him of not more than his full salary;

e. Industrial accident or illness leave shall be reduced by one day for each day of authorized absence regardless of a temporary disability indemnity award;

f. When an industrial accident or illness leave overlaps into the next fiscal year, the employee shall be entitled to only the amount of unused leave due him for the same illness or injury.

Upon termination of the industrial accident or illness leave, the employee shall be entitled to the benefits provided in Sections 13467, 13468 and 13469, and for the purposes of each of these sections, his absence shall be deemed to have commenced on the date of termination of the industrial accident or illness leave, provided that if the employee continues to receive temporary disability indemnity, he may elect to take as much of his accumulated sick leave which, when added to his temporary disability indemnity, will result in a payment to him of not more than his full salary.

The governing board may, by rule or regulation, provide for such additional leave of absence for industrial accident or illness as it deems appropriate.

During any paid leave of absence, the employee shall endorse to the district the temporary disability indemnity checks received on account of his industrial accident or illness. The district, in turn, shall issue the employee appropriate salary warrants for payment of the employee's salary and shall deduct normal retirement and other authorized contributions.

The governing board may require that an employee serve or have served continuously a specified period of time with the district after his date of employment as determined pursuant to Sections 13262 through 13266 of this code before the benefits provided by this section are made available to him provided that such period shall not exceed three years after such date of employment.

Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the governing board authorizes travel outside the state.

In the absence of rules and regulations adopted by the governing board pursuant to this section an employee shall be entitled to industrial accident or illness leave as provided in this section but without limitation as to the number of days of such leave and without any requirement of a specified period of service in the district.

SEC. 25. Section 13651.2 of said code is amended to read: 13651.2. Governing boards of school districts shall provide by rules and regulations for industrial accident or illness leaves of absence for employees who are a part of the classified service. The governing board of any district which is created or whose boundaries or status is changed by an action to organize or reorganize districts completed after the effective date of this section shall provide by rules and regulations for such leaves of absence on or before the date on which the organization or reorganization of the district becomes effective for all purposes as provided in Section 1704 of this code.

Such rules and regulations shall include the following provisions:

(a) Allowable leave shall not be for less than 60 working days in any one fiscal year for the same accident.

(b) Allowable leave shall not be accumulative from year to year.

(c) Industrial accident or illness leave will commence on the first day of absence.

(d) Payment for wages lost on any day shall not, when added to an award granted the employee under the workmen's compensation laws of this state, exceed the normal wage for the day.

(e) Industrial accident leave will be reduced by one day for each day of authorized absence regardless of a compensation award made under workmen's compensation.

(f) When an industrial accident or illness occurs at a time when the full 60 days will overlap into the next fiscal year, the employee shall be entitled to only that amount remaining at the end of the fiscal year in which the injury or illness occurred, for the same illness or injury.

The industrial accident or illness leave of absence is to be used in lieu of entitlement acquired under Section 13651.1 of this code. When entitlement to industrial accident or illness leave has been exhausted, entitlement to other sick leave will then be used; but if an employee is receiving workmen's compensation he shall be entitled to use only so much of his accumulated or available sick leave, accumulated compensating time, vacation or other available leave which, when added to the workmen's compensation award, provide for a full day's wage or salary.

The governing board may, by rule or regulation, provide for such additional leave of absence, paid or unpaid, as it deems appropriate and during such leave the employee may return to his position without suffering any loss of status or benefits.

Periods of leave of absence, paid or unpaid, shall not be considered to be a break in service of the employee.

During all paid leaves of absence, whether industrial accident leave as provided in this section, sick leave, vacation, compensated time off or other available leave provided by law or the action of a governing board, the employee shall endorse to the district wage loss benefit checks received under the workmen's compensation laws of this state. The district, in turn, shall issue the employee appropriate warrants for payment of wages or salary and shall deduct normal retirement and other authorized contributions. Reduction of entitlement to leave shall be made only in accordance with this section.

When all available leaves of absence, paid or unpaid, have been exhausted and if the employee is not medically able to assume the duties of his position, he shall, if not placed in another position, be placed on a reemployment list for a period of 39 months. When available, during the 39-month period, he

shall be employed in a vacant position in the class of his previous assignment over all other available candidates except for a reemployment list established because of lack of work or lack of funds, in which case he shall be listed in accordance with appropriate seniority regulations.

The governing board may require that an employee serve or have served continuously a specified period of time with the district before the benefits provided by this section are made available to him provided that such period shall not exceed three years and that all service of an employee prior to the effective date of this section shall be credited in determining compliance with the requirement.

Any employee receiving benefits as a result of this section shall, during periods of injury or illness, remain within the State of California unless the governing board authorizes travel outside the state.

In the absence of rules and regulations adopted by the governing board, pursuant to this section, an employee shall be entitled to industrial and accident or illness leave as provided in this section but without limitation as to the number of days of such leave and without any requirement of a specified period of service.

An employee who has been placed on a reemployment list, as provided herein, who has been medically released for return to duty and who fails to accept an appropriate assignment shall be dismissed.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 5 (commencing with Section 13701) of this chapter.

SEC. 3. The amendments of Section 13469.1 and Section 13651.2 of the Education Code made by the 1965 session of the Legislature do not constitute a change in, but are declaratory of the preexisting law.

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:

An uncertainty exists as to the date when the benefits of Sections 13469.1 and 13651.2 of the Education Code are required to be made applicable to the employees of school districts. Some governing boards of school districts have adopted policies denying the benefits of these sections to all of their employees for a period three years after the effective date of the sections, whereas the Legislature intended that all service with the district should be credited against the service requirement regardless of when the service was performed. This uncertainty has and will cause a hardship on those employees who have served at least three years with districts as of the commencement of the 1963-1964 school year and those employees who will have served three years with districts as of

the 1964-1965 and 1965-1966 school years. In order to retain competent employees essential for the education of the children of this state and in order that the governing boards of school districts and their employees may know the rights of the employees under Section 13469.1 and 13651.2 at the earliest possible moment, it is essential that this act take effect immediately.

CHAPTER 219

An act to add Chapter 3 (commencing with Section 2050) to Part 3 of Division 1 of the Revenue and Taxation Code, relating to the county assessment roll.

[Approved by Governor May 8, 1965. Filed with
Secretary of State May 8, 1965.]

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

SECTION 1. Chapter 3 (commencing with Section 2050) is added to Part 3 of Division 1 of the Revenue and Taxation Code, to read:

CHAPTER 3. THE EQUALIZED COUNTY ASSESSMENT ROLL

2050. Whenever, for the purpose of determining the assessed value of property on the county assessment roll or determining the names or addresses of assessees on such roll, the State Constitution, any law, any charter of a city or a county, or any ordinance, resolution, order or regulation of any city, county or other public corporation makes reference to the "last equalized county assessment roll" in those words or in similar words, or in any words intended to refer to the latest or current assessment roll of the county, such roll (hereinafter referred to as the "last equalized roll") shall be ascertained in accordance with the rules provided in this chapter.

2051. The last equalized roll means the entire assessment roll as defined in Section 109.

2052. The local roll as delivered to the auditor pursuant to Section 1614 or Section 1753, together with the board roll as transmitted to the auditor pursuant to Section 756, shall become the last equalized roll on the third Tuesday in August, and such rolls together shall continue to be the last equalized roll except as otherwise provided in this chapter or until the assessment roll for the following year becomes the last equalized roll in accordance with the provisions of this section.

2053. If the board makes any change in the local roll pursuant to Sections 1822 and 1822.5, the local roll as so changed, together with the board roll as transmitted to the auditor pursuant to Section 756, shall become the last equalized roll on the date the auditor receives notice of the action of the board.

2054. If the board makes any change in the local roll pursuant to Section 1823, the local roll as so changed, together with the board roll as transmitted to the auditor pursuant to Section 756, shall become the last equalized roll on the date the preliminary statement becomes final, or on the date the auditor receives notification of the final determination, as the case may be.

2055. If the county board of equalization, or a tax appeals board, as the case may be, makes any changes in the local roll pursuant to Chapter 1.5 (commencing with Section 1750) of Part 3 of Division 1, the local roll as so changed, and including any other changes in the local roll made pursuant to law, together with the board roll as transmitted to the auditor pursuant to Section 756, shall become the last equalized roll on the third day after the final adjournment of the county board of equalization or all tax appeals boards of the county as the case may be.

2056. Whenever it becomes necessary for any purpose otherwise required by law to determine the assessed value of public property or other property exempt from taxation, as such assessed value is shown on the last equalized roll, and no value is shown on the roll for such property, and there is no other applicable provision for determining such assessed value, the assessor shall, upon request, provide in writing an estimate of the value according to his current assessment practices, and such estimate shall be deemed to be the assessed value for such purpose.

CHAPTER 220

An act to amend Section 938.5 of the Education Code, relating to school districts.

[Approved by Governor May 8, 1965. Filed with
Secretary of State May 8, 1965.]

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

SECTION 1. Section 938.5 of the Education Code is amended to read:

938.5. (a) The members of the governing board of each unified school district shall elect a superintendent of schools for a term of four years, who shall be executive officer and secretary of said governing board. Where the entire area of a county is included within one unified school district or where the entire area of a county is included within one unified school district except for such portions of the county as are included in a school district which is under the jurisdiction of the county superintendent of schools of another county, the county superintendent of schools may be employed as the superintendent of schools of the unified school district; provided,

he is the holder of a certification document authorizing him to perform such services. If a county superintendent of schools is employed as the superintendent of schools of a unified school district, he may be paid such salary, in addition to that provided by law for his office of county superintendent of schools, as he and the governing board of the unified school district may agree upon.

(b) Any county superintendent of schools who was employed as a district superintendent of a unified school district on or before September 20, 1963, may continue to perform such services without possessing the certification document otherwise required as long as he remains continuously employed or reemployed in his position.

(c) Where the entire area of a county is included within one unified school district except for such portions of the county as are included in a school district which is under the jurisdiction of the county superintendent of schools of another county, the person who was county superintendent of schools at the time the unified school district was formed may be employed as the superintendent of schools of the unified school district without possessing the certification document otherwise required as long as he remains continuously employed or reemployed in his position.

CHAPTER 221

An act to amend Sections 18050, 18051, and 18100 of, and to add Sections 18051.5 and 18100.5 to, the Government Code, relating to sick leave and vacation credit for state civil service employees.

[Approved by Governor May 8, 1965 Filed with
Secretary of State May 8, 1965]

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

SECTION 1. Section 18050 of the Government Code is amended to read:

18050. Following completion of six months of continuous service, for each completed calendar month of service, except as provided in Section 18051.5, each state officer and employee who is employed full time shall receive credit for vacation with pay in accordance with the following schedule:

1 month to 3 years	-----	$\frac{5}{8}$ days per month
37 months to 10 years	-----	$1\frac{1}{4}$ days per month
121 months to 15 years	-----	$1\frac{5}{8}$ days per month
181 months to 24 years	-----	$1\frac{7}{8}$ days per month
289 months and over	-----	$1\frac{3}{4}$ days per month

The computation of credit for the month of January, 1964 and each month thereafter shall be based upon the schedule provided by this section, provided that the rate of vacation

credit allowed shall not be reduced for any officer or employee employed prior to January 1, 1964. The time when vacation shall be taken shall be determined by the appointing power of the officer or employee.

SEC. 2. Section 18051 of said code is amended to read:

18051. The State Personnel Board shall provide by rule for the regulation and accumulation of vacations for civil service employees and may provide for vacations for such employees who are employed less than full time. The State Personnel Board shall prescribe the methods by which employees leaving the employment of one state agency and entering the employment of another state agency may be compensated for, transfer, or otherwise receive proper credit for their accumulated vacation privileges.

SEC. 3. Section 18100 of said code is amended to read:

18100. Following completion of six months of continuous service, except as otherwise provided in Section 18102.5 of the Government Code, each state officer and employee who is employed full time shall be allowed six days of credit for sick leave with pay. Thereafter, for each additional calendar month of service, except as provided in Section 18100.5, one day of credit for sick leave with pay shall be allowed. Each state officer or employee is entitled to such leave with pay, on the submission of satisfactory proof of the necessity for sick leave as provided by rule of the State Personnel Board. For purposes of computing sick leave, each employee shall be considered to work not more than five days each week. The State Personnel Board shall provide by rule for the regulation and method of accumulation of sick leave for civil service employees, and may provide sick leave for those who work less than full time. Subject to board rule sick leave may be granted to employees for the purpose of physical examinations.

SEC. 4. Section 18051.5 is added to said code, to read:

18051.5. It shall be within the discretion of the State Personnel Board to define the effect of an absence from the payroll of 10 working days or less in any calendar month upon credit for vacation.

SEC. 5. Section 18100.5 is added to said code, to read:

18100.5. It shall be within the discretion of the State Personnel Board to define the effect of an absence from the payroll of 10 working days or less in any calendar month upon credit for sick leave.

CHAPTER 222

An act to add Article 9 (commencing with Section 1081) to Chapter 3 of Division 4 of the Education Code, relating to the public school system.

[Approved by Governor May 8, 1965 Filed with
Secretary of State May 8, 1965.]

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

SECTION 1. Article 9 (commencing with Section 1081) is added to Chapter 3 of Division 4 of the Education Code, to read:

Article 9. Excursion and Field Trips to
a Foreign Country

1081. The governing board of any school district may:

(a) Conduct excursions and field trips for pupils enrolled in the secondary schools to provide language, history, geography, natural sciences, and other studies, relative to the culture and natural resources of a foreign country, in the foreign country adjoining this state; for that purpose engage such instructors, supervisors, and other personnel as desire to contribute their services over and above the normal period for which they are employed by the district, and provide other necessary equipment and supplies.

(b) Transport by use of district equipment or arrange transportation by the use of other equipment of pupils, instructors, supervisors or other personnel to and from places in the foreign country adjoining this state where such excursions and field trips are being conducted; provided, that when district equipment is used, the governing board shall secure liability insurance from a carrier licensed to transact insurance business in such foreign country.

(c) Establish a fee which pupils shall be required to pay as a condition to participation in such excursions and field trips to cover travel expenses including meals, lodging and transportation.

The attendance or participation of a pupil in an excursion or field trip authorized by this section shall not be considered attendance for purposes of crediting attendance for apportionments from the State School Fund in any fiscal year; nor shall any allowance for the transportation of pupils be made out of the State School Fund to any district as a result of expenses incurred in providing transportation for, or in transporting, pupils pursuant to this section.

1082. The governing board of any school district conducting excursions and field trips pursuant to this article shall provide, or make available, medical or hospital service, or both, through nonprofit membership corporations defraying the cost of medical service or hospital service, or both, or

through group, blanket or individual policies of accident insurance from authorized insurer, for pupils of the district injured while participating in such excursions and field trips under the jurisdiction of, or sponsored or controlled by, the district or the authorities of any school of the district. The cost of the insurance or membership may be paid, from the funds of the district, or by the insured pupil, his parent or guardian.

The insurance may be purchased from, or the membership may be taken in, only such companies or corporations as are authorized to do business in this state.

1083. No air transportation may be provided under this article unless the air transportation is provided by chartered aircraft operated exclusively by an air carrier or foreign air carrier as defined in subdivisions (3) and (19) of Section 101 of Title 1 of the "Federal Aviation Act of 1958" (P.L. 85-726; 72 Stat. 731) engaged in air transportation as defined in subdivision (10) of the same section while there is in force a certificate or permit issued by the Civil Aeronautics Board of the United States, or its successor, authorizing such air carrier to engage in such transportation.

CHAPTER 223

An act to amend Sections 36576 and 37211 of the Water Code, relating to California water districts.

[Approved by Governor May 8, 1965. Filed with
Secretary of State May 8, 1965.]

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

SECTION 1. Section 36576 of the Water Code is amended to read:

36576. Notwithstanding Section 36571, until such time as a district which has not theretofore delivered water for any purpose puts into operation facilities for the delivery of water, the board may levy a special assessment 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 during the period in which facilities for the delivery of water primarily for agricultural purposes are being planned and constructed. In no event shall such equal amount assessment exceed three dollars (\$3) per acre per year.

SEC. 2. Section 37211 of said code is amended to read:

37211. Notwithstanding Section 37207, the board of supervisors annually at the time of levying county taxes shall levy an ad valorem assessment upon all lands within that portion of the district within the county sufficient to raise the amount stated in the estimate of the district board; provided, how-

ever, that until such time as a district which has not theretofore delivered water for any purpose puts into operation facilities for the delivery of water, the board may levy a special assessment 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 during the period in which facilities for the delivery of water primarily for agricultural purposes are being planned and constructed. In no event shall such equal amount assessment exceed three dollars (\$3) per acre per year.

CHAPTER 224

An act to amend Sections 14215, 14430, 17005, 17016, 17018, 17020, 17041, 17044, and 17205 of, and to repeal Section 17204 of, and to add Section 17095 to, the Elections Code, relating to precinct board members.

[Approved by Governor May 8, 1965 Filed with
Secretary of State May 8, 1965.]

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

SECTION 1. Section 14215 of the Elections Code is amended to read:

14215. The roster to be kept by each precinct board shall be substantially in the following form:

Roster

of the _____ election held in the _____ precinct _____
district, County of _____, on the _____ day of _____
19____.

Following are the voters of above precinct desiring to vote under provisions of Sections 14402, 14404, 14405, 14406, and 14409 of the Elections Code:

No.	Signature of voter	Residence of voter
1	_____	_____
2	_____	_____
3	_____	_____
etc.	_____	_____

We hereby certify that all voters whose signatures appear hereinbefore in this roster voted this day excepting the following who, after signing the roster, failed to vote or were challenged and denied the right to vote.

No.	Name	No.	Name
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

We further certify that the number of voters who voted in this precinct at this election is -----, and that the above list of voters, less those who did not vote as enumerated, constitutes the roster of this precinct for this election.

----- Clerk -----	----- Inspector -----
----- Clerk -----	----- Judge -----
----- Clerk -----	----- Judge -----

All members of the precinct board shall sign the certificate of performance, substantially in the form prescribed in Section 17095.

SEC. 2. Section 14430 of said code is amended to read:

14430. The ballot clerks shall account for the ballots delivered to them by returning a sufficient number of unused ballots to make up, when added to the number of official ballots cast and the number of spoiled ballots returned, the number of ballots given to them. The officers receiving returned ballots shall compel such an accounting.

The precinct board shall complete the roster as required in Section 14215, and shall sign the certificate of performance as prescribed in Section 17095.

SEC. 3. Section 17005 of said code is amended to read:

17005. The precinct board shall complete the roster as required in Section 14215, and shall sign the certificate of performance as prescribed in Section 17095.

SEC. 4. Section 17016 of said code is amended to read:

17016. The tally sheet shall be in such form as may be prescribed by the county clerk, clerk, or secretary of the body conducting the election.

Each tally sheet shall contain:

(a) The name of each candidate being voted for and the specific office for which each candidate is being voted. At primaries the offices shall be in the same order as on the ballot.

(b) Sufficient space to permit the tallying of the full vote cast for each candidate and for and against each measure submitted.

SEC. 5. Section 17018 of said code is amended to read:

17018. As soon as all the votes are counted and the envelope containing the ballots is sealed, the precinct board shall fill out on the tally sheets, in words and figures, the total number of votes recorded for each candidate and upon each measure.

SEC. 6. Section 17020 of said code is amended to read:

17020. Before it adjourns, the precinct board shall post conspicuously on the outside of the polling place a copy of the result of the votes cast, which copy shall remain posted for at least 48 hours after the official time fixed for the closing of the polls. The copy shall be signed by the members of the board.

SEC. 7. Section 17041 of said code is amended to read:
17041. The precinct board, in the manner provided in this code, shall certify the number of names on the roster.

SEC. 8. Section 17044 of said code is amended to read:
17044. The tally sheets shall be in such form as may be prescribed by the county clerk, clerk or secretary of the body conducting the election, except that the two tally sheets prepared for the use of group one shall be designed to permit the canvass of approximately one-half of the sum total of candidates and measures appearing on the ballots for the precinct, while the remaining approximately one-half of the candidates and measures shall be contained in an additional two tally sheets prepared and furnished for use by group two. The tally sheets shall be prepared with the names of candidates and measures as provided in Section 17016. The tally sheets shall be distinctly marked for group one and group two.

SEC. 9. Section 17095 is added to said code, to read:
17095. Upon completion of their duties all members of the precinct board shall sign the following certificate of performance, which shall be substantially in the following form:

Certificate of Performance

for ----- precinct, for the ----- Election, held on the
----- day of -----, 19 ----.

We hereby certify that all voters whose signatures appear upon the roster of voters for the precinct voted, excepting for those who, after signing the roster, failed to vote or were challenged and denied the right to vote, who are so indicated on the roster, and that the number of voters who voted in this precinct are as indicated on the roster.

We further certify that the total number of official ballots received, voted, rejected, spoiled and canceled, found in the ballot box and the number accounted for is as indicated on the ballot statement.

We further certify that the assisted voters list and challenge list show a complete list of all voters assisted or challenged.

We further certify that the total number of votes received by each candidate for each office and the total number of votes cast for and against each measure is as indicated on the tally sheets.

We further certify that the results of votes cast forms posted outside the polling place and transmitted to the county clerk show the total number of votes received by each candidate for each office and the total number of votes cast for and against each measure is as indicated.

-----	-----
Inspector	Clerk
-----	-----
Assistant Inspector	Clerk
-----	-----
Judge	Clerk
-----	-----
Judge	Clerk

SEC. 10. Section 17204 of said code is repealed.

SEC. 11. Section 17205 of said code is amended to read:

17205. The precinct board shall immediately transmit, unsealed, to the county clerk a statement showing the result of the votes cast at the polling place. It shall be open to public inspection.

CHAPTER 225

An act to add Section 17253 to the Education Code, relating to financial assistance to the public schools, making an appropriation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 8, 1965. Filed with Secretary of State May 8, 1965.]

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

SECTION 1. Section 17253 is added to the Education Code, to read:

17253. The county superintendent of schools, on behalf of any school district under his jurisdiction, of a county situated in an area proclaimed by the Governor to be in a state of disaster as a result of storms and floods occurring between December 1, 1964, and June 30, 1965, may file an application with the Superintendent of Public Instruction for funds to assist such school district in meeting the necessary expenses for the fiscal year 1964-65 which cannot be met from available revenues.

The application shall be forwarded to the Superintendent of Public Instruction on or before June 15, 1965, in the form and manner prescribed by the Superintendent of Public Instruction. Upon approval of the request in whole or in part, the Superintendent of Public Instruction shall forthwith certify the amount approved to the State Controller. The State Controller shall draw his warrant upon the General Fund of the state in the amount certified, payable to the county treasurer for deposit to the county school service fund of the county. The county treasurer shall transfer such funds to the credit of the general funds of the appropriate school districts upon order of the county superintendent of schools.

Any portion of such moneys remaining in the county school service fund as of July 31, 1965, shall be remitted to the General Fund of the state.

The Legislature hereby declares that its sole motive in enacting this section is to provide financial assistance to those school districts in the disaster area which have, because of such storms and floods, experienced losses in revenue, or which have had to meet certain necessary current expenses of education and equipment costs not anticipated at the time the school district budget was adopted; and it is further declared that the county superintendent of schools and the Superintendent of Public Instruction shall determine through budget review and analysis that funds are not available from other sources to replenish such revenues or to meet such expenditures.

SEC. 2. The sum of two hundred fifty thousand dollars (\$250,000) is appropriated from the General Fund to the Department of Education for the purposes of Education Code Section 17253.

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 recent storms and floods in the northern part of the state have caused severe damage and destruction to real and personal property. The resulting loss of revenues from the levy of school district taxes places an unusual burden upon the school district. In order that school funds may be made available during the current budget year for the education of pupils in the public schools of the area, it is necessary that this act go into immediate effect.

SEC. 4. This act shall have no force or effect after August 1, 1965.

CHAPTER 226

An act to amend Sections 45400 and 45401 of the Water Code, relating to water storage districts.

[Approved by Governor May 8, 1965. Filed with
Secretary of State May 8, 1965.]

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

SECTION 1. Section 45400 of the Water Code is amended to read:

45400. If a majority of the votes cast at the election are in favor of the issuance of bonds, or if a resolution authorizing the issuance of bonds has been adopted and approved in accordance with Section 45102, the board shall cause bonds in

the amount stated in the order calling the election or in such resolution, as the case may be, to be sold and shall deliver the assessment list segregated as to affected counties to the treasurer.

SEC. 2. Section 45401 of said code is amended to read :

45401. The treasurer shall place the proceeds of sale of any bonds sold to the credit of the district.

CHAPTER 227

An act to amend Sections 1668 and 1669 of the Insurance Code, relating to grounds for denial of an application for a license.

[Approved by Governor May 8, 1965 Filed with
Secretary of State May 8, 1965.]

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

SECTION 1. Section 1668 of the Insurance Code is amended to read :

1668. The commissioner may deny an application for any license issued pursuant to this chapter if:

(a) The applicant is not properly qualified to perform the duties of a person holding the license applied for;

(b) The granting of the license will be against public interest;

(c) The applicant does not intend actively and in good faith to carry on as a business with the general public the transactions which would be permitted by the issuance of the license applied for;

(d) The applicant is not of good business reputation;

(e) The applicant is lacking in integrity;

(f) The applicant has been refused a professional, occupational or vocational license or had such a license suspended or revoked by any licensing authority for reasons that should preclude the granting of the license applied for;

(g) The applicant seeks the license for the purpose of avoiding or preventing the operation or enforcement of the insurance laws of this state;

(h) The applicant has knowingly or willfully made a misstatement in an application to the commissioner for a license, or in a document filed in support of such an application, or has made a false statement in testimony given under oath before the commissioner or any other person acting in his stead;

(i) The applicant has previously engaged in a fraudulent practice or act or has conducted any business in a dishonest manner;

(j) The applicant has shown incompetency or untrustworthiness in the conduct of any business, or has by commis-

sion of a wrongful act or practice in the course of any business exposed the public or those dealing with him to the danger of loss;

(k) The applicant has knowingly misrepresented the terms or effect of an insurance policy or contract;

(l) The applicant has failed to perform a duty expressly enjoined upon him by a provision of this code or has committed an act expressly forbidden by such a provision;

(m) The applicant has been convicted of:

(1) A felony;

(2) A misdemeanor denounced by this code or other laws regulating insurance; or

(3) A public offense having as one of its necessary elements a fraudulent act or an act of dishonesty in acceptance, custody or payment of money or property;

(n) The applicant has aided or abetted any person in an act or omission which would constitute grounds for the suspension, revocation or refusal of a license or certificate issued under this code to the person aided or abetted;

(o) The applicant has permitted any person in his employ to violate any provision of this code; or

(p) The applicant has violated any provision of law relating to conduct of business which could lawfully be done only under authority conferred by such license.

A judgment, plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

SEC. 2. Section 1669 of said code is amended to read:

1669. The commissioner may, without hearing, deny an application if the applicant has:

(a) Committed a felony as shown by a final judgment of conviction thereof;

(b) Committed a misdemeanor denounced by this code or by other laws regulating insurance as shown by a final judgment of conviction thereof;

(c) Had a previous application for a license denied for cause within five years before the filing of the application to be acted upon; or

(d) Had a previously issued license suspended or revoked for cause within five years before the filing of the application to be acted upon.

A judgment of conviction within the meaning of this section includes a judgment following a plea of nolo contendere.

CHAPTER 228

*An act to amend Section 1805 of the Insurance Code,
relating to granting bail licenses.*

[Approved by Governor May 8, 1965. Filed with
Secretary of State May 8, 1965]

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

SECTION 1. Section 1805 of the Insurance Code is amended to read:

1805. The commissioner may decline to issue a bail license until he is satisfied that:

(a) The applicant is of good business reputation and of good general reputation.

(b) That the applicant has never been refused a license or had a license revoked by any public authority for reasons which indicated lack of honesty or integrity, or which show improper business practice on the part of the applicant.

(c) That the applicant has an understanding of the obligations and duties of bail.

(d) That the applicant has not participated in or been connected with any business transaction which, in the opinion of the commissioner tends to show unfitness to act in a fiduciary capacity or to maintain the standards of fairness and honesty required of a trustee or other fiduciary.

(e) That the applicant has not willfully misstated any material fact in his application or procured a misstatement in the supporting documents thereof

(f) That there is no outstanding judgment against the applicant of conviction of a misdemeanor or felony denounced by this code, or one of the elements of which involves a misappropriation of money or property.

(g) That the applicant has not committed an act forbidden by this code.

(h) That the applicant is a fit and proper person to hold the license applied for.

(i) The applicant has been a continuous resident of the State of California for at least two years.

CHAPTER 229

*An act to repeal Section 10020 of the Elections Code as added
by Chapter 609 of the Statutes of 1963, and to add Section
10020 to the Elections Code, relating to absentee voting,
declaring the urgency thereof, to take effect immediately.*

[Approved by Governor May 8, 1965. Filed with
Secretary of State May 8, 1965]

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

SECTION 1. Section 10020 of the Elections Code as added by Chapter 609 of the Statutes of 1963 is repealed.

SEC. 2. Section 10020 is added to said code, to read:

10020. The officer charged with the duty of providing sample ballots for any election at which absent voter ballots may be cast shall cause to be printed on the envelope containing the sample ballot in heavy-faced gothic type, not smaller than 10-point, the following:

Notice: If you expect to be absent from your election precinct on election day, will be unable to vote in your election precinct by reason of physical disability, or will be unable to go to your polling place because the tenets of your religion prevent you from doing so throughout the day of election, you may apply, in person or by mail, for an absent voter's ballot at the office of the ----- (county clerk or equivalent official). Your application may be submitted not more than ----- days before the day of election but must reach the office of the ----- (county clerk or equivalent official) not less than ----- days before the day of election.

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:

Section 10020 of the Elections Code has a termination date of January 1, 1965. This act will restore this section. Because of the effectiveness of this law which aids absentee voters throughout the state, it is necessary that the operation of this section be restored immediately to permit its proper and uniform effectiveness to apply to elections that will be held in the near future.

CHAPTER 230

An act to amend Section 17911 of, and to repeal Part 2.1 (commencing with Section 18500) of Division 13 of, the Health and Safety Code, relating to auto courts and resorts.

[Approved by Governor May 8, 1965 Filed with
Secretary of State May 8, 1965.]

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

SECTION 1. Section 17911 of the Health and Safety Code is amended to read:

17911. The provisions of this part do not apply to any building regulated by Part 2 (commencing with Section 18000).

SEC. 2. Part 2 1 (commencing with Section 18500) of Division 13 of said code is repealed.

CHAPTER 231

An act to amend Section 10753 of the Revenue and Taxation Code, relating to the Vehicle License Fee Law.

[Approved by Governor May 8, 1965. Filed with
Secretary of State May 8, 1965.]

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

SECTION 1. Section 10753 of the Revenue and Taxation Code is amended to read:

10753. (a) For the purposes of this part the market value of vehicles shall be determined by the department upon the basis of the California delivered prices as established by the manufacturers or distributors in their selling agreements with authorized dealers as of the time the particular make and year model is first offered for sale in California, subject to the exceptions, procedures and classifications as set forth in this part.

(b) In the event the California delivered price of a commercial vehicle has reference only to such vehicle without a body or other essential part, the department shall determine the market value of the body or such other essential part of the vehicle on the basis of the cost price to the purchaser as evidenced by a certificate of cost, but not including California sales or use tax or any local sales or other local tax.

(c) In the event the department is unable to ascertain the California delivered price as defined above in respect to any vehicle or class of vehicles by reason of the same being a specially constructed vehicle, or for any other reason, the department shall determine the market value upon the basis of the cost price to the purchaser of the vehicle as evidenced by a certificate of cost, but not including California sales or use tax or any local sales or other local tax.

(d) In the event any vehicle is modified or additions are made to the chassis or body at a cost of two hundred dollars (\$200) or more, but not including any change of engine of the same type or any cost of repairs to a vehicle, the owner of such vehicle shall report any said modification or additions to the department and the department shall classify or reclassify the vehicle in its proper class as provided in Section 10753.2, taking into consideration the increase in the market value of the vehicle due to such modifications or additions, and any reclassification resulting in increase in market value shall be based on the cost to the consumer of such modifications or additions. In the event any vehicle is modified or altered resulting in a decrease in the market value thereof of two hundred dollars (\$200) or more as reported to and determined by the department, the department shall classify or reclassify the vehicle in its proper class as provided in Section 10753.2.

The foregoing provisions of this subdivision shall not apply in the event the cost of any modification or additions to the chassis or body of a vehicle is less than two hundred dollars (\$200).

(e) The temporary attachment of any camper, as defined in Section 243 of the Vehicle Code, to a vehicle is not a modification or addition for the purposes of subdivision (d).

(f) The attachment to a vehicle of radiotelephone equipment furnished by a telephone corporation as defined in Section 234 of the California Public Utilities Code, is not a modification or addition for the purpose of subdivision (d), when such equipment is not owned by the owner of the vehicle.

CHAPTER 232

An act to amend Section 128 of, and to add Section 128.1 to, the Civil Code, relating to residence for divorce.

[Approved by Governor May 8, 1965. Filed with
Secretary of State May 8, 1965.]

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

SECTION 1. Section 128 of the Civil Code is amended to read:

128. A divorce must not be granted unless the plaintiff or defendant has been a resident of the state one year, and of the county in which the action is brought three months, next preceding the commencement of the action.

SEC. 2. Section 128.1 is added to said code, to read:

128.1. When an action for separate maintenance has been commenced by a party who, at the time of such commencement has not complied with the residence requirements of Section 128 of this code, such party may, upon complying with the residence requirements of Section 128, amend his pleading in such action to request that a divorce be granted and the date of filing of such amended pleading shall be deemed to be the date of commencement of the action for divorce for the purposes of the residence requirements of Section 128 of this code. Such amended complaint shall be served upon the adverse party in the same manner as an original complaint.

CHAPTER 233

An act to amend Sections 1588 and 1588.2 of the Labor Code, relating to license fees for employment agencies.

[Approved by Governor May 8, 1965. Filed with
Secretary of State May 8, 1965.]

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

SECTION 1. Section 1588 of the Labor Code is amended to read:

1588. In addition to the filing fee required by Labor Code Section 1582.1 for application for issuance of a license, and except as provided in Section 1588.2, every employment agency shall pay to the Labor Commissioner annually at the time a license is issued or renewed a license fee of:

(a) One hundred fifty dollars (\$150) in cities having a population of over 100,000.

(b) Seventy-five dollars (\$75) in cities having a population of over 25,000 and not exceeding 100,000.

(c) Fifty dollars (\$50) in all other places.

(d) Fifty dollars (\$50) for each branch office maintained by the agency.

All figures as to population shall be based on the latest United States government census.

SEC. 2. Section 1588.2 of said code is amended to read:

1588.2. In addition to the filing fee required by Section 1582.1 for application for issuance of a license, employment agencies operating solely as labor contractors as defined in Section 1551 of this chapter shall pay to the Labor Commissioner annually at the time a license is issued or renewed a license fee of fifty dollars (\$50), and shall pay an additional fee of fifty dollars (\$50) for each branch office maintained by the agency.

CHAPTER 234

An act to amend Section 1700.12 of the Labor Code, relating to license fees for artists' managers.

[Approved by Governor May 8, 1965. Filed with
Secretary of State May 8, 1965.]

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

SECTION 1. Section 1700.12 of the Labor Code is amended to read:

1700.12. A filing fee of twenty-five dollars (\$25) shall be paid to the Labor Commissioner at the time the application for issuance of an artists' manager license is filed.

In addition to the filing fee required for application for issuance of an artists' manager license, every artists' manager

shall pay to the Labor Commissioner annually at the time a license is issued or renewed:

(a) A license fee of one hundred dollars (\$100).

(b) Fifty dollars (\$50) for each branch office maintained by the artists' manager in this state.

CHAPTER 235

An act to amend Sections 905, 906 and 907 of the Welfare and Institutions Code, relating to the juvenile courts.

[Approved by Governor May 8, 1965. Filed with
Secretary of State May 8, 1965.]

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

SECTION 1. Section 905 of the Welfare and Institutions Code is amended to read:

905. Except as otherwise ordered by the juvenile court, the county officer or officers designated by the board of supervisors of the county may reduce, cancel, or remit the amount to be paid by the estate or the relatives, as the case may be, liable for the care, support, and maintenance of a minor person placed or detained in or committed to any county institution or other place pursuant to an order of the juvenile court of that county on satisfactory proof that the estate or relative, as the case may be, is unable to pay the cost of such care, support, and maintenance.

If the representative of the estate or the relative liable for the care, support, and maintenance of the minor claims that the minor's estate or relative is financially unable to pay the amounts established under this article for the care, support, and maintenance of the minor, he may make such claim in writing to the probation officer of the county in which the juvenile court making the order of placement, detention, or commitment is located. The probation officer shall, upon receipt of such a claim, make an investigation to determine whether the minor's estate or responsible relative is financially able to pay the said amounts established under this article, or any part thereof, and report the results of his investigation to the juvenile court. On receipt of the probation officer's report, the juvenile court shall hear and determine the claim, and may order that the representative of the estate or the relative pay all of the said amounts established under this article or any part thereof which the juvenile court finds that the estate or relative is financially able to pay.

SEC. 2. Section 906 of said code is amended to read:

906. The county officer or officers designated by the board of supervisors of the county shall collect all costs and charges mentioned in Section 903 or established by order of the juvenile court and may take such action in the name of the county

as is necessary to effect their collection within or without the state.

SEC. 3. Section 907 of said code is amended to read:

907. The county officer or officers designated by the board of supervisors of the county shall, following entry of an order by the juvenile court in that county that a minor person be placed, or detained in, or committed to a county institution or other place, make investigation to determine the moneys, the property, or interest in property, if any, the minor person has, and whether he has a duly appointed and acting guardian to protect his property interests. The designated county officer or officers shall also make an investigation to determine whether the minor person has any relative or relatives responsible under the provisions of Section 903 for the payment of the cost of care, support, and maintenance of such minor person, and shall ascertain the financial condition of such relative or relatives to determine whether in each case such relative or relatives are in fact financially able to pay such charges.

CHAPTER 236

An act to amend Section 1463 of the Penal Code, relating to disposition of fines and forfeitures.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. Section 1463 of the Penal Code is amended to read:

1463. Except as otherwise specifically provided by law:

(1) All fines and forfeitures including Vehicle Code fines and forfeitures collected upon conviction or upon the forfeiture of bail, together with moneys deposited as bail, in any municipal court or justice court, shall, as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which such court is situated. The moneys so deposited shall be distributed as follows:

(a) Once a month there shall be transferred into the proper funds of the county an amount equal to the fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by the state or by the county in which such court is situated, exclusive of fines or forfeitures or forfeitures of bail collected from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within the limits of a city within the county.

(b) Once a month there shall be transferred into the traffic safety fund of each city in the county an amount equal to 50

percent of all fines and forfeitures collected during the preceding month upon the conviction or upon the forfeiture of bail from any person arrested by a state officer and charged with the commission of a misdemeanor under the Vehicle Code within that city, and an amount equal to the remaining 50 percent shall be transferred to the special road fund of the county.

(c) Once a month there shall be transferred into the general fund of the county an amount equal to that percentage of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by each city in the county which is set forth in the following schedule:

County and city	Percentage	County and city	Percentage
Alameda		Contra Costa—Continued	
Alameda -----	18	Hercules -----	14
Albany -----	29	Martinez -----	22
Berkeley -----	19	Pinole -----	22
Emeryville -----	13	Pittsburg -----	5
Hayward -----	10	Richmond -----	14
Livermore -----	7	San Pablo -----	12
Oakland -----	22	Walnut Creek -----	24
Piedmont -----	44	County percentage	14
Pleasanton -----	17	Del Norte	
San Leandro -----	9	Crescent City -----	19
County percentage	21	County percentage	19
Amador		El Dorado	
Amador -----	25	Placerville -----	14
Ione -----	25	County percentage	14
Jackson -----	25	Fresno	
Plymouth -----	25	Clovis -----	23
Sutter Creek -----	25	Coalinga -----	21
County percentage	29	Firebaugh -----	16
Butte		Fowler -----	34
Biggs -----	75	Fresno -----	26
Chico -----	22	Huron -----	24
Gridley -----	49	Kerman -----	14
Oroville -----	9	Kingsburg -----	34
County percentage	20	Mendota -----	11
Calaveras		Orange Cove -----	24
Angels -----	62	Parlier -----	21
County percentage	62	Reedley -----	30
Colusa		Sanger -----	29
Colusa -----	13	San Joaquin -----	15
Williams -----	17	Selma -----	14
County percentage	16	County percentage	24
Contra Costa		Glenn	
Antioch -----	11	Orland -----	27
Brentwood -----	24	Willows -----	36
Concord -----	18	County percentage	32
El Cerrito -----	19		

County and city	Percentage	County and city	Percentage
Humboldt		Los Angeles—continued	
Arcata -----	9	Beverly Hills -----	14
Blue Lake -----	26	Burbank -----	14
Eureka -----	11	Claremont -----	5
Ferndale -----	30	Compton -----	16
Fortuna -----	17	Covina -----	11
Trinidad -----	11	Culver City -----	10
County percentage	11	El Monte -----	11
Imperial		El Segundo -----	11
Brawley -----	8	Gardena -----	22
Calexico -----	10	Glendale -----	16
Calipatria -----	30	Glendora -----	12
El Centro -----	5	Hawthorne -----	7
Holtville -----	16	Hermosa Beach -----	14
Imperial -----	6	Huntington Park --	12
Westmorland -----	12	Inglewood -----	16
County percentage	8	La Verne -----	14
Inyo		Long Beach -----	14
Bishop -----	25	Los Angeles -----	8
County percentage	25	Lynwood -----	9
Kern		Manhattan Beach --	13
Bakersfield -----	10	Maywood -----	15
Delano -----	13	Monrovia -----	11
Maricopa -----	36	Montebello -----	11
Shafter -----	15	Monterey Park -----	11
Taft -----	19	Palos Verdes Estates	10
Tehachapi -----	12	Pasadena -----	9
Wasco -----	28	Pomona -----	12
County percentage	12	Redondo Beach ----	15
Kings		San Fernando -----	17
Corcoran -----	31	San Gabriel -----	16
Hanford -----	21	San Marino -----	5
Lemoore -----	25	Santa Monica -----	11
County percentage	25	Sierra Madre -----	11
Lake		Signal Hill -----	24
Lakeport -----	33	South Gate -----	13
County percentage	33	South Pasadena ----	9
Lassen		Torrance -----	16
Susanville -----	21	Vernon -----	25
County percentage	21	West Covina -----	11
Los Angeles		Whittier -----	11
Alhambra -----	13	County percentage	11
Arcadia -----	11	Madera	
Avalon -----	54	Chowchilla -----	17
Azusa -----	11	Madera -----	16
Bell -----	11	County percentage	17

County and city	Percentage	County and city	Percentage
Marin		Nevada—continued	
Belvedere -----	16	Nevada City -----	17
Corte Madera -----	12	County percentage	9
Fairfax -----	30	Orange	
Larkspur -----	30	County percentage	15
Mill Valley -----	13	Placer	
Ross -----	18	Auburn -----	18
San Anselmo -----	11	Colfax -----	8
San Rafael -----	13	Lincoln -----	26
Sausalito -----	21	Rocklin -----	16
County percentage	16	Roseville -----	10
Mendocino		County percentage	14
Fort Bragg -----	19	Plumas	
Point Arena -----	40	Portola -----	19
Ukiah -----	10	County percentage	19
Willits -----	24	Riverside	
County percentage	17	Banning -----	35
Merced		Beaumont -----	15
Atwater -----	23	Blythe -----	9
Dos Palos -----	21	Coachella -----	12
Gustine -----	23	Corona -----	12
Livingston -----	14	Elsinore -----	10
Los Banos -----	13	Hemet -----	35
Merced -----	18	Indio -----	16
County percentage	18	Palm Springs -----	35
Modoc		Perris -----	14
Alturas -----	42	Riverside -----	16
County percentage	42	San Jacinto -----	41
Monterey		County percentage	35
Carmel -----	17	Sacramento	
Gonzales -----	10	Folsom -----	31
Greenfield -----	13	Galt -----	25
King City -----	36	Isleton -----	13
Monterey -----	13	North Sacramento ..	10
Pacific Grove -----	22	Sacramento -----	21
Salinas -----	36	County percentage	26
Soledad -----	16	San Benito	
County percentage	23	Hollister -----	9
Napa		San Juan Bautista ..	28
Calistoga -----	37	County percentage	11
Napa -----	11	San Bernardino	
St. Helena -----	12	Barstow -----	23
County percentage	14	Chino -----	14
Nevada		Colton -----	21
Grass Valley -----	7	Fontana -----	15

County and city	Percentage	County and city	Percentage
San Bernardino—continued		San Mateo—continued	
Needles -----	33	San Bruno -----	13
Ontario -----	20	San Carlos -----	8
Redlands -----	28	San Mateo -----	42
Rialto -----	15	South San Francisco	12
San Bernardino ---	20	County percentage	21
Upland -----	14	Santa Barbara	
County percentage	20	Guadalupe -----	28
San Diego		Lompoc -----	16
Carlsbad -----	8	Santa Barbara ---	11
Chula Vista -----	23	Santa Maria -----	12
Coronado -----	25	County percentage	13
Del Mar -----	8	Santa Clara	
El Cajon -----	17	Alviso -----	75
Escondido -----	16	Campbell -----	16
Imperial Beach ----	8	Gilroy -----	28
La Mesa -----	23	Los Altos -----	16
National City -----	14	Los Gatos -----	30
Oceanside -----	15	Morgan Hill -----	11
San Marcos -----	8	Mountain View ----	13
Vista -----	8	Palo Alto -----	21
San Diego -----	6	San Jose -----	13
County percentage	25	Santa Clara -----	16
San Joaquin		Sunnyvale -----	26
Lodi -----	18	County percentage	16
Manteca -----	8	Santa Cruz	
Ripon -----	11	Capitola -----	21
Stockton -----	14	Santa Cruz -----	23
Tracy -----	15	Watsonville -----	21
County percentage	14	County percentage	22
San Luis Obispo		Shasta	
Arroyo Grande ----	9	Redding -----	22
Paso Robles -----	26	County percentage	22
Pismo Beach -----	8	Sierra	
San Luis Obispo ---	21	Loyalton -----	75
County percentage	16	County percentage	75
San Mateo		Siskiyou	
Atherton -----	27	Dorris -----	18
Belmont -----	7	Dunsmuir -----	29
Burlingame -----	38	Etna -----	18
Colma -----	40	Fort Jones -----	46
Daly City -----	24	Montague -----	75
Hillsborough -----	75	Mount Shasta ----	37
Menlo Park -----	12	Tulelake -----	33
Millbrae -----	16	Yreka -----	30
Redwood City -----	27	County percentage	29

County and city	Percentage	County and city	Percentage
Solano		Tehama—continued	
Benicia -----	17	Tehama -----	10
Dixon -----	28	County percentage	31
Fairfield -----	31	Tulare	
Rio Vista -----	19	Dinuba -----	21
Suisun -----	7	Exeter -----	23
Vacaville -----	15	Lindsay -----	24
Vallejo -----	18	Porterville -----	26
County percentage	19	Tulare -----	20
Sonoma		Visalia -----	17
Cloverdale -----	37	Woodlake -----	15
Healdsburg -----	33	County percentage	21
Petaluma -----	24	Tuolumne	
Santa Rosa -----	14	Sonora -----	23
Sebastopol -----	28	County percentage	23
Sonoma -----	28	Ventura	
County percentage	19	Fillmore -----	16
Stanislaus		Ojai -----	16
Ceres -----	14	Oxnard -----	16
Modesto -----	15	Port Hueneme -----	16
Newman -----	10	Santa Paula -----	16
Oakdale -----	15	Ventura -----	16
Patterson -----	20	County percentage	16
Riverbank -----	18	Yolo	
Turlock -----	19	Davis -----	22
County percentage	15	Winters -----	19
Sutter		Woodland -----	20
Live Oak -----	17	County percentage	20
Yuba City -----	17	Yuba	
County percentage	17	Marysville -----	15
Tehama		Wheatland -----	38
Corning -----	26	County percentage	15
Red Bluff -----	39		

In any county for which a county percentage is set forth in the above schedule and which contains a city which is not listed or which is hereafter created, there shall be transferred to the county general fund the county percentage. In any county for which no county percentage is set forth, and in which a city is hereafter created, there shall be transferred to the county general fund 15 percent.

(d) Once a month there shall be transferred to each city in the county an amount equal to the total sum remaining after the transfers provided for in subparagraph (c) above have been made of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by such city.

(2) Any money deposited with such court or with the clerk thereof which, by order of the court or for any other reason, should be returned in whole or in part to any person, or which

is by law payable to the state or to any other public agency, shall be paid to such person or to the state or to such other public agency by warrant of the county auditor, which shall be drawn upon the requisition of the clerk of such court.

All money deposited as bail which has not been claimed within one year after the final disposition of the case in which such money was deposited, or within one year after an order made by the court for the return or delivery of such money to any person, shall be apportioned between the city and the county and paid or transferred in the manner hereinabove provided for the apportionment and payment of fines and forfeitures. This paragraph shall control over any conflicting provisions of law.

CHAPTER 237

An act to amend Sections 1203.01, 3022, and 3042 of the Penal Code, relating to prisoners.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. Section 1203.01 of the Penal Code is amended to read:

1203.01. Immediately after judgment has been pronounced, the judge and the district attorney, respectively, shall cause to be filed with the clerk of the court a brief statement of their views respecting the person convicted or sentenced and the crime committed, together with such reports as the probation officer may have made relative to the prisoner. The attorney for the defendant and the law enforcement agency that investigated the case may likewise file with the clerk of the court statements of their views respecting the defendant and the crime of which he was convicted. Forthwith after the filing of such statements and reports, the clerk of the court shall mail a copy thereof, certified by such clerk, with postage thereon prepaid, addressed to the Department of Corrections at the prison or other institution to which the person convicted is delivered.

SEC. 2. Section 3022 of said code is amended to read:

3022. At least 30 days before the Adult Authority shall meet to fix and determine the length of time any prisoner shall be confined, the authority shall send written notice thereof to each of the following persons who has made request therefor: the judge of the superior court before whom the prisoner was tried and convicted, the attorney for the defendant and the district attorney of the county from which the prisoner was sentenced and the law enforcement agency that investigated the case.

SEC. 3. Section 3042 of said code is amended to read:

3042. At least 30 days before the Adult Authority shall meet to consider the granting of a parole to any prisoner the authority shall send written notice thereof to each of the following persons who has made request therefor: the judge of the superior court before whom the prisoner was tried and convicted, the attorney for the defendant, the district attorney, the sheriff of the county from which the prisoner was sentenced, and the law enforcement agency that investigated the case if the sheriff's department did not investigate the case.

CHAPTER 238

An act to amend Section 21363.6 of the Government Code, and to amend Sections 1389.7 and 2690 of, and the heading of Chapter 1 (commencing with Section 3200) of Title 2, Part 3 of, and Sections 3320, 3325, 5001, 5055, 5089, 6025, 6025.5, 6053, 6403, 11193, 13011, and 13030 of, and to amend and renumber the heading of Article 2 (commencing with Section 3320) of Chapter 2, Title 2, Part 3 and Section 3327 of, and to add Chapter 5 5 (commencing with Section 6035) to Title 7, Part 3 of, and to repeal Article 1 (commencing with Section 3299) of Chapter 2, Title 2, Part 3, and Sections 3326 and 3331 of, the Penal Code, relating to female prisoners.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. Section 1389.7 of the Penal Code is amended to read:

1389.7. When, pursuant to the Agreement on Detainers, a person in actual confinement under sentence of another jurisdiction is brought before a California court and sentenced by the judge to serve a California sentence concurrently with the sentence of the other jurisdiction, the Adult Authority and the California Women's Board of Terms and Parole, and the panels and members thereof, may meet in such other jurisdiction, or enter into cooperative arrangements with corresponding agencies in the other jurisdiction, as necessary to carry out the term-fixing and parole functions.

SEC. 2. Section 2690 of said code is amended to read:

2690. The Director of Corrections may authorize the temporary removal under custody from prison or any other institution for the detention of adults under the jurisdiction of the Department of Corrections of any inmate, for the purpose of employing said person in any work directly connected with the administration, management, or maintenance of the prison or institution in which he is confined, or of furnishing to the person medical treatment not available at the prison or institu-

tion, or for purposes of cooperating voluntarily in medical research which cannot be performed at the prison or institution, or for the purpose of arranging parole placement programs at any time within 90 days of scheduled parole release at the request of the Adult Authority, governing male prisoners, and at the request of the California Women's Board of Terms and Parole, governing female prisoners.

Except in the case of removal for medical treatment, such removal shall not be for a period longer than one day.

SEC. 3. The heading of Chapter 1 (commencing with Section 3200) of Title 2 of Part 3 of the Penal Code is amended to read:

CHAPTER 1. ESTABLISHMENT OF INSTITUTION FOR WOMEN

SEC. 4. Article 1 (commencing with Section 3299) of Chapter 2 of Title 2 of Part 3 of the Penal Code is repealed.

SEC. 5. The heading of Article 2 (commencing with Section 3320) of Chapter 2 of Title 2 of Part 3 of said code is amended and renumbered to read:

Article 1. Administration of Institution for Women

SEC. 6. Section 3320 of said code is amended to read:

3320. The Superintendent of the California Institution for Women shall be a woman, who shall have immediate charge and management of the institution, subject to the control of the department. The department may employ other assistants, officers and employees for the institution.

SEC. 7. Section 3325 of said code is amended to read:

3325. The superintendent shall, subject to the control of the director, have such powers, perform such duties and exercise such functions, respecting such females convicted of felonies, as the wardens now exercise over male prisoners.

SEC. 8. Section 3326 of said code is repealed.

SEC. 9. Section 3327 of said code is amended and renumbered to read:

3326. The department is authorized to provide the necessary facilities, equipment, and personnel to operate a commissary at said institution for the sale of toilet articles, candy, tobacco products, gum, notions, and other sundries.

SEC. 10. Section 3331 of said code is repealed.

SEC. 11. Section 5001 of said code is amended to read:

5001. The department is composed of the Director of Corrections, the Adult Authority, the California Women's Board of Terms and Parole, and the Correctional Industries Commission.

SEC. 12. Section 5055 of said code is amended to read:

5055. All powers and duties granted to and imposed upon the Department of Corrections shall be exercised by the Director of Corrections, except where such powers and duties are

expressly vested by law in the Adult Authority or the California Women's Board of Terms and Parole.

Whenever a power is granted to the Director of Corrections or a duty is imposed upon the director, the power may be exercised or the duty performed by a deputy of the director or by a person authorized pursuant to law by the director.

SEC. 13. Section 5089 of said code is amended to read:

5089. The Adult Authority and the California Women's Board of Terms and Parole may each designate a representative who shall be notified of the time and place of meetings of the Correctional Industries Commission, and may attend such meetings and participate in the deliberations of the commission, but shall have no vote.

SEC. 14. Section 6025 of said code is amended to read:

6025. The Board of Corrections is composed of the Administrator of the Youth and Adult Corrections Agency, the Director of Corrections, the Director of the Youth Authority, the Chairman of the Adult Authority, the Vice Chairman of the Youth Authority, the Chairman of the California Women's Board of Terms and Parole, and two qualified persons appointed by the Governor, with the advice and consent of the Senate.

The Administrator of the Youth and Adult Corrections Agency shall be Chairman of the Board of Corrections. The Board of Corrections shall select from its members a vice chairman who shall preside when the chairman is absent or is ineligible to act as a member of the Board of Corrections.

When the Board of Corrections is hearing charges against any member, the individual concerned shall not sit as a member of the board for the period of hearing of charges and the determination of recommendations to the Governor.

SEC. 15. Section 6025.5 of said code is amended to read:

6025.5. The Director of Corrections, Adult Authority, California Women's Board of Terms and Parole, the Youth Authority Board, and the Director of the Youth Authority shall file with the Board of Corrections for information of the board or for review and advice to the respective agency as the board may determine, all rules, regulations and manuals relating to or in implementation of policies, procedures, or enabling laws.

SEC. 16. Chapter 5.5 (commencing with Section 6035) is added to Title 7 of Part 3 of said code, to read:

CHAPTER 5.5. CALIFORNIA WOMEN'S BOARD OF TERMS AND PAROLE

6035. (a) There is in the Department of Corrections a California Women's Board of Terms and Parole.

(b) As used in this chapter "board" refers to the California Women's Board of Terms and Parole.

(c) Any statute of this state referring to the Board of Trustees, California Institution for Women, shall be deemed

to refer to the California Women's Board of Terms and Parole.

6036. The board consists of five members appointed by the Governor, three of whom shall be women. The chairman shall be designated by the Governor from time to time.

Persons selected for appointment to the board shall have a sympathetic interest in corrections work, and insofar as practicable have a broad background in and ability for appraisal of law offenders and the circumstances of the offense for which committed.

6037. The terms of office of the members of the board shall expire as follows: two on March 15, 1955, one on March 15, 1956, and two on March 15, 1957. Their successors shall hold office for terms of four years and until the appointment and qualification of their successors, each term to commence on the expiration date of the term of the predecessor. Members shall be eligible for reappointment.

6038. The Governor may remove any member of the board for misconduct, incompetency or neglect of duty after a full hearing by the Board of Corrections.

6039. Vacancies on the board shall be filled by appointment for the unexpired term.

6040. The members of the board shall be entitled to their reasonable expenses, including traveling expenses, incurred in the discharge of their duties.

In addition they shall be entitled to a per diem of fifty dollars (\$50) per day for not to exceed 120 days in any year for attendance upon business of the trustees or the Board of Corrections. The chairman shall be entitled to a per diem of fifty dollars (\$50) per day for not to exceed 150 days per year.

6041. The board may meet and transact business in panels. Each panel shall consist of at least two members of the board of trustees. Two members shall constitute a quorum for the transaction of business. No action shall be valid unless concurred in by a majority vote of those present.

6042. The board shall report to the Governor biennially, and at such other times as the Governor may direct.

6043. The board shall have such powers, perform such duties and exercise such functions, respecting such females convicted of felonies as the Adult Authority exercises over male prisoners.

The board may advise the Director of Corrections in the establishment of general policies for the operation and maintenance of the California Institution for Women and for the establishment of general policies for the care, custody, treatment, training, discipline and employment of those confined in the institution.

The director may advise the board in the establishment of general policies relating to the functions and duties of the board.

The director shall attend at least once annually a regular meeting of the board while the board is fixing sentences and release dates.

The board may employ case hearing representatives who shall participate with the board in the hearing of cases relating to term fixing and paroles. The case hearing representative assigned to participate in the hearing of any such case shall prepare a case study and evaluation which he shall submit to the board.

The board shall employ such parole officers and other employees as may be necessary to supervise female prisoners on parole.

6044. Following the adjournment of any meeting of the board, and until the convening of the following meeting, any member of the board shall have the power to suspend temporarily the parole of any prisoner, or to take any other action within the power of the board except the fixing and refixing of sentences and the granting of parole, by an order in writing. Such order shall be made only with the oral or written approval of two other members of the board and shall be effective only until the adjournment of the next succeeding meeting of the board. Such order shall be entered in the minutes of that meeting of the board. At that meeting the board shall suspend, cancel, revoke or restore a parole temporarily suspended. No such temporary suspension shall be made without cause, which cause must be stated in the written order.

SEC. 17. Section 6053 of said code is amended to read:

6053. All persons other than temporary appointees heretofore serving in the state civil service and engaged in the performance of a function transferred to the department or engaged in the administration of a law, the administration of which is transferred to the department, shall remain in the state civil service and are hereby transferred to the department on the effective date of this section, and their status, positions and rights shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act. The director, pursuant to the State Civil Service Act, shall be the appointing authority for the department for all civil service positions except those civil service positions in the Youth Authority and the parole employees of the California Women's Board of Terms and Parole. Positions not heretofore established, which are exclusively for the California Institution for Women or exclusively for the Youth Authority, shall be filled pursuant to the State Civil Service Act.

SEC. 18. Section 6403 of said code is amended to read:

6403. (a) There is in the Youth and Adult Corrections Agency a Narcotics Rehabilitation Advisory Council, hereafter referred to in this section as the "council." The council shall be composed of nine members, each of whom shall be appointed by the Governor for a term of four years and until the appointment and qualification of his successor. Members shall be eligible for reappointment. The chairman of the council shall be

designated by the Governor from time to time. The terms of the members first appointed to the council shall expire as follows: three members on January 15, 1965; three members on January 15, 1966; and three members on January 15, 1967. Their successors shall hold office for four years, each term to commence on the expiration date of the term of the predecessor. Vacancies shall be filled by appointment for the unexpired term. Insofar as practicable, persons appointed to the council shall have a broad background in law, sociology, law enforcement, medicine, or education and shall have a deep interest in the treatment and rehabilitation of narcotic addicts.

(b) Each member of the council shall give such time to the duties of his office as is required. The members of the council shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this chapter. The council shall hold at least four meetings each calendar year. The times and places of such meetings shall be designated by the chairman. In addition, the chairman shall, on written request of three members of the council, summon a meeting for the time and place specified in the request. The chairman shall give notice of each meeting to the Administrator of the Youth and Adult Corrections Agency, the Attorney General, the Director of Corrections, the Director of the Department of Mental Hygiene, the Director of the State Department of Public Health, the Superintendent of the California Rehabilitation Center, the Chairman of the Adult Authority, the Chairman of the California Women's Board of Terms and Parole, and to representatives of statewide and regional professional organizations which appear to him to have a strong interest in the treatment and rehabilitation of narcotic addicts.

(c) The council shall:

(1) Advise the Governor, the Administrator of the Youth and Adult Corrections Agency, the Director of Corrections, and the Narcotic Addict Evaluation Authority, and the Superintendent of the California Rehabilitation Center with respect to the receiving, confinement, control, employment, education, treatment, release policies and procedures, outpatient care and supervision, and rehabilitation of persons who are or have been addicted to narcotics or who by reason of repeated use of narcotics are in imminent danger of becoming addicted;

(2) Study the operation of the California Rehabilitation Center and all research programs conducted in connection therewith, and assist in the planning, evaluating and interpretation of, the detention and treatment program as well as the policies and procedures employed in the supervision and management of persons committed to the program who are in either outpatient status or inpatient status;

(3) Submit at least one report annually to the Governor and the Legislature. Such report or reports will be transmitted

through the office of the Administrator of the Youth and Adult Corrections Agency.

(d) The council shall not exercise any administrative functions or responsibilities in connection with the operation of the California Rehabilitation Center and related programs. Its functions and duties are limited to acting in an advisory capacity.

(e) Expenses of the council and its members shall be paid from the appropriation for the support of the California Rehabilitation Center.

SEC. 19. Section 11193 of said code is amended to read:

11193. The Adult Authority, or the California Women's Board of Terms and Parole, as appropriate, or its duly authorized representative is hereby authorized and directed to hold such hearings as may be requested by any other party state pursuant to Article IV (f) of the Western Interstate Corrections Compact.

SEC. 20. Section 13011 of said code is amended to read:

13011. The bureau may serve as statistical and research agency to the Department of Corrections, the Adult Authority, the Board of Corrections, the Department of the Youth Authority and the California Women's Board of Terms and Parole.

SEC. 21. Section 13020 of said code is amended to read:

13020. It shall be the duty of every constable, city marshal, chief of police, railroad and steamship police, sheriff, coroner, district attorney, city attorney and city prosecutor having criminal jurisdiction, probation officer, the Department of Justice, Department of Corrections, Adult Authority, Department of the Youth Authority, California Women's Board of Terms and Parole, Department of Mental Hygiene, Department of Public Health, Department of Social Welfare, State Fire Marshal, Liquor Control Administrator, and every other person or agency dealing with crimes or criminals or with delinquency or delinquents, when requested by the Attorney General:

(a) To install and maintain records needed for the correct reporting of statistical data required by the bureau;

(b) To report statistical data to the bureau at such times and in such manner as the Attorney General prescribes;

(c) To give to the Attorney General, or his accredited agent, access to statistical data for the purpose of carrying out the provisions of this title.

SEC. 22. Section 21363.6 of the Government Code is amended to read:

21363.6. The special death benefit is also payable if the deceased was the Administrator of the Youth and Adult Corrections Agency, or was a state member appointed by the Administrator of the Youth and Adult Corrections Agency, the Youth Authority, the Board of Trustees of the California Institution for Women or the California Women's Board of Terms and Parole, the Board of Corrections, or was a member

of the Board of Corrections or the Youth Authority not already classified as a prison member, provided that his death occurred as a result of misconduct of an inmate of a state prison, correctional school or facility of the Department of Corrections or the Youth Authority, or a parolee therefrom.

The special death benefit provided by this section is not payable unless the death of the member arose out of and was in the course of his official duties as determined by the Industrial Accident Commission, using the same procedure as in workmen's compensation hearings; and unless there is a child or wife who qualifies under subdivision (b) of Section 21364.

CHAPTER 239

An act to amend Section 868 of the Penal Code, relating to preliminary examinations.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965]

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

SECTION 1. Section 868 of the Penal Code is amended to read:

868. The magistrate must also, upon the request of the defendant, exclude from the examination every person except his clerk, court reporter and bailiff, the prosecutor and his counsel, the Attorney General, the district attorney of the county, the investigating officer, the officer having custody of a prisoner witness while the prisoner is testifying, the defendant and his counsel, and the officer having the defendant in custody; provided, however, that when the prosecuting witness is a female she shall be entitled at all times to the attendance of a person of her own sex. Nothing in this section shall affect the right to exclude witnesses as provided in Section 867 of the Penal Code.

CHAPTER 240

An act to add Section 43.1, and to add Article 7.5 (commencing with Section 115), to the Solvang Municipal Improvement District Act (Chapter 1635, Statutes of 1951), relating to the Solvang Municipal Improvement District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965]

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

SECTION 1. Section 43.1 is added to the Solvang Municipal Improvement District Act (Chapter 1635, Statutes of 1951), to read:

Sec. 43.1. The board may compel the owner, lessee or occupant of buildings, grounds, or lots to remove dirt, rubbish,

weeds, and rank growths from buildings or grounds and adjacent sidewalks. For such purposes, the district may use any procedures and methods of enforcement now or hereafter available to general law cities, including Chapter 13 (commencing with Section 39500), Part 2, Division 3, Title 4 of the Government Code.

SEC. 2. Article 7.5 (commencing with Sec. 115), is added to said act, to read:

Article 7.5. Parking Districts

Sec. 115. Any part or parts of the district may be created and operated as a district or districts for the acquisition, improvement, administration, maintenance, operation and disposal of public motor vehicle parking places; bonds to pay the cost thereof may be issued and paid; revenues from on- and offstreet parking facilities may be allocated and pledged; annual ad valorem assessments may be levied and collected; contributions may be made, covenants and agreements with the bondholders for the security and payment of such bonds may be made; and the parking commission shall have the powers, jurisdiction and authority, all as now or hereafter provided in the Parking District Law of 1951 (Part 4 (commencing with Section 35100), Division 18, of the Streets and Highways Code) (herein called act), excepting as herein otherwise provided.

Proceedings hereunder are alternative to any other procedure available to the district for the same or similar purposes.

Sec. 115.1. As an alternative to a petition of the owners of real property in the proposed district the board may initiate proceedings by the adoption of a resolution by a four-fifths vote of its members determining that the public interest and necessity require the creation of a district. The resolution shall also contain all matters required to be set forth in a petition in the same manner and to the same effect as in a chartered city and shall further direct the district engineer or other competent person to make and file the report required by Section 35257 of the Streets and Highways Code. In such event Sections 35253 through 35256 of the Streets and Highways Code shall not be applicable to the proceedings.

Sec. 115.2. If, in the judgment of the board, varying benefits will be derived by the different parcels of land lying within the assessment district, the district may be divided into zones according to benefits.

(a) The district may be divided into as many zones—up to the total number of parcels of land in the district—as may be deemed necessary, and each zone shall be composed of and include all the lands within the district which will be benefited in like manner.

(b) The board shall also determine the percentage of the sum to be raised each year by the levy and collection of the special assessment taxes in the district for the payments on

the principal and interest of the bonds, which will be raised from the lands in each zone.

As an alternative, the board may determine the percentage of assessed valuation of taxable real property within each zone which shall be used in computing the annual rate of ad valorem assessment within the district and to which said annual rate shall be applied.

(c) When the district is divided into such zones, the resolution of intention shall so state, giving said percentages to be raised from the lands in each zone.

(d) Each zone shall be designated by a different letter or number and shall be plainly shown on the map or plat of the assessment district filed in the office of the secretary and referred to in the resolution of intention, either by separate boundaries, coloring or other convenient and graphic method, so that all persons interested may with accuracy ascertain within which zone any parcel of land is located.

(e) It shall be sufficient, in all cases where the assessment district is to be divided into such zones according to benefits, if the resolution of intention states that fact and refers to the plat or map for the boundaries and all details concerning the zones.

(f) At the hearing, the board may eliminate, create or alter the boundaries of proposed zones in the manner provided for the alteration of the boundaries of the proposed district.

(g) If the board shall from time to time determine that the public interest will be served thereby, it may from time to time add property to a zone or transfer property from a zone of lesser benefit to a zone of greater benefit, in the manner provided for enlarging the district.

Sec. 115.3. It shall not be necessary for the proposed parking lots to be located within the parking district.

Sec. 115.6. The board may act by resolution where an ordinance is provided.

Sec. 115.7. The bonds may be issued before contracting or obtaining options for the purchase of the land, property or rights-of-way to be acquired, or obtaining a judgment in eminent domain for the acquisition thereof.

Sec. 115.8. The bonds may be made payable on July 2nd of each year in such amounts as the board shall determine. The last installment shall mature not later than 39 years from the 2nd day of July next succeeding 10 months after their date.

Sec. 115.9. The bonds may be made registrable as to principal and interest, or as to principal only, and may be made deregistrable.

Sec. 115.10. The bonds may be issued in different divisions with different dates and dates of maturity.

Sec. 115.11. The bonds may be sold below par, in the manner determined by the board.

Sec. 115.12. Any bonds issued hereunder, and the interest thereon, shall be payable from annual ad valorem assess-

ments levied upon the taxable real property within the district and the limitations upon the rate or period thereof provided in the act shall not apply. The bonds may also be payable from on- and offstreet parking revenues.

Sec. 115.13. Annual ad valorem assessments may be levied against the taxable real property within any parking district created under this article or under any other provisions of the general law for any or all or any combination of the following purposes, in addition to the purposes for which such assessments might otherwise be levied:

(a) To pay for the acquisition and improvement of additional offstreet motor vehicle parking lots in or for the parking district, including facilities required for improved access or ingress to and egress from such lots.

(b) To pay special assessments against any property owned by the district for and on behalf of the parking district, including offstreet parking lots.

(c) To repay funds advanced by the district for the purpose of paying such special assessments or installments of principal and interest thereon, including interest on amounts so advanced at the rate paid on bonds sold to represent unpaid assessments in said proceedings.

Sec. 115.14. The boundaries of a parking district hereafter formed may be enlarged from time to time.

(a) The territory to be annexed shall be set forth in a resolution of preliminary determination and of intention to be adopted by the board which shall give notice that the matter, and all persons interested, will be heard by the board at a time to be stated therein.

(b) The resolution shall be published twice in a newspaper of general circulation published in the district and posted in three public places within the territory to be annexed, the first publication and posting to be not less than 10 days before the time fixed for hearing. A copy of the resolution shall be mailed within the time to each person to whom real property in the territory to be annexed is assessed as shown on the last equalized assessment roll, at his address as shown upon the roll, and to each person, whether owner in fee or having a lien upon, or legal or equitable interest in, any real property within the district, whose name and address and a designation of the real property in which he is interested is on file in the office of the secretary.

(c) The hearing may be adjourned from time to time. At the hearing the board shall have the power to determine whether or not the entire territory, or only a portion thereof, to be annexed, and the district, will be benefited by the annexation.

(d) The board shall by resolution order the annexation of such territory, defining its boundaries therein. Its decision thereon shall be final and conclusive.

(e) Thereafter the property annexed shall be subject to special levies for maintenance and operation and for any bonds

issued for the acquisition or construction of improvements, the same as are the properties already in the parking district.

Sec. 115.15. The board may, from time to time pledge street meter revenues from without or within the parking district.

Sec. 115.16. The board may, from time to time, pledge revenues from offstreet parking places theretofore or thereafter acquired in other than the proceedings in addition to those acquired in the proceedings.

Sec. 115.18. Territory included in one parking district may be included in another parking district if the board shall find that the territory will be benefited by being included in the subsequent parking district.

Sec. 115.19. The district may acquire, construct, rent, lease, maintain, repair, manage and operate all or any portion of any real and personal property, including the leasing of property for parking, the leasing of the operation of the property, and the leasing for commercial purposes of surplus space or space which it is not economic to use for parking purposes.

Sec. 115.20. As an incident to the operation of any parking facility, the district may devote a portion of its property to uses such as retail stores, bus terminal, gasoline service station, helicopter landing area, or any other commercial use, when in its judgment it is convenient or necessary to conduct or permit such use in order to utilize the property as a parking facility. Any such incidental use shall be secondary to the primary use as a parking facility, and the portion of the land devoted to the incidental use shall not exceed 25 percent of the surface area of the property. If a building is erected on the property for the purpose of parking motor vehicles, the incidental use of the building shall not occupy more than 25 percent of the floor area.

Neither the commission nor the board shall manage or operate surplus space devoted to commercial purposes other than parking vehicles, but shall lease such space to private operators.

Sec. 115.21. The board, by four-fifths vote of all of its members, may determine that any parcel of property acquired from the proceeds of the bonds, or any improvements, extensions or replacements thereof or additions thereto, is no longer needed for offstreet parking purposes or such facilities may be otherwise better provided. The property may thereafter be sold, leased or otherwise disposed of, either during or after the term of the bonds. The proceeds of the sale, lease or disposal shall be used for the following purposes and in the following order of priority:

(a) For the purchase of other offstreet parking places or facilities for the parking district, or for improvements, additions and extensions to the existing facilities thereof.

(b) To pay the principal of and interest on the parking bonds of this issue or any additional parking bonds of the district then outstanding.

(c) To make the refunds provided for in Section 35705 in the act.

(d) No property shall be sold, leased or disposed of until after proceedings for changes and modifications have been had as provided in the act.

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

There is urgent need for means to effectuate the district's power to provide public parking. Because of the heavy demand for parking in the spring and summer months, it is essential that this power be implemented immediately so that facilities may be provided without delay. Additionally, the extreme fire hazards existing in the area throughout the dry season make it necessary that the district have the effective power to abate weeds and rubbish and thereby help reduce the danger to the community.

CHAPTER 241

An act to add Part 5 (commencing with Section 36000) to Division 18 of the Streets and Highways Code, relating to city parking and business improvement areas, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. Part 5 (commencing with Section 36000) is added to Division 18 of the Streets and Highways Code, to read:

PART 5. PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1965

CHAPTER 1. GENERAL

36000. The purpose of this part is to authorize cities to impose a tax on businesses within a parking and business improvement area which is in addition to the general business license tax, if any, in the city, and to use such proceeds for the following purposes:

(a) The acquisition, construction or maintenance of parking facilities for the benefit of the area.

(b) Decoration of any public place in the area.

(c) Promotion of public events which are to take place on or in public places in the area.

(d) Furnishing of music in any public place in the area.

(e) The general promotion of retail trade activities in the area.

36001. "Parking and business improvement area" or "area" as used in this part means an area designated as provided in this part.

36002. "Business" as used in this part means all types of business, including professions.

36003. The city council shall have sole discretion as to how the revenue derived from the tax is to be used within the scope of the above purposes; however, the city council may appoint existing advisory boards or commissions to make recommendations as to its use, or the council may create a new advisory board or commission for the purpose.

36004. This part is intended to be construed liberally and in the event any provision thereof should be held invalid, the remaining provisions shall remain in full force and effect.

CHAPTER 2. ESTABLISHMENT

36020. A parking and business improvement area may be established as provided in this chapter.

36021. The city council shall adopt a resolution of intention to establish an area. The resolution shall contain the following information:

(a) Description of the boundaries of the proposed area;

(b) The time and place of a hearing to be held by the council to consider establishment of an area;

(c) The proposed uses to which the additional revenue shall be put; and

(d) The initial rate of increase, or additional levy, of the license tax, with a breakdown by class of business if such classification is to be used.

36022. Notice of a hearing held under Sections 36021, 36061 or 36080 shall be given by:

(a) One publication of the resolution of intention in a newspaper of general circulation in the city; and

(b) Mailing a complete copy of the resolution of intention to each business in the proposed, or established, area. Publication and mailing shall be completed at least 10 days prior to the time of the hearing.

36023. Whenever a hearing is held under this part, the city council shall hear all protests and receive evidence for or against the proposed action; the council shall also rule upon all protests which determination shall be final; and the council may continue the hearing from time to time. Proceedings shall terminate if protest is made by businesses in the proposed area which pay a majority of the taxes within the area under the general business license tax.

36024. If the council decides to change the boundaries of the proposed area, the hearing shall be continued to a time at least 15 days after such decision and notice shall be given as

prescribed in Section 36022, showing the boundary amendments, but no resolution of intention is required.

36025. If the council, following the hearing, decides to establish the proposed area, it shall adopt an ordinance to that effect. This ordinance shall contain the following information:

(a) The number, date and title of the resolution of intention pursuant to which it was adopted;

(b) The time and place the hearing was held concerning the formation of such area;

(c) The description of the boundaries of such area;

(d) A statement that the businesses in the area established by the ordinance shall be subject to the provisions of the additional tax provided by this part;

(e) The initial rate of increase, or additional levy, of the license tax to be imposed with a breakdown by classification of business, if such classification is used; and

(f) A statement that a parking and business improvement area has been established.

(g) The uses to which the additional revenue shall be put.

CHAPTER 3. CLASSIFICATION OF BUSINESSES

36040. For purposes of the additional tax to be imposed pursuant to this part, the city council may make a reasonable classification of businesses, giving consideration to various factors.

36041. Businesses recently established in the area may be exempted from the tax, imposed pursuant to this part, for a period not exceeding one year from the date they commenced business in the area.

CHAPTER 4. TAXATION

36060. The collection of the tax imposed pursuant to this part shall be made at the same time and in the same manner as any other business license tax or in such other manner as the city council shall determine.

36061. Changes may be made in the additional rate or levy or in the uses to which the additional revenue shall be put as specified in the ordinance establishing the area, by ordinance adopted after a hearing before the city council.

The city council shall adopt a resolution of intention to change the additional rate or levy or the uses to which the additional revenue shall be put at least 15 days prior to the hearing required by this section. This resolution shall specify the proposed change and shall give the time and place of the hearing.

36062. The tax need not be imposed on different classes, established pursuant to Chapter 3 (commencing with Section 36040) of business on the same basis or at the same rate.

36063. The tax levied hereunder must be for the purposes specified in the ordinances and the proceeds shall not be used for any other purpose.

CHAPTER 5. DISESTABLISHMENT

36080. The city council may disestablish an area by ordinance after a hearing before the city council.

The city council shall adopt a resolution of intention to disestablish the area at least 15 days prior to the hearing required by this section. The resolution shall give the time and place of the hearing.

36081. Upon disestablishment of an area, any proceeds of the tax, or assets acquired with such proceeds, shall be subject to disposition as the city council shall determine.

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

Cities at present do not have sufficient funds to enable them to promote their business areas and to provide for adequate parking within the business areas. As a result businesses are moving out of the cities, and areas which were once a major source of tax revenue for the cities are deteriorating and becoming blighted. This act would provide a means by which cities could raise the necessary funds to be used for the purposes of furnishing parking facilities within the area and for the decoration, promotion, and advertising of the parking and business areas in order to stimulate the interest of the public and to keep businesses within the cities. In order that this problem may be solved without delay and the cities have the necessary funds available for this purpose for the fiscal year commencing July 1, 1965, it is imperative that this act take effect immediately.

CHAPTER 242

An act to add Section 19591.5 to the Education Code, relating to the public school system, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. Section 19591.5 is added to the Education Code, to read:

19591.5. Notwithstanding any provision of Section 19590, where a district makes an application for an apportionment, and has outstanding bonds of within forty-seven thousand

dollars (\$47,000) of 95 percent of its bonding capacity, the district shall be deemed qualified to receive an apportionment or apportionments under this chapter without being required to issue and sell additional bonds, where the issuance of district bonds was authorized at an election held on March 3, 1964, which if sold and added to any outstanding bonds, would have qualified the district for an apportionment, if the application for apportionment had been made after the election, but prior to the equalized assessment of the county in which the district is located next succeeding the election.

This section shall have no force and effect after December 31, 1965.

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

At least one school district, which by virtue of Section 1 of this act would qualify for a final apportionment of funds under the School Building Aid Law of 1952, has received a conditional apportionment of such funds that under present provisions of law must be made final after an election no later than nine months from the date it was made. If this act does not go into immediate effect the nine-month period will have expired, thus preventing a final apportionment. In order that each district effected by Section 1 of this act be able to qualify for a final apportionment under its provisions, it is necessary that this act go into immediate effect.

CHAPTER 243

An act to amend Section 33200 of, and to add Section 33114.5 to, the Health and Safety Code, relating to compensation.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. Section 33114.5 is added to the Health and Safety Code, to read:

33114.5. Notwithstanding any other provision of law, whenever the legislative body of a city having a population of less than 200,000 or the legislative body of a county declares itself to be the agency pursuant to Section 33200, the compensation provided for in Section 33114 shall not exceed fifteen dollars (\$15) per member for each meeting of the agency attended by the member. No member shall receive compensation for attending more than four meetings of the agency during any calendar month.

SEC. 2. Section 33200 of said code is amended to read:

33200. As an alternative to the appointment of five members of the agency, the legislative body may, at the time of the adoption of an ordinance pursuant to Section 33101 or 33140 of this part declare itself to be the agency in which case, all the rights, powers, duties, privileges and immunities, vested by this part in an agency shall be vested in the legislative body of the community. In such case the duties of the agency shall be separate and distinct from those of the legislative body, and the members shall be entitled to compensation pursuant to Section 33114.5.

A legislative body which has declared itself to be the agency pursuant to this section may at any time by resolution determine that it shall no longer function as an agency, in which event, the mayor or chairman of the board of supervisors with the approval of the legislative body shall appoint five (5) or seven (7) resident electors of the community as members of the agency.

CHAPTER 244

An act to amend Section 23425 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. Section 23425 of the Business and Professions Code is amended to read:

23425. For the purposes of this article "club" means:

(a) Any chapter, aerie, parlor, lodge, or other local unit of an American national fraternal organization which has as the owner, lessee, or occupant thereof operated an establishment for fraternal purposes for not less than one year. An American national fraternal organization as used in this subdivision shall actively operate in not less than 36 states of the Union and have not less than 300 local units in those 36 states, and shall have been in active continuous existence for not less than 20 years.

(b) Any hall or building association of a local unit mentioned in subdivision (a), all of the capital stock of which is owned by the local unit or the members thereof, and which operates the clubroom facilities of the local unit.

SEC. 2. Section 23425 of the Business and Professions Code is amended to read:

23425. For the purposes of this article "club" means:

(a) Any chapter, aerie, parlor, lodge, or other local unit of an American national fraternal organization which has as the owner, lessee, or occupant thereof operated an establishment for fraternal purposes for not less than one year. An

American national fraternal organization as used in this subdivision shall actively operate in not less than 31 states of the Union and have not less than 300 local units in those 31 states, and shall have been in active continuous existence for not less than 20 years.

(b) Any hall or building association of a local unit mentioned in subdivision (a), all of the capital stock of which is owned by the local unit or the members thereof, and which operates the clubroom facilities of the local unit.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 349 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Senate Bill No. 349 takes effect; at which time Section 23425 of the Business and Professions Code as amended by Section 1 of this act is repealed.

CHAPTER 245

An act to amend Sections 4211, 4252 and 4253, and to repeal Section 4385, of the Agricultural Code, relating to milk stabilization.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. Section 4211 of the Agricultural Code is amended to read:

4211. "Board" means any advisory board created as authorized in this chapter.

SEC. 2. Section 4252 of said code is amended to read:

4252. The director may remove any member from an advisory board in the event that he finds such member, after hearing, is guilty of nonfeasance or malfeasance in office.

SEC. 3. Section 4253 of said code is amended to read:

4253. The director may appoint a member to fill a vacancy on an advisory board.

SEC. 4. Section 4385 of said code is repealed.

CHAPTER 246

An act to validate the annexation of elementary school districts to high school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. Whenever the action necessary to the annexation of an elementary school district to a high school district

pursuant to Article 9 (commencing with Section 1861) of Chapter 1 of Division 5 of the Education Code was completed before the 1st day of February, 1965, 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 February 1, 1965.

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 annexation of an elementary school district to a high school 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 1st day of January of the year in which the assessments or taxes are to be levied. In order to permit reorganized school districts which have filed such statements and map or plats during the month of January, 1965, to properly function the first fiscal year of their existence as so reorganized, it is necessary that this act take effect immediately.

CHAPTER 247

An act to amend Section 28116 of the Government Code, relating to salaries of county officers.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

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

28116. In a county of the 16th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The county auditor, nine thousand two hundred forty dollars (\$9,240) a year.

(b) The district attorney, nineteen thousand five hundred dollars (\$19,500) a year for his full-time services. He shall not engage in private practice of the law during his term of office.

(c) Each supervisor, seven thousand two hundred dollars (\$7,200) a year, and the necessary and actual expenses incurred in the performance of the duties of his office. The chairman of the board of supervisors shall receive, as additional compensation six hundred dollars (\$600) a year for services rendered as chairman.

(d) Grand jurors and trial jurors in the superior court and municipal courts shall receive for each day's attendance in court, upon regularly called jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars (\$5) a day. In justice courts, jurors shall receive for each day's attendance five dollars (\$5). Grand jurors and trial jurors shall receive fifteen cents (\$0.15) for each mile actually and necessarily traveled from their residences to the places of service, in going only, mileage to be allowed but once in any one day, during any session of the court where the jurors serve. The fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid.

CHAPTER 248

An act to add Section 6906.5 to the Education Code, relating to mentally retarded minors.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. Section 6906.5 is added to the Education Code, to read:

6906.5. The governing board of each unified or high school district which is required or authorized to maintain special training schools for mentally retarded minors who come within the provisions of Section 6902 shall issue a diploma or other certificate of graduation to each person who has met the minimum standards of the State Board of Education for such special schools and such diploma or certificate of graduation shall not contain any notation or other evidence which indicates that the graduate is a mentally retarded person.

CHAPTER 249

An act to add Sections 1593.5 and 1593.6 to the Labor Code, relating to the licensing of employment agencies.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. Section 1593.5 is added to the Labor Code, to read:

1593.5. The Labor Commissioner may issue to a person eligible therefor a certificate of convenience to conduct the business of an employment agency where the person licensed to conduct such employment agency has died, or who has been

declared incompetent by the judgment of a court of competent jurisdiction, or who has had a conservator appointed for his estate by a court of competent jurisdiction. Such a certificate of convenience may be denominated an estate certificate of convenience.

SEC. 2. Section 1593.6 is added to said code, to read:

1593.6. To be eligible for a certificate of convenience, a person must be:

(a) The executor or administrator of the estate of a deceased person licensed to conduct the business of an employment agency; or

(b) If no executor or administrator has been appointed, the widow or heir otherwise entitled to conduct the business of such deceased licensee; or

(c) The guardian of the estate of an incompetent person licensed as an employment agency, or the conservator appointed for the conservation of the estate of a person licensed to conduct the business of an employment agency.

Such estate certificate of convenience shall continue in force for a period of not to exceed 90 days, and shall be renewable for such period as the Labor Commissioner may deem appropriate, pending the disposal of the said employment agency license or the procurement of a new license under the provisions of this chapter.

CHAPTER 250

An act making an appropriation to augment the Emergency Fund, to take effect immediately.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. The sum of three million nine hundred eighty-nine thousand one hundred sixty-two dollars (\$3,989,162) is hereby appropriated for the Emergency Fund in augmentation of the appropriation made by Item 293, Budget Act of 1964, provided that, of the money appropriated by said Item 293, as augmented by this act, the amounts set forth in the following schedule shall be expended only for the purposes specified:

For support of State Board of Equalization, Item 138, Budget Act of 1964-----	100,533
For support of neuropsychiatric institutes, hospitals for mentally ill and hospitals for mentally retarded, Department of Mental Hygiene, Items 160.5, 163.5 and 173.5, Budget Act of 1964-----	700,000
For support of Department of Social Welfare, Item 186, Budget Act of 1964-----	158,009

For support of Department of Justice, Item 202, Budget Act of 1964-----	72,000
For support of Department of Conservation, Item 256, Budget Act of 1964-----	1,675,000
For support and capital outlay, Department of Conservation, Item 256, Budget Act of 1964, and Executive Order No. E64-336-----	137,223
For payment of interest as provided in Item 296, Budget Act of 1964-----	1,204,548
For loans to state agencies as provided in Item 293, Budget Act of 1964-----	750,000

provided, further, that the Department of Finance shall furnish to the Joint Legislative Budget Committee, not later than September 1, 1965, a statement of all allocations made from this appropriation during the 1964-65 fiscal year, including reconciliation with a list of specific purposes supporting the schedule incorporated herein as filed by the Director of Finance with the Senate Finance Committee and Assembly Ways and Means Committee by letter dated April 8, 1965.

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

CHAPTER 251

An act to amend Sections 31401 and 31407 of the Vehicle Code, relating to farm labor transportation.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. Section 31401 of the Vehicle Code is amended to read:

31401. Farm labor buses and enclosed farm labor trucks, other than two-axle trucks weighing less than 3,000 pounds, having an enclosed seating capacity and used for the transportation of farm laborers, shall, in addition to the requirements of Section 31400 of this code, meet the following specifications:

(a) Every passenger compartment shall be provided with at least two exits, remotely located from each other. Each exit shall be provided with an adequate door, guardrail or other closure which opens outward and is capable of being opened from either the interior or exterior of the vehicle. Such exits shall be equipped with positive devices to keep them closed when not in use and of such character as to permit them to be opened readily when necessary, without undue accessibility for unauthorized use.

Exits shall conform to the following minimum specifications:

(1) No obstruction shall be placed over the handle of an exit.

(2) Signs reading "Exit" shall be printed on the interior and exterior of the vehicle at the exits. The signs shall be printed in English and in the language of the workers currently being transported. All letters shall be at least two inches in height.

(3) No part of a seat shall be a part of or attached to an exit.

(b) Aisles shall be provided so that every passenger has ready access to at least one of two exits.

Where seating is face to face, the nearest portion of the back of the facing seats shall be not less than 43 inches apart.

(c) Every farm labor truck of the van type with solid sides shall have at least one window at each side near the front of the passenger compartment of not less than 360 square inches

SEC. 2. Section 31407 of said code is amended to read:

31407. Farm labor buses and farm labor trucks used primarily or regularly for the transportation of farm laborers shall:

(a) Comply with the provisions of Section 25300 relating to warning signals and the display thereof.

(b) Be equipped with at least one fire extinguisher of the dry chemical or carbon dioxide type with an aggregate rating of at least 4-B,C units and bearing the approval of a laboratory nationally recognized as properly equipped to make such approval. In no event shall extinguishers containing carbon tetrachloride be carried in or about the vehicle.

(c) Be equipped, if the passenger compartment is separated from the driver's compartment, with a buzzer or other signalling device in the cab actuated from the passenger compartment, or be so constructed as to allow the passengers to readily gain the attention of the driver. In no event shall a horn as required by Section 27000 be used to comply with this section.

CHAPTER 252

An act to add Sections 1700.20a and 1700.20b to the Labor Code, relating to artists' managers.

[Approved by Governor May 10, 1965. Filed with Secretary of State May 10, 1965.]

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

SECTION 1. Section 1700.20a is added to the Labor Code, to read:

1700 20a. The Labor Commissioner may issue to a person eligible therefor a certificate of convenience to conduct the

business of an artists' manager where the person licensed to conduct such artists' manager business has died, or has been declared incompetent by the judgment of a court of competent jurisdiction, or has had a conservator appointed for his estate by a court of competent jurisdiction. Such a certificate of convenience may be denominated an estate certificate of convenience.

Sec. 2. Section 1700.20b is added to said code, to read:

1700.20b. To be eligible for a certificate of convenience, a person shall be:

(a) The executor or administrator of the estate of a deceased person licensed to conduct the business of an artists' manager; or

(b) If no executor or administrator has been appointed, the widow or heir otherwise entitled to conduct the business of such deceased licensee; or

(c) The guardian of the estate of an incompetent person licensed as an artists' manager, or the conservator appointed for the conservation of the estate of a person licensed to conduct the business of an artists' manager.

Such estate certificate of convenience shall continue in force for a period of not to exceed 90 days, and shall be renewable for such period as the Labor Commissioner may deem appropriate, pending the disposal of the artists' manager license or the procurement of a new license under the provisions of this chapter.

CHAPTER 253

An act to amend Section 13192 of the Education Code, relating to teaching credentials.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. Section 13192 of the Education Code is amended to read:

13192. The standard teaching credential with a specialization in secondary teaching shall authorize the holder to:

(a) Teach, in grades 7 to 12, inclusive, any course in which the holder has completed a subject matter major or subject matter minor.

(b) Teach, in classes organized primarily for adults, any courses.

(c) Teach, in kindergarten and grades 1 to 14, inclusive, any courses in which the holder has completed a specialized area of preparation.

(d) Teach, in grades 7 to 12, inclusive, any courses, except courses in special education, and in grades 13 and 14 any course, except in special education, in which the holder has

completed a subject matter major, which the governing board of the district maintaining such grades specifically authorizes the holder to teach by resolution adopted by the board. Such authorization shall remain valid for one year. The authorization may be renewed annually by resolution of the governing board.

(e) Serve as a librarian in an elementary school, junior high school, high school, or junior college, if the holder has completed the specialized preparation area of librarianship.

Nothing in this section shall be construed to prohibit the holder of a standard credential specializing in secondary teaching with a major or minor in music or art, from teaching music or art in the elementary grades of a school district.

CHAPTER 254

An act to amend Section 1193.5 of the Labor Code, relating to the authority of the Division of Industrial Welfare.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. Section 1193.5 of the Labor Code is amended to read:

1193.5. The provisions of this chapter shall be administered and enforced by the division. Any authorized representative of the division shall have authority to:

(a) Investigate and ascertain the wages, hours and working conditions of women and minors employed in any occupation in the state;

(b) Supervise the payment of unpaid minimum wages or unpaid overtime compensation owing to any woman or minor under the provisions of this chapter or the orders of the commission. Acceptance of payment of sums found to be due on demand of the division shall constitute a waiver on the part of the employee of his or her cause of action under Section 1194.

Unpaid minimum wages or unpaid overtime wages recovered by the division under the provisions of this section which for any reason cannot be delivered within six months from date of collection to the woman or minor for whom such wages were collected shall be paid into the State Treasury and credited to the General Fund.

CHAPTER 255

An act to amend Section 21102 of the Education Code, relating to payment of school district funds.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. Section 21102 of the Education Code is amended to read:

21102. All payments from the funds of a school district shall be made by written order of the governing board of the district. Orders shall be on forms prescribed by the county superintendent of schools. Forms shall be printed and furnished by the board of supervisors.

CHAPTER 256

An act to amend Section 28128 of the Government Code, relating to county officers' salaries.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. Section 28128 of the Government Code is amended to read:

28128. In a county of the 28th class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

(a) The auditor, eleven thousand one hundred twenty dollars (\$11,120) a year.

(b) The district attorney, fourteen thousand three hundred dollars (\$14,300) a year, which is in full for all services performed by him as district attorney. He shall devote his entire time during office hours to the duties of his office, and shall not engage in private law practice during his term of office.

(c) Each supervisor, four thousand eight hundred dollars (\$4,800) a year, which is in full for all services performed by him as supervisor. Each supervisor shall be allowed one hundred dollars (\$100) a month as an allowance for mileage traveled within the county in attending the meetings of the board of supervisors and in performing other duties as supervisor, which shall be paid on the first day of each month irrespective of the number of miles traveled within the county. If it is necessary for a supervisor to travel outside the county on official matters pertaining to his duties as supervisor, he shall receive actual and necessary expenses and mileage, and shall file a demand in the same manner as other county officers.

Each supervisor may use an automobile provided and maintained by the county in connection with the performance of official duties within and without the county. If an automobile is furnished at county expense, it is in lieu of mileage, except if the automobile is not available at all times through accident or otherwise, mileage at the rate of ten cents (\$0.10) a mile shall be allowed during the period of nonavailability. If a supervisor is not furnished an automobile at county expense and it is necessary for him to travel outside the county on official business and transportation is not furnished by common carrier, mileage at the rate of ten cents (\$0.10) a mile for all mileage actually traveled outside the county shall be paid.

(d) Grand jurors, for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations shall receive five dollars (\$5) per day and fifteen cents (\$0.15) for each mile actually and necessarily traveled from their residences to the places of service, in going only.

Trial jurors in superior and justice courts, in civil and criminal cases, shall receive compensation and mileage as provided by law; provided, nevertheless, that the fees of all trial jurors in all civil cases shall be paid by the litigants as other costs are paid.

As additional compensation and salary to the officers mentioned in this section, the county shall pay one-third of the insurance premium for group life, accident, and health insurance, if such officers are covered by group insurance.

CHAPTER 257

An act to amend Section 28158 of the Government Code, relating to salaries of county officers.

[Approved by Governor May 10, 1965 Filed with
Secretary of State May 10, 1965]

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

SECTION 1. Section 28158 of the Government Code is amended to read:

28158. In a county of the 58th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, three thousand five hundred dollars (\$3,500) a year.

(b) The district attorney, five thousand one hundred dollars (\$5,100) a year.

(c) Each supervisor, one thousand two hundred dollars (\$1,200) a year, and twenty cents (\$0.20) a mile for traveling from his residence to the county seat, going only. Only one mileage shall be allowed for any regular session of the board.

(d) Each grand juror, seven dollars (\$7), and each trial juror in the superior court five dollars (\$5) for each day's attendance, and thirty cents (\$0.30) for each mile actually traveled one way as such juror. The per diem and mileage of the jurors shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the superior court.

CHAPTER 258

An act to amend Section 14256 of the Government Code, relating to public works.

[Approved by Governor May 10, 1965 Filed with
Secretary of State May 10, 1965]

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

SECTION 1. Section 14256 of the Government Code is amended to read:

14256. Where the nature of the work in the opinion of the department is such that its services in connection therewith are not required, it may authorize the carrying out of the project directly by the state agency concerned therewith if the estimated cost does not exceed sixty-five thousand dollars (\$65,000).

If the estimated total cost of any construction project or work carried out under this section exceeds five thousand dollars (\$5,000), the district or agency shall solicit bids in writing and shall award the work to the lowest responsible bidder or reject all bids; provided, however, that the director may authorize the district or agency to carry out work in excess of five thousand dollars (\$5,000) under the provisions of this section by day labor if he deems that the award of a contract, the acceptance of bids, or the acceptance of further bids is not in the best interests of the state; however, in no event shall the amount of work performed by day labor under this section exceed the sum of thirty-five thousand dollars (\$35,000) in the case of agricultural district fair projects, or twenty thousand dollars (\$20,000) in other cases.

CHAPTER 259

An act to amend Section 28153 of the Government Code, relating to county officers.

[Approved by Governor May 10, 1965 Filed with
Secretary of State May 10, 1965]

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

SECTION 1. Section 28153 of the Government Code is amended to read:

28153. In a county of the 53rd class the county officers shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand dollars (\$6,000) a year, and his actual expenses incurred while attending to the business of the county. The auditor shall also receive mileage at the rate of ten cents (\$0.10) a mile for mileage actually traveled in attending to such business.

(b) The district attorney, four thousand eight hundred dollars (\$4,800) a year.

(c) Each supervisor, three hundred dollars (\$300) a month and his actual expenses while attending regular, special and adjourned meetings of the board of supervisors and while attending to the business of the county by the order of the board of supervisors, and mileage at the rate of twenty cents (\$0.20) a mile, one way, for mileage actually traveled to attend regular, special and adjourned meetings of the board of supervisors, and at the rate of ten cents (\$0.10) a mile while attending to the business of the county by the order of the board of supervisors.

(d) Grand jurors, six dollars (\$6), and trial jurors in the superior courts, five dollars (\$5), for each day's attendance and mileage at the rate of twenty-five cents (\$0.25) for each mile necessarily traveled in attending court, in going only. In the justice courts the jurors shall receive five dollars (\$5) for each day's attendance and twenty-five cents (\$0.25) for each mile necessarily traveled in attending court, in going only. In criminal cases the fees and mileage of jurors shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the court in which the jurors were in attendance, and the treasurer shall pay the warrant.

CHAPTER 260

An act to permit certain newly incorporated cities to exercise taxing powers in the fiscal year commencing after their incorporation, declaring the emergency thereof, to take effect immediately.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. Notwithstanding the provisions of Sections 54902 and 54903 of the Government Code, any city incorporated by order of the board of supervisors of a county entered pursuant to Section 34326 of the Government Code after January 1, 1965, and prior to February 28, 1965, shall be effective for assessment and taxation purposes if the statement and map

or plat required by Section 54900 is filed by the city on or before the effective date of this act.

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 cities formed during the first two months of 1965 to assess and levy taxes for the fiscal year commencing on July 1, 1965, even though statements and maps or plats required to be filed with assessing authorities are filed after January 1, 1965. In order to permit cities in such circumstances to undertake the fiscal measures necessary for their government and to provide municipal services, it is necessary that this act take immediate effect.

CHAPTER 261

An act to amend Section 3226 of the Health and Safety Code and Section 79.05 of the Civil Code, relating to public health laboratory tests and reports.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. Section 3226 of the Health and Safety Code is amended to read:

3226. Any laboratory doing a test required by this part shall prepare the report in triplicate.

The original shall be transmitted by the laboratory doing the test to the physician submitting the specimen.

The duplicate reports of all specimens which show any degree of reactivity shall be forwarded at weekly intervals to the local health department having jurisdiction over the area in which the physician submitting the specimen is located.

The triplicate shall be retained by the laboratory in its file according to serial number for two years and shall be open at any time for inspection by an authorized representative of the state department.

The laboratory also shall submit such other laboratory reports or records to the State Department of Public Health as are required by regulation of the State Board of Public Health. After two years, and with the consent of the governing body of the jurisdiction for which the health officer acts, the health officer may destroy any duplicate or triplicate report retained by him pursuant to this section.

SEC. 2. Section 79.05 of the Civil Code is amended to read:

79.05. The California State Department of Public Health shall issue a "laboratory report form" to be distributed upon

application to all laboratories approved to do tests called for in this article. Any laboratory doing tests called for in this article shall prepare the report in triplicate. The original of this report shall be transmitted by the laboratory doing such test together with the certificate form to the certifying physician. The duplicate reports of all specimens which show any degree of reactivity shall be forwarded at weekly intervals to the local public health department having jurisdiction over the area in which the certifying physician is located. The triplicate shall be retained by the laboratory on file according to serial number for two years and shall be open during that time for inspection by any authorized representative of the California State Department of Public Health. The laboratory also shall submit such other laboratory reports or records to the State Department of Public Health as are required by regulation of the State Board of Public Health. After two years, and with the consent of the governing body of the jurisdiction for which the health officer acts, the health officer may destroy any duplicate or triplicate report retained by him pursuant to this section.

CHAPTER 262

An act to amend Section 8276 of the Fish and Game Code, relating to crabs.

[Approved by Governor May 10, 1965 Filed with
Secretary of State May 10, 1965]

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

SECTION 1. Section 8276 of the Fish and Game Code is amended to read:

8276. Notwithstanding any other provisions of this code or any regulations made pursuant to this code:

(a) Crabs may be taken in Districts 6, 7, 8, and 9 only between December 8th and July 15th.

(b) Crabs may be taken in all other districts only between the second Tuesday in November and June 30th.

(c) Crabs may not be taken for commercial purposes in any district or part of a district lying within the portions of Crescent City Harbor between the south sand barrier and the breakwater.

This section shall remain in effect until the 91st day after the final adjournment of the 1967 Regular Session of the Legislature.

CHAPTER 263

An act to amend Sections 19153, 19413, 19453, 19454, 19455, 19568, 19629, 19631, 19632, 25607 and 25856 of the Education Code, and to amend Sections 1203 03 and 1375 of the Penal Code, and to amend Sections 163, 703, 912, 1752.1, 5262.6, 5356.2, 6666, 7011 and 7109 of the Welfare and Institutions Code, relating to county settlement with state.

[Approved by Governor May 10, 1965 Filed with
Secretary of State May 10, 1965]

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

SECTION 1. Section 19153 of the Education Code is amended to read:

19153. Whenever the State Controller determines that any money apportioned to a school district under this chapter (Sections 18901 to 19153, inclusive) has been expended by such district for purposes not authorized by this chapter (Sections 18901 to 19153, inclusive), or exceeds the final cost of the project which is authorized by this chapter (Sections 18901 to 19153, inclusive) to be paid therefrom, the State Controller shall furnish written notice to the board, the governing board of the school district, the county superintendent of schools, the county auditor, and the county treasurer of the county whose county superintendent of schools has jurisdiction over the school district, directing the school district and the county treasurer to pay into the State Treasury the amount of such unauthorized expenditures, or the amount of such excess apportionment, as the case may be. Upon receipt of such notice, such governing board shall order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the State School Construction Fund, to be reapportioned by the board.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the state.

Sec. 2 Section 19413 of said code is amended to read:

19413. Funds apportioned to a school district under this chapter (Sections 19401 to 19486, inclusive) for a project, remaining unencumbered or unexpended one year from the date the application of the district for such apportionment was approved, shall not be encumbered or expended except as provided in this section

The governing board of the district shall notify the board of its desire to encumber or expend such funds. The board shall immediately request the Department of Education to, and that department shall, review the project for which apportionment

was made. If the Department of Education finds that the conditions existing at the time it approved the project for which the apportionment was made have so changed that the needs of the district are less than originally determined, it shall notify the board of its findings and of the respects in which the project should accordingly be modified. The board shall review the project and revise the project in such manner as it deems necessary, subject to the provisions of Section 19428, and make such changes in the purposes for which the apportionment may be expended as it deems necessary. The cost of the project as revised by the board shall be computed in the manner prescribed by Section 19414 and the excess, if any, of the amount theretofore apportioned to the district over the computed cost of the revised project shall be deducted by the board from the apportionment made to the district. The board shall give notice of its action, in writing, to the State Controller, the governing board of the district, and the county auditor and the county treasurer having jurisdiction over the public school building fund of the district. If the amount of such excess, or any portion thereof, has not been paid to the district, such excess, or portion thereof, shall be made available for apportionment to other districts. If such excess, or portion thereof, has been paid to the district, it shall not be encumbered or expended by the district and shall become due and payable to the State of California. The governing board of the district and the county treasurer shall pay such amount to the State Treasurer, out of the funds, and in the manner specified in Section 19453 of this code. Such payment shall, on order of the State Controller, be deposited in the Public School Building Loan Fund in the State Treasury.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the state.

This section does not authorize the board to increase any apportionment made to a school district.

Sec. 3. Section 19453 of said code is amended to read:

19453. Whenever the State Controller determines that any money apportioned to a school district has been expended by such school district for purposes not authorized by this chapter (Sections 19401 to 19486, inclusive), or exceeds the final cost of the project which is authorized by this chapter (Sections 19401 to 19486, inclusive) to be paid therefrom, the State Controller shall furnish written notice to the board, the governing board of the school district, the county superintendent of schools, the county auditor, and the county treasurer of the county whose county superintendent of schools has jurisdiction over the school district, directing the school district and the county treasurer to pay into the State Treasury the amount of such unauthorized expenditures, or the amount of such excess apportionment, as the case may be. Upon receipt of such notice, such governing board shall order the county

treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the Public School Building Loan Fund.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the state.

If, upon petition of the district, the State Controller determines that the amount is in excess of the amount that may be paid out of taxes levied at the maximum rate authorized by Section 20751 increased by any increase in such rate authorized by the electors of the district pursuant to Section 20803, without impairing essential district services, he may provide for the payment of the entire amount or any unpaid balance thereof in not exceeding three consecutive annual payments, commencing with the next school year. Each payment shall be an equal portion of the principal amount, plus accrued interest, and shall be paid not later than January 31st of each school year in which a payment is due. If the district fails to make the payment as specified, the State Controller shall deduct the amount thereof from the February payment made to the district under the provisions of Section 17352.

Deferred payments under this section shall bear interest at the same annual rate of interest as the apportionment from which the unauthorized expenditures or the amounts of excess apportionment were made.

SEC. 4. Section 19454 of said code is amended to read:

19454. Any portion of an apportionment paid to a school district under this chapter (Sections 19401 to 19486, inclusive) shall be available for expenditure by its governing board for not less than one year nor more than three years, as the board shall determine, after the date on which the warrant covering such portion of the apportionment was issued by the State Controller. For the purposes of this chapter (Sections 19401 to 19486, inclusive), an apportionment shall be deemed to be expended at the time and to the extent that the amount thereof on deposit in the county treasury has been encumbered by the creation of a valid obligation on the part of the school district. Upon the expiration of its period of availability, the unencumbered balance of any apportionment made under this chapter (Sections 19401 to 19486, inclusive) shall become due and payable to the State of California; and the governing board of the school district and the county treasurer shall pay the amount of such unencumbered balance to the State Treasurer, out of the funds, and in the manner specified in Section 19453 of this code. Such payment shall, on order of the State Controller, be deposited in the Public School Building Loan Fund in the State Treasury.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the state.

SEC. 5. Section 19455 of said code is amended to read:

19455 Whenever a school district receives an apportionment under this chapter (Sections 19401 to 19486, inclusive) for the purchase or improvement of a school building site and within a period of five years after the date on which the warrant covering the appropriate portion or portions of the apportionment was drawn on the State Treasurer from the Public School Building Loan Fund, (1) sells or otherwise disposes of such site or the improvements thereon, or any portion thereof, purchased or improved in whole or in part from such apportionment, or (2) within not less than one year nor more than five years, as the board shall determine, does not begin to use such site or the improvements thereon for the purpose or purposes for which said apportionment was made, the board shall make such determinations and take such action with respect thereto as it may deem necessary. If the board determines that the district has (1) sold or otherwise disposed of the site or the improvements thereon, or any portion thereof, or (2) has not used the site for the purpose for which the apportionment was made, it shall demand the return of the apportionment or such portion thereof as it deems proper.

Written notice of such demand, setting forth the amount due the state pursuant thereto, shall be furnished by the board to the governing board of the school district, the county superintendent of schools, the county auditor, the county treasurer of the county whose county has jurisdiction over the school district, and the State Controller. Upon receipt of such notice and demand, the governing board of the school district shall order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the Public School Building Loan Fund.

It shall be the duty of such governing board and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the state.

SEC. 6. Section 19568 of said code is amended to read:

19568. Funds apportioned to a school district under Section 19571 of this chapter (Sections 19551 to 19689, inclusive) for a project, remaining unencumbered or unexpended one year from the date the application of the district for such apportionment was approved, shall not be encumbered or expended except as provided in this section.

The governing board of the district shall notify the board of its desire to encumber or expend such funds. The board shall immediately request the Department of Education to,

and that department shall, review the project for which apportionment was made. If the Department of Education finds that the conditions existing at the time it approved the project for which the apportionment was made have so changed that the needs of the district are less than originally determined, it shall notify the board of its findings and of the respects in which the project should accordingly be modified. The board shall review the project and revise the project in such manner as it deems necessary subject to the provisions of Section 19598, and make such changes in the purposes for which the apportionment may be expended as it deems necessary. The cost of the project as revised by the board shall be computed in the manner prescribed by Section 19571 and the excess, if any, of the amount theretofore apportioned to the district over the computed cost of the revised project shall be deducted by the board from the apportionment made to the district. The board shall give notice of its action, in writing, to the State Controller, the governing board of the district, and the county auditor and the county treasurer having jurisdiction over the state school building fund of the district. If the amount of such excess, or any portion thereof, has not been paid to the district, such excess, or portion thereof, shall be made available for apportionment to other districts. If such excess, or portion thereof, has been paid to the district, it shall not be encumbered or expended by the district and shall become due and payable to the State of California. The governing board of the district and the county treasurer shall pay such amount to the State Treasurer, out of the funds, and in the manner specified in Section 19629 of this code. Such payment shall, on order of the State Controller, be deposited in the State School Building Aid Fund in the State Treasury.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the state.

This section does not authorize the board to increase any apportionment made to a school district.

SEC. 7. Section 19629 of said code is amended to read:

19629. Whenever the State Controller determines that any money apportioned to a school district has been expended by such school district for purposes not authorized by this chapter (Sections 19551 to 19689, inclusive), or exceeds the final cost of the project which is authorized by Section 19571 of this chapter to be paid therefrom, the State Controller shall furnish written notice to the board, the governing board of the school district, the county superintendent of schools, the county auditor, and the county treasurer of the county whose county superintendent of schools has jurisdiction over the school district, directing the school district and the county treasurer to pay into the State Treasury the amount of such unauthorized expenditures, or the amount of such excess apportionment, as the case may be. Upon receipt of such notice,

such governing board shall order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the State School Building Aid Fund, to be reapportioned by the board.

It shall be the duty of such governing body and the county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the state.

If, upon petition of the district, the State Controller determines that the amount to be included in the county settlement is in excess of the amount that may be paid out of taxes levied at the maximum rate authorized by Section 20751 (increased by any increase in such rate authorized by the electors of the district pursuant to Section 20803), without impairing essential district services, he may provide for the payment of the entire amount or any unpaid balance thereof in not exceeding three consecutive annual payments, commencing with the next school year. Each payment shall be an equal portion of the principal amount, plus accrued interest, and shall be paid not later than January 31st of each school year in which a payment is due. If the district fails to make the payment as specified, the State Controller shall deduct the amount thereof from the February payment made to the district under the provisions of Section 17352.

Deferred payments under this section shall bear interest at the same annual rate of interest as the apportionment from which the unauthorized expenditures or the amounts of excess apportionment were made.

SEC. 8. Section 19631 of said code is amended to read:

19631. Any portion of an apportionment paid to a school district under this chapter (Sections 19551 to 19689, inclusive) shall be available for expenditure by its governing board for not less than one year nor more than three years, as the board shall determine, after the date on which the warrant covering such portion of the apportionment was issued by the State Controller, provided that no such limitation on expenditure shall be applicable with respect to any items the payment or reimbursement of which is required to be made by special resolution pursuant to Section 19589, whether such special resolution is adopted prior or subsequent to the termination of the period of availability herein specified. For the purposes of this chapter (Sections 19551 to 19689, inclusive), an apportionment shall be deemed to be expended at the time and to the extent that the amount thereof on deposit in the county treasury has been encumbered by the creation of a valid obligation on the part of the school district. Upon the expiration of its period of availability, the unencumbered balance of any apportionment made under this chapter (Sections 19551 to 19689, inclusive) shall become due and payable

to the State of California; and the governing board of the school district and the county treasurer shall pay the amount of such unencumbered balance to the State Treasurer, out of the funds, and in the manner specified in Section 19629 of this code. Such payment shall, on order of the State Controller, be deposited in the State School Building Aid Fund in the State Treasury, to be reapportioned by the board.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the state, provided that notwithstanding the above such duties shall not be deemed to exist with respect to any amount heretofore or hereafter due the state occasioned by the termination of the period of availability of expenditure provided by this section where such period of availability of expenditure for the items representing such amount is subsequently made inapplicable by the adoption of a special resolution pursuant to Section 19589.

SEC. 9. Section 19632 of said code is amended to read:

19632. Whenever a school district receives or has received an apportionment for or toward the purchase or improvement of realty or personalty (hereafter referred to as "property") and within five years from the date of the written authorization from a duly authorized representative of the board for the expenditure therefor from state funds or from contributable district funds, sells, leases, exchanges or otherwise disposes of such property or any portion thereof without the consent of the board, the board may demand the return of the state apportionment or such portion thereof it deems proper, plus accrued interest at the prescribed rate, less any repayment made prior to such demand by the district on account of said apportionment. A district may not at any time while an apportionment remains unpaid or noncanceled, dispose of any property acquired therefrom without the consent of the board, excepting transfers provided for by Article 6, Chapter 2, Division 12 of the Education Code, and existing improvements on an acquired site. Such consent may be subject to such conditions as may be imposed, which may include the application of the consideration received in reduction of any apportionments previously made to the district. Any property into which the consideration from such disposition is converted shall be and remain the property of the state as if an apportionment had originally been authorized therefor.

Whenever, in the judgment of the board, a district fails to use property for the purpose or purposes for which an apportionment has been made, within not less than one nor more than five years from the aforesaid authorization, as the board shall determine, the board may demand back the return of the apportionment, or portion thereof, with interest, as specified in the preceding paragraph. The board's interpretation of such "use" in any instance, and whether or not the district has com-

plied therewith, shall be conclusive upon the district affected after a hearing and finding of the board. In addition to the foregoing, the board may at any time subsequent to the expiration of the last mentioned period, while an apportionment remains unpaid or uncanceled, determine that a site or portion thereof, purchased in whole or in part with said apportionment is not being used for the purpose or purposes for which such apportionment was made, which determination shall be conclusive upon the district after a hearing and finding of the board. Pursuant to such determination, the board may direct the sale or other disposition of such site or portion thereof by the state or by the district and apply the proceeds, after deducting expenses it determines necessary to facilitate such disposition, in reduction of said apportionment, plus accrued interest. Any excess shall be applied in reduction of any other unpaid or noncanceled apportionments, plus interest, as the board shall direct, any remaining proceeds thereafter being payable to the district. For the purposes of such determination of disposition, the district shall, whenever directed by the board, convey record title to such site or portion thereof to the state and/or do any other acts deemed necessary by the board to facilitate such disposition or implement the terms thereof. Any disposition authorized to be made hereunder by the district shall be made in accordance with the procedure prescribed by the Education Code for the disposition of unneeded school property, otherwise as directed by the board, provided that the consideration to be received shall be subject to the approval of the board or its delegate for that purpose.

Written notice of any demand prescribed by this section, setting forth the amount due the state pursuant thereto, shall be furnished by the board to the governing board of the school district, the county superintendent of schools, the county auditor, the county treasurer of the county whose county has jurisdiction over the school district, and the State Controller. Upon receipt of such notice and demand, the governing board of the school district shall order the county treasurer to pay to the State Treasurer, out of any moneys in the county treasury available to the school district for that purpose, the amount set forth in such notice. Such amount shall, upon order of the State Controller, be deposited in the State Treasury to the credit of the State School Building Aid Fund, to be reapportioned by the board.

Whenever a school district receives or has received an apportionment under this chapter for the purchase of a site which contains existing improvements, the board may require the district to dispose of such existing improvements as a condition of receiving an apportionment in such manner as the board deems proper, and contribute the net proceeds therefrom or the value of any consideration received therefor, in reduction of any apportionment. In the event that the district is not so required to dispose of such existing improvements but after

receiving such apportionment subsequently disposes thereof, the net proceeds therefrom or the value of the consideration received therefor, shall be contributed by the district in reduction of any remaining indebtedness to the state under this chapter or Chapter 8 (commencing with Section 19401) of this division of the Education Code.

Where a district has been unable to use any building site acquired by an apportionment under this chapter because of the delay of the board in acting upon its application for an apportionment for the planning and construction of school buildings on such site, the board may withhold demand for repayment of the apportionment for such building site for a period of not less than one or more than three years after approval of the apportionment for planning and construction.

It shall be the duty of such governing body and county treasurer to make the payments to the State Treasurer as provided in this section, and it shall be the duty of the State Controller to enforce such collection on behalf of the state.

Whenever the consent of the board is required in this section, it may be given by written authorization of its authorized representative for that purpose. The provisions of this section, including the term "apportionment" or "apportionments," shall be deemed to be applicable to apportionments heretofore or hereafter made under this chapter or Chapter 8 (commencing with Section 19401) of this division.

SEC. 10. Section 25607 of said code is amended to read:

25607. Upon presentation to the county in which the certificate is issued, of an itemized claim, duly sworn to by the superintendent of the school before an officer authorized to administer oaths, for the expense for clothing, transportation, and other items provided and furnished under the authority of the certificate, or for the reimbursement of the State Department of Education, the claim shall be processed and paid pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code. The amount paid and all reimbursements of the State Department of Education under this section shall be credited to the current appropriation for the support and maintenance of the school.

SEC. 11. Section 25856 of said code is amended to read:

25856. Upon presentation to the county in which the certificate is issued, of an itemized claim, duly sworn to by the superintendent of the school before an officer authorized to administer oaths, for the expense for clothing, transportation, and other items provided and furnished under the authority of the certificate, or for the reimbursement of the State Department of Education, the claim shall be processed and paid pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code. The amount paid and all reimbursements of the State Department of Education under this section shall be credited

to the current appropriation for the support and maintenance of the school.

SEC. 12. Section 1203.03 of the Penal Code is amended to read:

1203.03. (a) In any case in which a defendant is convicted of an offense punishable by imprisonment in the state prison, the court, if it concludes that a just disposition of the case requires such diagnosis and treatment services as can be provided at a diagnostic facility of the Department of Corrections, may order that defendant be placed temporarily in such facility for a period not to exceed 90 days, with the further provision in such order that the Director of the Department of Corrections report to the court his diagnosis and recommendations concerning the defendant within the 90-day period.

(b) The Director of the Department of Corrections shall, within the 90 days, cause defendant to be observed and examined and shall forward to the court his diagnosis and recommendation concerning the disposition of defendant's case.

(c) The Department of Corrections shall accept such person if it has adequate staff and facilities to provide such services and if there is in effect a contract made, pursuant to subdivision (f) of this section, with the county of the referring court. No such person shall be transported to any facility under the jurisdiction of the Department of Corrections until the director has notified the referring court of the place to which said person is to be transported and the time at which he can be received.

(d) The sheriff of the county in which an order is made placing a defendant in a diagnostic facility pursuant to this section, or any other peace officer designated by the court, shall execute the order placing such defendant in the center or returning him therefrom to the court. The expense of such sheriff or other peace officer incurred in executing such order is a charge upon the county in which the court is situated.

(e) It is the intention of the Legislature that the diagnostic facilities made available to the counties by this section shall only be used for the purposes designated and not in lieu of sentences to local facilities.

(f) The Director of Corrections may enter into contracts, with the approval of the Director of Finance, with any county of this state, upon request of the board of supervisors thereof, wherein the Department of Corrections agrees to provide diagnostic and treatment services and temporary detention during the period of study, to the county for selected cases of persons eligible for commitment to the Department of Corrections. The county shall reimburse the state for the cost of such services, such cost to be determined by the Director of Corrections. The Department of Corrections shall present to the county, not more frequently than monthly, a claim for the amount due the state under any contract authorized by this section which the county shall process and pay pursuant to the provisions of

Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

(g) In any case in which a defendant has been placed in a diagnostic facility pursuant to this section and, in the course of his confinement, he is determined to be suffering from a remediable condition relevant to his criminal conduct, the department may, with the permission of defendant, administer treatment for such condition. If such treatment will require a longer period of confinement than the period for which defendant was placed in the diagnostic facility, the Director of Corrections may file with the court which placed defendant in the facility a petition for extension of the period of confinement, to which shall be attached a writing signed by defendant giving his consent to the extension. If the court finds the petition and consent in order, it may order the extension, and transmit a copy of the order to the Director of Corrections.

(h) Any other provisions of this section notwithstanding, until September 15, 1965 it shall not be a prerequisite to commitment of a defendant or acceptance of the defendant by the Department of Corrections, pursuant to this section, that there be in effect a contract as described in subdivision (f), and there shall be no charge to the county for services under this section for a defendant accepted during such period.

SEC. 13. Section 1375 of said code is amended to read:

1375. Claims by the state for all amounts due from any county by reason of the provisions of Section 1373 of this code shall be processed and paid by the county pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 14. Section 163 of the Welfare and Institutions Code is amended to read:

163. The Department of Mental Hygiene, when it deems it necessary, may, under conditions prescribed by the director, transfer any inmate of a state institution under its jurisdiction to another such institution. Transfers of inmates of state hospitals shall be made in accordance with the provisions of Section 6700 of this code.

The expense of any such transfer shall be paid from the moneys available by law for the support of the department or for the support of the institution from which the inmate is transferred. Liability for the care, support, and maintenance of an inmate so transferred in the institution to which he has been transferred shall be the same as if he had originally been committed to such institution. The Department of Mental Hygiene shall present to the county, not more frequently than monthly, a claim for the amount due the state for care, support, and maintenance of any such patients or inmates and which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 15. Section 703 of said code is amended to read :

703. If the court, after finding that the minor is a person described by Sections 600, 601, or 602, is in doubt concerning the state of mental health or the mental condition of the person, the court may continue the hearing and commit the person to the Department of Mental Hygiene for placement in a state hospital or state home for the mentally deficient for an indeterminate period of not more than 90 days, for observation of the mental health or the mental condition of the person and recommendations concerning his future care, supervision, and treatment. If the Department of Mental Hygiene has designated a particular state institution to receive minors so committed for observation, all commitments shall be made to the department for placement in the institution so designated. The superintendent of the institution to which the minor is so committed shall receive him, unless the institution is already full or the funds available for its support are exhausted, or if, in the opinion of the superintendent, the person is not a suitable subject for admission. Before such person is conveyed to the institution, it shall be ascertained from the superintendent thereof if the person may be accepted as herein set forth.

For each minor person so committed for observation, the county from which he is committed shall pay the state at the rate of forty dollars (\$40) per month for the time the person so committed remains in the state institution for observation. Such expense shall be considered expense of support and maintenance within the meaning of Article 16, (commencing with Section 900) and the county shall be entitled to reimbursement therefor from the earnings, property, or estate of the minor, or from his parents, guardian, or other person liable for his support and maintenance, in accordance with the provisions of that article. The department shall present to the county, not more frequently than monthly, a claim for the amount due the state under this section which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

The medical superintendent or other person in charge of the state hospital or state home for the mentally deficient in which a minor person is placed for observation pursuant to this section shall, as soon as possible and within 90 days, examine the person to determine the state of his mental health or his mental condition, and submit to the juvenile court a report on the state of his mental health or mental condition which shall include a diagnosis of the nature of his mental illness or disability, if any, and recommendations concerning his future care, supervision, and treatment.

If the medical superintendent or other person in charge of the state institution in which the minor has been placed for observation reports to the court that the minor is not affected with any mental illness, disorder, or other mental disability for which he might be committed to the Department of Mental

Hygiene for placement in any state institution under Division 6 (commencing with Section 5000) of this code, such superintendent or other person in charge of the state institution shall return the minor to the juvenile court within seven days after the date of the report and the court shall proceed with the case in accordance with the provisions of this chapter.

When the juvenile court directs the filing in any other court of a petition for the commitment of a minor to the Department of Mental Hygiene for placement in any state institution, the juvenile court shall transmit to the court in which the petition is filed a copy of the report of the medical superintendent or other person in charge of the state institution in which the minor was placed for observation. The court in which the petition for commitment is filed may accept the report of the medical superintendent or other person in charge of the state institution in lieu of the appointment, certificate, and testimony of medical examiners or other expert witnesses appointed by the court, if the laws applicable to such commitment proceedings provide for the appointment by court of medical examiners or other expert witnesses or may consider the report as evidence in addition to the certificates and testimony of medical examiners or other expert witnesses.

The jurisdiction of the juvenile court over the minor shall be suspended during such time as the minor is subject to the jurisdiction of the court in which the petition for commitment is filed or under commitment ordered by that court.

SEC. 16. Section 912 of said code is amended to read :

912 For each person hitherto committed to the Youth Authority, the county from which he is committed shall pay the state at the rate of twenty-five dollars (\$25) per month for the time such person so committed remains in such state school or in any camp or farm colony, custodial institution, or other institution under the direct supervision of the Youth Authority to which such person may be transferred, in the California vocational institution, or in any boarding home, foster home, or other private or public institution in which he is placed by the Youth Authority, on parole or otherwise, and cared for and supported at the expense of the Youth Authority.

The Youth Authority shall present to the county, not more frequently than monthly, a claim for the amount due the state under this section which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 17. Section 1752.1 of said code is amended to read :

1752.1. The director may enter into contracts with the approval of the Director of Finance with any county of this state, upon request of the board of supervisors thereof, wherein the Youth Authority agrees to furnish diagnosis and treatment services and temporary detention during a period of study to the county for selected cases of persons eligible for commitment to the Youth Authority in connection with the operation

of the juvenile court. The county shall reimburse the state for the cost of such services, such cost to be determined by the Director of the Youth Authority.

The Youth Authority shall present to the county, not more frequently than monthly, a claim for the amount due the state under this section which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 18. Section 5262.6 of said code is amended to read:

5262.6. The Department of Mental Hygiene shall present to the county, not more frequently than monthly, a claim for the amount due the state by reason of commitments of the mentally deficient which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 19. Section 5356.2 of said code is amended to read:

5356.2. The Department of Mental Hygiene shall present to the county, not more frequently than monthly, a claim for the amount due the state under Section 5356.1 which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 20. Section 6666 of said code is amended to read:

6666. The Department of Mental Hygiene shall present to the county, not more frequently than monthly, a claim for the amount due the state under Section 6664 which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 21. Section 7011 of said code is amended to read:

7011. The Department of Mental Hygiene shall present to the county, not more frequently than monthly, a claim for the amount due the state under Section 7009 which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

SEC. 22. Section 7109 of said code is amended to read:

7109. The Department of Mental Hygiene shall present to the county, not more frequently than monthly, a claim for the amount due the state under Section 7107 which the county shall process and pay pursuant to the provisions of Chapter 4 (commencing with Section 29700) of Division 3 of Title 3 of the Government Code.

CHAPTER 264

An act to add Section 639 to the Penal Code, relating to crimes against financial institutions.

[Approved by Governor May 10, 1965. Filed with Secretary of State May 10, 1965.]

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

SECTION 1. Section 639 is added to the Penal Code, to read:

639. Every person who gives, offers, or agrees to give to any director, officer, or employee of a financial institution any emolument, gratuity, or reward, or any money, property, or thing of value for his own personal benefit or of personal advantage, for procuring or endeavoring to procure for any person a loan or extension of credit from such financial institution is guilty of a felony.

As used in this section "financial institution" means any person or persons engaged in the business of making loans or extending credit or procuring the making of loans or extension of credit, including, but not limited to, banks, savings and loan associations, trust companies, industrial loan companies, personal property brokers, credit unions, small loan brokers, real property loan brokers, escrow companies, title insurance companies, insurance companies, small business investment companies, pawnbrokers, and retirement funds.

As used in this section the word "person" includes any person, firm, partnership, association, corporation, company, syndicate, estate, trust, business trust, or organization of any kind.

CHAPTER 265*An act to amend Sections 777.1 and 777.3 of the Insurance Code, relating to free insurance.*

[Approved by Governor May 10, 1965. Filed with Secretary of State May 10, 1965.]

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

SECTION 1. Section 777.1 of the Insurance Code is amended to read:

777.1. No insurer shall participate in any plan to offer or effect any kind or kinds of insurance or annuities in this state as an inducement to the purchase or rental by the public of any property, real or personal or mixed, or services, without any separate charge to the insured for such insurance, nor shall any agent, broker, or solicitor arrange the sale of any such insurance. The provisions of this article shall not be applicable to insurance written in connection with subscriptions to newspapers of general circulation; nor shall it apply to insurance

issued to credit unions or to members of credit unions in connection with the purchase of shares in such a credit union; nor shall it apply to insurance offered as a guarantee of the performance of goods, which insurance is designed to protect the purchasers or users of such goods; nor shall it be applicable to any title insurance or life or disability insurance written in connection with an indebtedness, the purpose of which insurance is to pay the balance of the indebtedness in the event of the death or disability of the person insured; nor shall it be applicable to any of the provisions of Part 5 (commencing at Section 12140), Division 2 of this code.

SEC. 2. Section 777.3 of said code is amended to read:

777.3. As used in this article "insurer" includes any person or organization to which Article 4 (commencing with Section 730), Chapter 1, Part 2, Division 1 is applicable.

CHAPTER 266

An act to amend Sections 1378 and 2738 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 10, 1965.]

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

SECTION 1. Section 1378 of the Unemployment Insurance Code is amended to read:

1378. The Appeals Board shall review an appeal from an overpayment determination as provided in Sections 1336 and 1337 and determine what amount, if any, shall be recovered.

SEC. 2. Section 2738 of said code is amended to read:

2738. The Appeals Board shall review an appeal from an overpayment determination as provided in Sections 1336 and 1337 and determine what amount, if any, shall be recovered.

CHAPTER 267

An act to amend Section 1705.5 of the Harbors and Navigation Code, relating to the San Francisco Port Authority.

[Approved by Governor May 11, 1965. Filed with
Secretary of State May 11, 1965.]

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

SECTION 1. Section 1705.5 of the Harbors and Navigation Code is amended to read:

1705.5. Notwithstanding any other provision of law, the authority shall establish and adjust salary ranges for laborers,

workmen, superintendents of maintenance, assistant superintendents of maintenance, and mechanics employed by it. In establishing or changing such ranges consideration shall be given to the prevailing rates for comparable service in other public employment and in private business. The authority may make a change in salary range retroactive to the date of application for such change. Such salary ranges may be fixed on an hourly, per diem, or monthly basis or any combination thereof.

The authority may authorize payments into a private fund to provide health and welfare benefits to nonpermanent employees in classes compensated in accordance with the provisions of the first paragraph of this section where the authority finds as to any such position that:

(a) Such payments by employers are the prevailing practice in comparable employment in the locality of the work and the payments are for the purpose of providing to employees specified benefits such as, but not limited to: hospital, medical, surgical, and life insurance; sick leave, vacation allowance, pensions, supplementary unemployment and disability compensation, and other similar or related health and welfare benefits, or any combination thereof.

(b) Participation in the benefits provided by such funds is not limited to state employees.

(c) The provisions of the plans which provide the benefits meet the standards established by the authority.

Payments made by the authority to any such fund on behalf of any employee shall be in lieu of benefits such as vacation allowance, sick leave, and retirement which are now or may hereafter be granted directly by the authority in accordance with law.

The authority is empowered to determine the equitable application of such health and welfare benefits to insure that the employees receive benefits comparable to, but not in excess of, those provided in comparable private employment.

Any payments authorized by this section shall be a proper charge against any funds available for the support of the authority.

Salaries fixed by the authority under this section shall not be subject to the approval of the Department of Finance pursuant to Section 18004 of the Government Code.

CHAPTER 268

An act to add Chapter 6 (commencing with Section 36455) to Part 6, Division 13 of the Water Code, relating to California water districts

[Approved by Governor May 11, 1965. Filed with Secretary of State May 11, 1965.]

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

SECTION 1. Chapter 6 (commencing with Section 36455) is added to Part 6, Division 13 of the Water Code, to read:

CHAPTER 6. ADOPTION OF IMPROVEMENT ACTS

Article 1. Authorization of Improvements

36455. Whenever, in the opinion of the board, the public interest or convenience may require, the board may order the acquisition or construction in, under, or upon the whole or any portion of any one or more of the streets or public places of the district, or any property or rights-of-way owned by the district, of any work or improvement for the production, storage, transmission and distribution of water for irrigation, domestic, industrial and municipal purposes, or for collecting, treating, and disposing of sewage, waste and storm waters, and provide that the cost thereof shall be assessed upon any district to be assessed therefor, which district need not be composed of lands contiguous to each other.

36455.1. The work or improvement shall be done and the cost thereof assessed and collected in accordance with the procedures of the Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code), the Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code), the Street Opening Act of 1903 (Part 1 (commencing with Section 4000), Division 6 of the Streets and Highways Code), or the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code).

36455.2. Such acts or any of them may be used in the discretion of the board of directors in the construction of any work to be done or improvements made under this act and in the levying of assessments and reassessments and the issuing of bonds to pay for costs and expenses of the work and improvements done or to be done hereunder.

36455.3. As additional notice a certified copy of any assessment and the diagram attached thereto issued under any of said acts shall be recorded in the office of the county surveyor if the improvement district or any part thereof is in unincorporated territory and with the superintendent of streets of the city or cities if the improvement district or any part thereof is in incorporated territory and shall remain an official record in the office in which it may be filed. Such filing, however, shall not affect or qualify the district record thereof.

36455.4. A district may enter into an agreement with any municipality within the district whereby any work or improvement constructed pursuant to the provisions of this chapter may be transferred to the municipality for operation and maintenance. The power to make such an agreement is conditioned upon a finding by the board that the residents of the district would be better served by such municipal operation and maintenance.

Article 2. Definition of Improvement Act Terms

36456. As used in the laws referred to in this chapter the terms therefrom set forth in this article refer for the purposes of this chapter to that which this article states each respectively refers.

36456.1. "City" refers to the water district.

36456.2. "City council" or "legislative body" refers to the board of directors of the water district.

36456.3. "Mayor" refers to the president of the board of directors of the water district.

36456.4. "Clerk" refers to the secretary of the board of directors of the water district.

36456.5. "Council chambers" refers to the place designated by the board of directors of the water district for holding its regular meetings.

36456.6. "Treasurer" refers to the treasurer of the water district.

36456.7. "Superintendent of streets" or "street superintendent" and "city engineer" refer to the engineer of the water district.

36456.8. "Right-of-way" refers to any parcel of land through which a right-of-way has been granted to the water district for any purpose.

36456.9. All words relating to municipal officers and matters refer to the corresponding officers of water districts and matters under this division.

Article 3. Engineer of Work

36457. The board may appoint officers other than the engineer, without compensation, as the officer to perform any or all of the duties conferred upon the street superintendent or city engineer in any law referred to in this chapter.

36457.1. The board may appoint an engineer of work, in which event the duties to be performed by the city engineer as set forth in any law referred to in this chapter shall be performed by the engineer of work, whose compensation and expenses shall constitute an incidental expense in the cost of the work.

36457.2. The board may provide that the work shall be done under the direction and to the satisfaction of the engineer of work, that the materials used shall comply with his specifications and be to his satisfaction, and that he shall make and sign the assessment.

36457.3. The contract shall be entered into by the engineer, and the assessment and warrant, when confirmed, shall be recorded in the office of the engineer.

Article 4. Assessments and Bonds for Agricultural
Water Delivery Facilities

36458. Bonds issued pursuant to this chapter for facilities for delivery primarily of agricultural water supplies, in accordance with the provisions of any of the improvement acts mentioned in this chapter, may extend over a period not exceeding 24 years from the 2nd day of January next succeeding the next September 1st following their date and may provide that the first maturity date shall be the 2nd day of January, three years succeeding the next September 1st following their date and shall be paid in equal annual installments on January 2nd thereafter until the whole principal amount with accrued interest is paid.

36458.1. In determining the amount of the assessments to be levied and bonds to be issued pursuant to this chapter, the board of directors may include bond interest for facilities for delivery primarily of agricultural water supplies estimated to accrue during the period of construction, but not exceeding three years from the date of issuance of said bonds

Article 5. Bond Approval

36459. No bonds shall be sold, exchanged, or delivered by a district under the Improvement Bond Act of 1915, Division 10 (commencing with Section 8500) of the Streets and Highways Code, unless such bonds shall have been investigated and certified under and pursuant to Chapter 1 (commencing with Section 20000) of Division 10 of this code.

CHAPTER 269

An act to add Section 1788 to the Harbors and Navigation Code, relating to property of the San Francisco Port Authority.

[Approved by Governor May 11, 1965 Filed with
Secretary of State May 11, 1965.]

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

SECTION 1. Section 1788 is added to the Harbors and Navigation Code, to read

1788. Unless the Legislature specifically provides that compensation is not required, no property under the jurisdiction of the authority shall be taken, transferred, damaged or used without payment of just compensation. Moneys received therefor shall be deposited in the Harbor Improvement Fund. This section shall not apply to existing uses or to uses under Sections 7526 and 7901 of the Public Utilities Code nor to use of any property where the use or an expanded or increased use of the property is pursuant to a lease or contract.

CHAPTER 270

An act to amend Section 20004 of the Education Code, relating to junior colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 11, 1965 Filed with
Secretary of State May 11, 1965]

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

SECTION 1. Section 20004 of the Education Code is amended to read:

20004. A junior college district eligible for a tax relief grant may file with the State Department of Education one or more applications for a grant before July 1, 1966. The form of the application shall be prescribed by the Superintendent of Public Instruction. The Superintendent of Public Instruction shall examine and approve by September 1, 1966 all applications of junior college districts eligible for a tax relief grant under this chapter.

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

This act extends time allowed for filing an application for a junior college tax relief grant. Because of need of this tax relief for areas that plan to embark upon a proposed building program in the immediate future it is necessary that the filing date be extended in order to allow the remaining areas to receive the same benefits already extended many junior colleges in this state and allow an equitable distribution of state aid for the promotion of needed education to all the citizens of this state.

CHAPTER 271

An act to amend Section 24051.1 of the Financial Code, relating to loans.

[Approved by Governor May 11, 1965 Filed with
Secretary of State May 12, 1965]

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

SECTION 1. Section 24051.1 of the Financial Code is amended to read:

24051.1. This division does not apply to any loan of credit made pursuant to a plan having all of the following characteristics:

(a) Credit cards are issued pursuant to written application therefor and to the plan whereby the organization issuing such

cards shall be enabled to acquire those certain obligations which its members in good standing incur with those persons with whom the organization has entered into written agreements setting forth said plan, and where the obligations are incurred pursuant to such agreements; or whereby the organization issuing such cards shall be enabled to extend credit to its members.

(b) The fee for such credit cards is designed to cover the administrative costs of the plan and does not exceed twenty-five dollars (\$25) per year.

(c) Any charges, discounts, or fees resulting from the acquisition of such charges shall be paid to the organization issuing said credit cards by the persons, corporations or associations with whom the organization has entered into such written agreements.

CHAPTER 272

An act to add Article 3.5 (commencing with Section 12380) to Chapter 1, Part 6, Division 2 of the Insurance Code and to amend Sections 12370, 12371, and 12373 of said code, relating to title insurers.

[Approved by Governor May 11, 1965 Filed with
Secretary of State May 12, 1965]

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

SECTION 1. Article 3.5 (commencing at Section 12380) is added to Chapter 1, Part 6, Division 2 of the Insurance Code, to read:

Article 3.5. Unearned Premium Reserve and Reserve for Unpaid Losses and Loss Expense

12380. Unless the provision or context otherwise requires, the following definitions govern the construction of this article:

(a) "Total charges for policies of title insurance" means (i) the total of fees and charges as shown on policies, as required by Section 12412, less any amount paid for coinsurance of such policy to any coinsuring title insurer and (ii) the total sum charged by any coinsuring title insurer for acting as a coinsurer in respect to any policy of title insurance.

(b) "Ceding company" means a title insurer which shall have purchased a policy or contract of reinsurance from a reinsuring company.

(c) "Reinsuring company" means a title insurer which shall have sold a policy or contract of reinsurance to a ceding company.

12381. Every domestic title insurer shall, in addition to other reserves, establish and maintain a reserve to be known as the "unearned premium reserve" for title insurance, which

shall, at all times for all purposes, be deemed and shall constitute the unearned portion of premiums due or received on all of its business wherever transacted and shall be charged as a reserve liability of such title insurer in determining its financial condition. The unearned premium reserve shall be retained and held by such title insurer for the protection of the policyholders' interest in policies which have not expired. Except as provided in Section 12385, assets equal to the amount of such reserve shall not be subject to distribution among depositors or other creditors or stockholders of such title insurer until all claims of holders of policies and contracts of title insurance of such title insurer have been paid in full and all liability on the policies or other contracts of title insurance, whether contingent or actual, has been discharged or lawfully reinsured. Income from the investment of all or any part of such reserve shall be the unrestricted property of the title insurer.

Every admitted foreign insurer shall maintain a like reserve under like conditions in respect to its California business.

12382. The unearned premium reserve of every title insurer shall consist of:

(a) Such amount as would have been required to be set aside in said reserve on all policies or contracts of title insurance issued during the calendar years 1962, 1963 and 1964, if this article had been effective at and after the date that such policies or contracts were written, less the amount of withdrawals that would have been permitted if this article had been so effective; and

(b) The amount of all additions required to be made to such reserve by this article less the withdrawals therefrom permitted by this article.

12382.1. Such part of the amount of the title insurance surplus fund set apart by each title insurer prior to the effective date of this article, pursuant to or under authority of Section 12370 and any prior law, as may be necessary to equal the amount specified in subdivision (a) of Section 12382 shall be transferred and added to the unearned premium reserve on or before December 31, 1965. Such addition to said reserve shall be credited against the amount required by Section 12382.

12382.2. Out of total charges for policies of title insurance, a title insurer shall add to and set aside in its unearned premium reserve commencing as of January 1, 1965, an amount equal to two percent (2%) of such total charges for policies of title insurance, which amount shall be deemed and shall constitute the unearned premiums due or received from all such policies or contracts. Except as otherwise provided in Section 12382.6, if any policy of title insurance shall be reinsured, the reinsuring company shall be required to set aside in its unearned premium reserve only such portion, if any, of said two percent (2%) as shall have not theretofore been set aside by the ceding company.

12382.3. The aggregate amount set aside in the unearned premium reserve shall be separately recorded and reserved in respect to such policies and contracts issued in each calendar year. All amounts set aside as additions to the unearned premium reserve, to the extent that the same have not previously been deducted from net profits or earned surplus, shall be deducted in determining net profits of any title insurer.

12382.4. For the purpose of determining the amounts of the unearned premium reserve that may be withdrawn pursuant to Section 12382.5 and the interest of the policyholders therein under Section 12385, all policies and contracts of title insurance or reinsurance shall be considered as dated on July 1 of the year of issue.

12382.5. The aggregate of the amounts set aside in unearned premium reserve in any calendar year pursuant to Section 12382.2 shall be released from said reserve and restored to net profits pursuant to the following formula: one-tenth ($\frac{1}{10}$ th) of said aggregate sum on July 1 of each of the five (5) years next succeeding the year of addition to the reserve and one-thirtieth ($\frac{1}{30}$ th) of said aggregate sum on July 1 of each succeeding year thereafter until the entire sum shall have been so released and restored to net profits. The aggregate of the amounts set aside in unearned premium reserve pursuant to Section 12382 shall be released from said reserve and restored to net profits and surplus pursuant to the foregoing formula, provided that said amounts so set aside shall be treated as if Section 12382 and this section had been effective during the calendar years 1962, 1963 and 1964.

12382.6. If substantially the entire outstanding liability under all policies and contracts of title insurance or reinsurance of any ceding company shall be reinsured, pursuant to and as authorized by Section 12385, the total charge received by any reinsuring company authorized to transact the business of title insurance in this state shall constitute, in its entirety, unearned portions of original premiums, and shall be added to its unearned premium reserve and shall be deemed, for recovery purposes, to have been provided for liabilities assumed during the year of such reinsurance. The amount of such addition to the unearned premium reserve of such reinsuring company shall be not less than two-thirds ($\frac{2}{3}$ rds) of the amount of the unearned premium reserve required to be maintained by the ceding company at the time of such reinsurance.

12383. All amounts set aside in the unearned premium reserve of a title insurer shall be held either as cash on hand or shall be deposited or invested in those investments suitable for the investment of trust funds, as provided in Section 2261 of the Civil Code.

12384. If the aggregate amount set aside by a title insurer in its unearned premium reserve should at any time be less than the amount required to be maintained in such reserve, and the deficiency shall not be promptly cured, such title insurer shall forthwith give written notice thereof to the com-

missioner. Any such title insurer shall not thereafter issue any further policies or contracts of title insurance or reinsurance until the deficiency shall have been eliminated and until it shall have received written approval from the commissioner authorizing it to again issue such policies and contracts of title insurance and reinsurance. For the purpose of determining the aggregate amount set aside by a title insurer in its unearned premium reserve, any portion of such reserve which shall have been invested shall be valued at the purchase price or the fair market value of such investment on the date that such investment was made.

12385. If a title insurer shall at any time become insolvent, be in the process of liquidation or dissolution or be in the possession of the commissioner, all amounts set aside in the unearned premium reserve shall be used and applied as follows:

(a) Such amount up to the whole of the reserve as is necessary may be used with the written approval of the commissioner to pay for reinsurance of the liability of such title insurer under all outstanding policies and contracts of title insurance or reinsurance as to which claims for losses by holders thereof are not then pending. The amount of the unearned premium reserve not so used shall be transferred to the general assets of the title insurer to be held and distributed subject to the limitations imposed by this section.

(b) The assets of a title insurer other than the unearned premium reserve shall be available to pay claims for losses sustained by holders of policies then pending or arising up to the time reinsurance is effected. In the event that claims for losses are in excess of such other assets of a title insurer, the excess of such claims, when established, shall be paid pro rata out of surplus assets attributable to the unearned premium reserve to the extent of such surplus, if any.

12386. In the event that reinsurance is not obtained, as authorized by Section 12385, the unearned premium reserve and assets constituting the guarantee fund of the title insurer, or so much as remains thereof after outstanding claims have been paid, shall constitute a trust fund to be held by the commissioner for twenty (20) years, out of which claims of policyholders shall be paid as they arise. The balance, if any, of such fund shall, at the expiration of twenty (20) years, constitute general assets of the title insurer.

12387. Where a title insurer organized or incorporated under the laws of any state other than California does business in California, if the laws of the state of its domicile obligate such company to create and maintain an unearned premium reserve for purposes substantially similar to those of this article, any amounts required by the law of such state to be added to such reserve by reason of business done in California shall be deducted from any amounts required by this article to be set aside by such title insurer in an unearned premium reserve for its California business.

The provisions of this section shall be applicable only to title insurers organized or incorporated in those states whose laws provide that a title insurer organized and incorporated under the laws of California and which does business in such other state will be permitted a deduction substantially similar to that provided by this section with respect to any unearned premium reserve requirements for business done in that state.

12388. Every title insurer shall, in addition to other reserves establish and maintain a reserve to be known as the "reserve for unpaid losses and loss adjustment expense", which shall be used for the payment of losses incurred as a result of liability arising under policies of title insurance and the payment of adjustment expenses necessary for the settlement of or defense against claims of any such liability. Said reserve shall be in an amount equal to the sum of (1) the estimated amounts necessary to pay unpaid losses, plus (2) the estimated amounts of loss adjustment expense necessary to settle or defend against every claim presented pursuant to notice from or on behalf of every insured that may result in a loss to or cause expense to be incurred by a title insurer for the proper disposition of the claim. Every title insurer shall calculate such reserve by making a careful estimate in each year of the amounts anticipated to be reasonably necessary for both such purposes. The sum of the items so estimated shall be the total amount of the reserve for unpaid losses and loss adjustment expenses of such title insurer. The amounts so estimated may be revised from time to time as circumstances warrant and reduced by the amount of payments made, but shall be redetermined at least once each year. The amounts set aside in such reserve in any year shall be deducted in determining the net profits for such period of any title insurer.

SEC. 2. Section 12370 of said code is amended to read:

12370. Every title insurer shall annually set apart a sum equal of 10 percent of its premiums collected during the year. Such sums shall be allowed to accumulate until a fund is created equal in amount to 25 percent of the aggregate of the subscribed capital stock of the insurer; provided, that after the establishment by a title insurer of an unearned premium reserve, pursuant to Article 3.5 (commencing at Section 12380) of this chapter, said amount shall be reduced by the aggregate amount which shall be set aside and maintained by such insurer in said unearned premium reserve. Such fund shall be known as the "title insurance surplus fund."

SEC. 3. Section 12371 of said code is amended to read:

12371. The title insurance surplus fund shall be maintained as a further security to holders and beneficiaries of the title policies issued by the insurer. If all or any part of the fund shall at any time be in excess of the amount required by Section 12370, such excess may be transferred by the insurer to its general assets. If at any time the fund is impaired by reason of a loss, the amount by which it is impaired shall be restored in the manner provided for its accumulation. The

reporting of a loss is an impairment of such fund for the purposes of this section.

SEC. 4. Section 12373 of said code is amended to read:

12373. A title insurer shall not make any dividends except from profits remaining on hand after retaining unimpaired assets aggregating in value an amount equal to the sum of the following:

(a) The aggregate par value of the shares of its capital stock issued and outstanding, including treasury shares;

(b) The amount required to be set apart as the title insurance surplus fund;

(c) The amount required to be maintained in the unearned premium reserve;

(d) The amount required to be maintained in the reserve for unpaid losses and loss adjustment expense;

(e) A sum sufficient to pay all liabilities for expenses and taxes and all other indebtedness.

CHAPTER 273

An act to add Sections 18400.5 and 22932.5 to the Elections Code, relating to municipal elections.

[Approved by Governor May 11, 1965. Filed with
Secretary of State May 12, 1965.]

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

SECTION 1. Section 18400.5 is added to the Elections Code, to read:

18400.5. Notwithstanding the provisions of Section 18400, Sections 18409, 18410 and 18411 shall apply to elections in general law cities.

SEC. 2. Section 22932.5 is added to said code, to read:

22932.5. The governing body may, by resolution duly adopted prior to the date of election, order the canvass to be made by the city clerk prior to the first Tuesday after the election. Sections 18405, 18406 and 18407 shall govern the conduct of the canvass. Upon completion of the canvass, the city clerk shall certify the results to the governing body who shall on the first Tuesday after the election comply with the other provisions of Section 22932.

CHAPTER 274

An act to add Section 14212.5 to the Elections Code, relating to conduct of elections.

[Approved by Governor May 11, 1965. Filed with
Secretary of State May 12, 1965.]

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

SECTION 1. Section 14212.5 is added to the Elections Code, to read:

14212.5. As used in this chapter, "100 feet of a polling place" shall mean a distance 100 feet from the point on the property line closest to the entrance of the polling place.

CHAPTER 275

An act to amend Section 65951 of the Government Code, relating to zoning regulations.

[Approved by Governor May 11, 1965. Filed with
Secretary of State May 12, 1965.]

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

SECTION 1. Section 65951 of the Government Code is amended to read:

65951. Whenever an application for a variance, exception, or conditional use permit, or for revocation or modification of same, is submitted to the body charged with conducting a public hearing thereon, notice of hearing shall be given by notice through the United States mails, with postage prepaid and using addresses from the last adopted tax roll or, alternatively, from such other records of the assessor or the tax collector as contain more recent addresses in the opinion of said body, or by publication in a newspaper of general circulation in accordance with Section 65651 and posting said notice in conspicuous places close to the property. Procedure for mailing or posting of said notices shall be governed by the conditions of the local ordinance.

CHAPTER 276

An act to amend Sections 527.1, 628, 674, and 685 of the Agricultural Code, relating to milk.

[Approved by Governor May 11, 1965. Filed with
Secretary of State May 12, 1965.]

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

SECTION 1. Section 527.1 of the Agricultural Code is amended to read.

527.1. As used in Chapters 1 to 10, inclusive (commencing with Section 440), of this division, "milk products" include milk, cream, sour cream, half-and-half, ice cream, ice milk, butter, cheese, milk fat or butterfat, skim milk or nonfat milk, evaporated milk, evaporated cream, sterilized flavored drink, sterilized flavored milk, sterilized cream, sterilized milk, nonfat dry milk, dried milk, milk drink mix, milk drink, buttermilk, cultured buttermilk, modified milk, concentrated milk, concentrated skim milk, sour cream dressing, yogurt, cream topping, eggnog, ice cream mix, ice milk mix, dietetic or low fat yogurt, low fat milk, evaporated or condensed skim milk, sweetened condensed milk, renovated butter, whipped cream mix or cream topping mix, fruit yogurt, sterilized flavored cream, dried whey, sherbet, yogurt sherbet, quiescently frozen confections and any other products prepared or manufactured from milk or cream for which standards of composition are established by or pursuant to said chapters.

SEC. 2. Section 628 of said code is amended to read:

628. Sterilized milk and sterilized cream is milk or cream which has been subjected to a temperature high enough to sterilize the product and to which an edible stabilizer not to exceed five-tenths of 1 percent may be added

It shall be made from milk or cream which meets all the requirements of this division for the respective class or grade of milk and cream used; except that such milk or cream need not be cooled when it has been demonstrated to the satisfaction of the director that such cooling is not required for the proper processing of the product.

Such sterilized milk or sterilized cream shall be packed in sterile containers and hermetically sealed.

Sterilized milk shall contain not less than 3.25 percent milk fat and not less than 8.25 percent milk solids not fat.

Sterilized cream shall contain not less than 18 percent milk fat

In an area in which a price stabilization and marketing plan is in effect such sterilized milk or sterilized cream shall be sold at not less than the minimum wholesale or minimum retail prices established for fluid milk or fluid cream in that area.

Sterilized milk or sterilized cream which has been altered in composition to conform to special nutritional requirements or special dietary purposes, shall be labeled "modified sterilized milk" or "modified sterilized cream" as the case may be. When such alteration is due to the use of additives, then such additives shall be approved by the director, and must be declared on the label.

SEC. 3. Section 674 of said code is amended to read:

674. No person shall render any statement or bill showing the weight, grade, percentage of fat, amount of fat, solids not fat, bacteria count, price, or total amount paid, for milk or milk products which is false, deceptive or misleading in any particular.

SEC. 4. Section 685 of said code is amended to read:

685. No person shall fraudulently manipulate the measure, weight or test used for determining the grade or quality of milk, cream or fluid derivatives thereof, nor the test used for determining the percentage of milk fat in milk, cream or fluid derivatives thereof, nor overread or underread any such test, nor take an unfair sample of milk, cream or any fluid derivatives thereof on which the grade, quality or amount of milk fat therein is to be determined, nor fraudulently manipulate any such sample, or the records of any measurement, weight, test, or combination thereof. A permanent record in duplicate of all tests of milk or cream or fluid derivatives thereof purchased, received, or sold on the basis of the amount of milk fat contained therein, must be made by licensed tester on standard forms supplied by, or in accordance with the specifications for such records adopted by, the department. Each test shall be legibly recorded with indelible pencil or ink in such a manner as to correctly identify the test obtained upon the milk or cream or fluid derivatives thereof. Each sheet or page shall be authenticated by the signature of the licensed tester, and a duplicate record shall be deposited by the licensed tester immediately after completing the test on the day's samples, in a box provided by the purchaser or receiver or seller of milk or cream or fluid derivatives thereof, as the case may be, said box to be constructed, sealed and maintained in accordance with the rules and regulations of the director. The original record shall be immediately delivered to the purchaser or receiver or seller of said milk or cream or fluid derivatives thereof, to be retained by him for at least three months. The licensed tester shall retain an unmodified sample of all milk or cream or fluid derivatives thereof tested by him for a period of time specified in regulations promulgated by the director after tests of said milk or cream have been made and said purchaser or receiver or seller of milk or cream or fluid derivatives thereof shall provide a suitable place where such samples so retained may be kept and such place shall be acceptable to the department. Payment for milk or cream or fluid derivatives thereof shall be made on the basis of weight or measure and percentage of the milk fat contained therein, as determined by samples taken from each lot of said milk or cream or fluid derivatives thereof upon delivery. Should the director find, after investigation by him, that facilities are not available for weighing and testing, upon request of the parties he may issue a written permit authorizing the purchase and sale of milk or cream or fluid derivatives thereof upon a gallonage basis. Nothing in this section prohibits weighing and sampling on a route, or the use of composite samples of milk, or the purchase and sale of market milk obtained from goats on a gallonage basis without the permit provided for in this section.

CHAPTER 277

An act to amend Section 273.3 of the Agricultural Code, relating to bees.

[Approved by Governor May 11, 1965. Filed with
Secretary of State May 12, 1965.]

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

SECTION 1. Section 273.3 of the Agricultural Code is amended to read:

273.3. Whenever an inspector finds disease known to be contagious in any apiary, he may hold such apiary and may require that abatement be performed under his direct supervision, giving notice thereof to the owner or bailee and posting a copy of the notice in a conspicuous place in the apiary. When a notice has been given pursuant to this section, it is unlawful for any person to move such apiary, or any part thereof, or any other bee equipment from the location, unless authorized by an inspector, until the hold order has been released. Upon request of the owner of any apiary held under such order, the inspector shall release the hold order by issuing a permit to move such apiary when he has determined that the disease has been abated pursuant to Section 276.4. The permit shall state on it that the apiary had been under a hold order at the point of origin, and had been released therefrom, giving the date of release.

CHAPTER 278

An act to amend Section 14601 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor May 11, 1965. Filed with
Secretary of State May 12, 1965.]

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

SECTION 1. Section 14601 of the Vehicle Code is amended to read:

14601. (a) No person shall drive a motor vehicle upon a highway at any time when his driving privilege is suspended or revoked and the person so driving has knowledge of either such fact.

Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not more than six months or by fine of not more than five hundred dollars (\$500) or by both such fine and imprisonment and upon a second or any subsequent conviction, within seven years of a prior conviction, by imprisonment in the county jail for not less than five days nor more than one year

and by fine of not more than one thousand dollars (\$1,000) or by both such fine and imprisonment.

(b) If any person is convicted of a second or subsequent offense under this section within seven years of a prior conviction and is granted probation, it must be a condition of probation that such person be confined in jail for at least five days.

CHAPTER 279

An act to amend Section 35541 of, and to add Sections 35541.5 and 35541.6 to, the Health and Safety Code, and to amend Section 2 of Chapter 1246, Statutes 1955, relating to temporary housing projects.

[Approved by Governor May 11, 1965 Filed with
Secretary of State May 12, 1965]

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

SECTION 1. Section 35541 of the Health and Safety Code is amended to read:

35541. Except as otherwise provided in Sections 35541.5 and 35541.6, dwelling structures in any such temporary housing project shall not be disposed of for use as housing, but such dwelling structures shall be demolished and shall be demolished not later than one year after the 91st day after final adjournment of the 1969 General Session of the Legislature.

SEC. 2. Section 35541.5 is added to said code, to read:

35541.5. Dwelling structures in any such temporary housing project, located within the City of Alameda, may be disposed of for housing, together with the land on which they are located, if the person to whom they are transferred agrees to rehabilitate such dwelling structures to accord with applicable state and local building codes and regulations within one year after the date of the transfer and to demolish such dwelling structures not later than one year after the 91st day after the final adjournment of the 1985 General Session of the Legislature.

If the person to whom the dwelling structures are transferred does not rehabilitate such dwelling structures within one year after the date of transfer or does not demolish such dwelling structures not later than one year after the 91st day after the final adjournment of the 1985 General Session of the Legislature, the ownership of the dwelling structures shall revert automatically by operation of law, to the city, county, or housing authority which previously owned them. The city, county, or housing authority shall demolish the dwelling structures within 90 days after the date on which the ownership of the dwelling structures revert to the city, county, or housing authority, or not later than one year after the 91st day after final adjournment of the 1969 General Session of the Legislature, whichever is the later date.

Any costs incurred by the city, county, or housing authority in demolishing any dwelling structures which revert to the city, county, or housing authority pursuant to this section constitute a debt of the person to whom the dwelling structures were transferred by the city, county, or housing authority, and if not paid within 10 days after written demand therefor to such person may be recovered by the city, county, or housing authority in a civil action against such person.

SEC. 3. Any transfer of dwelling structures in any temporary housing project for use as housing, located within the City of Alameda, which occurred on or before the effective date of this act is hereby confirmed validated, and declared legally effective, if the person to whom such dwelling structures were transferred files with the city, county, or housing authority which transferred the dwelling structures to such person, within 30 days after the effective date of this act, a statement in which he agrees to rehabilitate such structures to accord with applicable state and local building codes and regulations within one year after the effective date of this act and to demolish such dwelling structures not later than one year after the 91st day after the final adjournment of the 1985 General Session of the Legislature.

If the person to whom the dwelling structures have been transferred files such a statement with the city, county, or housing authority and does not rehabilitate the dwelling structures within one year after the effective date of this act, or does not demolish such dwelling structures not later than one year after the 91st day after the final adjournment of the 1985 General Session of the Legislature, the ownership of the dwelling structures shall revert automatically, by operation of law, to the city, county, or housing authority which previously owned them. The city, county, or housing authority shall demolish the dwelling structures within the time limits prescribed in Section 35541.5 of the Health and Safety Code.

Any costs incurred by the city, county, or housing authority in demolishing any dwelling structures which revert to the city, county, or housing authority pursuant to this section constitute a debt of the person to whom the dwelling structures were transferred by the city, county, or housing authority and, if not paid within 10 days after written notice to such person, may be recovered by the city, county, or housing authority in a civil action against such person.

SEC. 4. Section 35541.6 is added to the Health and Safety Code, to read:

35541.6. If, on or before the 91st day after final adjournment of the 1969 General Session of the Legislature, the Board of Supervisors of the City and County of San Francisco has by resolution determined and declared that the continuation of any such temporary housing project is necessary to meet the needs of the people of San Francisco, and if, within one year after the 91st day after final adjournment of said 1969 General Session, the dwelling structures in such temporary

housing project are rehabilitated to accord with applicable state and local building codes and regulations, such temporary housing project may be continued in operation, but such dwelling structures shall be demolished not later than one year after the final adjournment of the 1985 General Session of the Legislature.

The Legislature finds and declares that the provisions of this section are necessary only in the City and County of San Francisco, where there is a present critical shortage of low rental housing for members of minority races, where there are many units of temporary housing, and where there would be extreme hardship resulting from the relocation of people if the operation of these temporary housing projects were discontinued in instances where such housing is still necessary.

SEC. 5. Section 2 of Chapter 1246 of the 1955 Statutes is amended to read:

Sec. 2. The provisions of this act shall remain in effect until the 91st day after final adjournment of the 1987 General Session of the Legislature.

SEC. 6. The Legislature finds and declares that the provisions of Sections 2 and 3 of this act are necessary only in the City of Alameda where there is a present critical shortage of low cost housing for members of minority races, where there are many units of temporary housing, and where there would be extreme hardships resulting from the relocation of people if low cost housing is not made available.

CHAPTER 280

An act to amend Section 20953 of the Education Code, relating to school districts.

[Approved by Governor May 10, 1965. Filed with
Secretary of State May 12, 1965.]

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

SECTION 1. Section 20953 of the Education Code is amended to read:

20953. Notwithstanding the provisions of Sections 20951 and 21001 or any provision of this code to the contrary, the governing board of any school district may, by a majority vote of its membership, and with the approval of the county superintendent of schools, budget and use any unbudgeted income provided during the fiscal year (1) from a private tax-exempt foundation, (2) from the federal government or any department or agency thereof for a particular purpose, though distributed by the state, (3) from the state government or any department or agency thereof, except money from the State School Fund, (4) from any city, county, or local government, (5) from any agency or entity provided by an agree-

ment entered into under Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, to administer or execute the agreement, or (6) from any combination of such sources.

The provisions of this section shall be retroactive to July 1, 1963.

CHAPTER 281

An act to amend Section 12001 and 12027 of the Penal Code, relating to firearms.

[Approved by Governor May 11, 1965. Filed with
Secretary of State May 12, 1965.]

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

SECTION 1. Section 12001 of the Penal Code is amended to read:

12001. "Pistol," "revolver," and "firearms capable of being concealed upon the person" as used in this chapter apply to and include all firearms having a barrel less than 12 inches in length.

SEC. 2. Section 12027 of said code is amended to read:

12027. Section 12025 does not apply to or affect any of the following:

(a) Sheriffs, constables, marshals, policemen, members of the California Highway Patrol, and employees of the State Department of Justice listed in Section 817 who are designated as peace officers, whether active or honorably retired, other duly appointed peace officers, full-time paid peace officers of other states and the federal government who are carrying out official duties while in California, or any person summoned by any such officers to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer.

(b) The possession or transportation by any merchant of unloaded firearms as merchandise.

(c) Members of the Army, Navy, or Marine Corps of the United States, or the National Guard, when on duty, or organizations which are by law authorized to purchase or receive such weapons from the United States or this state.

(d) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their respective organizations.

(e) Guards or messengers of common carriers, banks, and other financial institutions while actually employed in and about the shipment, transportation, or delivery of any money, treasure, bullion, bonds, or other thing of value within this state.

(f) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while such members

are using any of the firearms referred to in this chapter upon such target ranges, or while going to and from such ranges.

(g) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from such hunting or fishing expedition.

(h) Members of any club or organization organized for the purpose of collecting and displaying antique or historical pistols, revolvers or other firearms, while such members are displaying such weapons at meetings of such clubs or organizations or while going to and from such meetings, or individuals who collect such firearms not designed to fire, or incapable of firing fixed cartridges or fixed shot shells, or other firearms of obsolete ignition type for which ammunition is not readily available and which are generally recognized as collector's items, provided such firearm is kept in the trunk. If the vehicle is not equipped with a trunk, such firearm shall be kept in a locked container in an area of the vehicle other than the utility or glove compartment.

CHAPTER 282

An act to authorize a Davis-Grunsky grant to the Turlock and Modesto Irrigation Districts, jointly, in connection with the New Don Pedro project.

[Approved by Governor May 11, 1965. Filed with
Secretary of State May 12, 1965.]

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

SECTION 1. The Department of Water Resources is hereby authorized to make a grant to the Turlock and Modesto Irrigation Districts, jointly, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding the amount of seven million dollars (\$7,000,000), for recreational functions and enhancement of fish and wildlife in connection with the construction of New Don Pedro Dam and Reservoir on the Tuolumne River in Tuolumne and Stanislaus Counties.

No further legislative approval shall be required with respect to the grant authorized to be made to the districts by this act; but such grant shall not be made until the districts can actually demonstrate the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and the financial feasibility of the project.

SEC. 2. The maximum amount authorized under this act shall be in addition to any grant made to the district by the department pursuant to paragraph (3) of subdivision (c) of Section 12880 of the Water Code for initial water supply and sanitary facilities.

CHAPTER 283

An act to amend Section 19572 of the Business and Professions Code, Section 782 of the Civil Code, Sections 8451, 8452, 13732, and 31202 of the Education Code, Sections 1735 and 1777.6 of the Labor Code, Section 130 of the Military and Veterans Code, and Section 19 of the Welfare and Institutions Code, relating to discrimination.

[Approved by Governor May 11, 1965 Filed with
Secretary of State May 12, 1965]

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

SECTION 1. Section 19572 of the Business and Professions Code is amended to read:

19572. The board may, by rule, provide for the exclusion or ejection from any inclosure where horseraces are authorized, or from specified portions of such inclosure, of any known bookmaker, known tout, person who has been convicted of a violation of any provision of this chapter or of any law prohibiting bookmaking or any other illegal form of wagering on horseraces, or any other person whose presence in the inclosure would, in the opinion of the board, be inimical to the interests of the state or of legitimate horseracing, or both. No such rule shall provide for the exclusion or ejection of any person on the ground of race, color, creed, national origin or ancestry, or sex.

SEC. 2. Section 782 of the Civil Code is amended to read:

782. Any provision in any deed of real property in California, whether executed before or after the effective date of this section, which purports to restrict the right of any persons to sell, lease, rent, use or occupy the property to persons of a particular racial, national or ethnic group, by providing for payment of a penalty, forfeiture, reverter, or otherwise, is void.

SEC. 3. Section 8451 of the Education Code is amended to read:

8451 No teacher in giving instruction, nor entertainments permitted in or about any school, shall reflect in any way upon citizens of the United States because of their race, color, creed, or national origin or ancestry.

SEC. 4 Section 8452 of said code is amended to read:

8452 No textbook, chart, or other means of instruction adopted by the state, county, city, or city and county boards of education for use in the public schools shall contain any matter reflecting upon citizens of the United States because of their race, color, creed, or national origin or ancestry.

SEC. 5. Section 13732 of said code is amended to read:

13732 No questions relating to political or religious opinions or affiliations, race, color, national origin or ancestry, or marital status shall be asked of any applicant, or any candidate whose name has been certified for appointment, nor shall any discrimination be exercised therefor.

SEC. 6. Section 31202 of said code is amended to read:

31202. State competitive scholarships shall be awarded without regard to race, religion, creed, national origin or ancestry, or sex.

SEC. 7. Section 1735 of the Labor Code is amended to read:

1735. No discrimination shall be made in the employment of persons upon public works because of the race, color, national origin or ancestry, or religion of such persons and every contractor for public works violating this section is subject to all the penalties imposed for a violation of this chapter.

SEC. 8. Section 1777.6 of said code is amended to read:

1777.6. It shall be unlawful for an employer or a labor union to refuse to accept otherwise qualified employees as indentured apprentices on any public works, solely on the ground of the race, creed, national origin or ancestry, or color of such employee.

SEC. 9. Section 130 of the Military and Veterans Code is amended to read:

130. Members of the militia of the state shall not be segregated on the basis of race, national origin or ancestry, or color, nor discriminated against on such basis in enlistments, promotions, or commissions.

It is hereby declared to be the policy of the State of California that there shall be equality of treatment and opportunity for all members of the militia of the state without regard to race, national origin or ancestry, or color. Such policy shall be put into effect in the militia by rules and regulations to be issued by the Governor with due regard to the powers of the federal government which are, or may, be exercised over all the militia of the state, and to the time required to effectuate changes without impairing the efficiency or morale of the militia.

SEC. 10. Section 19 of the Welfare and Institutions Code is amended to read:

19. The purpose of this code is to provide for protection, care, and assistance to the people of the state in need thereof, and to promote the welfare and happiness of all of the people of the state by providing appropriate public assistance and services to all of its needy and distressed. It is the legislative intent that assistance shall be administered and services provided promptly and humanely, with due regard for the preservation of family life, and without discrimination on account of race, national origin or ancestry, religion, or political affiliation; and that assistance shall be so administered and services so provided as to encourage self-respect, self-reliance, and the desire to be a good citizen, useful to society.

It is also the purpose of this code, in establishing programs and services which are designed to provide protection, support or care of children, to provide protective services to the fullest extent deemed necessary by the juvenile court, probation department or other public agencies designated by the board of supervisors to perform the duties prescribed by this code to

insure that the rights or physical, mental or moral welfare of children are not violated or threatened by their present circumstances or environment. Such essential services may be provided irrespective of whether the child or the family of the child is otherwise known to the responsible local agency.

CHAPTER 284

An act to amend Section 4850 of the Labor Code, relating to workmen's compensation.

[Approved by Governor May 11, 1965. Filed with Secretary of State May 12, 1965.]

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

SECTION 1. Section 4850 of the Labor Code is amended to read:

4850. Whenever any city policeman, city fireman, county fireman, fireman of any fire district, sheriff or any officer or employee of a sheriff's office, or any inspector, investigator, detective or personnel with comparable title in any district attorney's office, who is a member of the State Employees' Retirement System or subject to the County Employees Retirement Law of 1937 (Ch. 3 (commencing with Section 31450), Pt. 3, Div. 4, Title 3, Gov. C.) is disabled, whether temporarily or permanently, by injury or illness arising out of and in the course of his duties, he shall become entitled, regardless of his period of service with the city or county, to leave of absence while so disabled without loss of salary, in lieu of temporary disability payments, if any, which would be payable under this chapter, for the period of such disability but not exceeding one year, or until such earlier date as he is retired on permanent disability pension. This section shall apply only to city policemen, sheriffs or any officer or employee of a sheriff's office, and any inspector, investigator, detective or personnel with comparable title in any district attorney's office, who are members of the State Employees' Retirement System or subject to the County Employees Retirement Law of 1937 (Ch. 3 (commencing with Section 31450), Pt. 3, Div. 4, Title 3, Gov. C.) and excludes such employees of a police department whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active law enforcement service, and excludes such employees of a county sheriff's office whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise, and whose functions do not clearly come within the scope of active law enforcement service. It shall also apply to city firemen, county firemen, and firemen of any fire district who are members of the State Employees' Retirement System or

subject to the County Employees Retirement Law of 1937 (Ch. 3 (commencing with Section 31450), Pt. 3, Div. 4, Title 3, Gov. C.) and excludes such employees of the city fire department, county fire department and of any fire district whose principal duties are those of a telephone operator, clerk, stenographer, machinist, mechanic, or otherwise and whose functions do not clearly fall within the scope of active firefighting and prevention service. It shall also apply to deputy sheriffs subject to the County Employees Retirement Law of 1937 (Ch. 3 (commencing with Section 31450), Pt. 3, Div. 4, Title 3). If the employer is insured, the payments which, except for the provisions of this section, the insurer would be obligated to make as disability indemnity to the injured, the insurer may pay to the insured.

CHAPTER 285

An act to amend Section 3508 of the Government Code, relating to law enforcement employees.

[Approved by Governor May 11, 1965. Filed with
Secretary of State May 12, 1965.]

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

SECTION 1. Section 3508 of the Government Code is amended to read:

3508. The governing body of a public agency may, in accordance with reasonable standards, designate positions or classes of positions which have duties consisting primarily of the enforcement of state laws or local ordinances, and may by resolution or ordinance adopted after a public hearing, limit or prohibit the right of employees in such positions or classes of positions to form, join or participate in employee organizations where it is in the public interest to do so; however, the governing body may not prohibit the right of its employees who are full-time "peace officers," as that term is defined in Section 817 of the Penal Code, to join or participate in employee organizations which are composed solely of such peace officers, which concern themselves solely and exclusively with the wages, hours, working conditions, welfare programs, and advancement of the academic and vocational training in furtherance of the police profession, and which are not subordinate to any other organization.

The right of employees to form, join and participate in the activities of employee organizations shall not be restricted by a public agency on any grounds other than those set forth in this section. This section is not applicable to any employee subject to the provisions of Chapter 4 (commencing with Section 1960) of Part 7, Division 2 of the Labor Code.

CHAPTER 286

An act to repeal Section 36514 of, to amend Section 36516 of, and to add Section 36514 to, the Government Code, relating to salaries of city councilmen.

[Approved by Governor May 7, 1965. Filed with Secretary of State May 14, 1965.]

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

SECTION 1. Section 36514 of the Government Code is repealed.

SEC. 2. Section 36514 is added to said code, to read:

36514. Except as provided in this section, city councilmen shall not receive any compensation other than reimbursement for actual and necessary expenses incurred in the performance of official duties. A city council may enact an ordinance providing that each member of the city council shall receive a salary, the amount of which shall be determined by the following schedule:

(a) In cities up to and including 5,000 in population, seventy-five dollars (\$75) per month;

(b) In cities over 5,000 up to and including 35,000 in population, one hundred fifty dollars (\$150) per month;

(c) In cities over 35,000 up to and including 50,000 in population, two hundred dollars (\$200) per month;

(d) In cities over 50,000 up to and including 75,000 in population, two hundred fifty dollars (\$250) per month.

(e) In cities over 75,000 in population, three hundred dollars (\$300) per month.

For the purposes of this section the population shall be determined by the estimates of population made by the Department of Finance.

In a city changing from a lower to a higher population group as provided in this section, the amount of compensation shall be determined by the latest estimate of population made by the Department of Finance.

A change in compensation as a result of a change in population does not apply to a councilman during his term of office; however, the prohibition herein expressed shall not prevent the adjustment of the compensation of all members of a council serving staggered terms whenever one or more members of such council becomes eligible for a salary increase by virtue of his beginning a new term of office.

SEC. 3. Section 36516 of said code is amended to read:

36516. Compensation of councilmen may be increased beyond the amount provided in Section 36514 or decreased below such amount by an affirmative vote by the majority of the electors of the city voting at any municipal election. A change in compensation does not apply to a councilman during his term of office; however, the prohibition herein expressed shall not prevent the adjustment of the compensation of all members of a council serving staggered terms whenever one or more members of such council becomes eligible for a salary increase by virtue of his beginning a new term of office.

CHAPTER 287

An act to amend Section 17006 of, and to add Sections 17005.1 and 17401 to, the Financial Code, relating to escrow agents.

[Approved by Governor May 17, 1965. Filed with Secretary of State May 17, 1965.]

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

SECTION 1. Section 17005.1 is added to the Financial Code, to read:

17005.1. "Joint control agent" means a person engaging in the business of receiving money or other property for disbursement or use in payment of the cost of labor, materials, services, permits, fees, or other items of expense incurred in the construction of improvements upon real property. As used in this section, "in the business" means the conduct of the aforesaid transaction either for compensation or without compensation as a primary business or as an incidence to another business, but shall not mean the conduct of the business of real estate lending or of acting as an authorized representative, agent or loan correspondent for such a lender.

SEC. 2. Section 17006 of said code is amended to read:

17006. This division does not apply to:

(a) Any person doing business under any law of this state or the United States relating to banks, trust companies, building and loan or savings and loan associations, or insurance companies.

(b) Any person licensed to practice law in California who is not actively engaged in conducting an escrow agency.

(c) Any person whose principal business is that of preparing abstracts or making searches of title that are used as a basis for the issuance of a policy of title insurance by a company doing business under any law of this state relating to insurance companies.

(d) Any person licensed by the Real Estate Commissioner while performing acts in the course of or incidental to his real estate business.

SEC. 3. Section 17401 is added to said code, to read:

17401. The commissioner may adopt such rules and regulations appropriate to activities of a joint control agent as are reasonable and necessary for the enforcement of this division.

The regulations promulgated by the Commissioner of Corporations for escrow agents shall not apply to joint control agents unless the regulations so specify.

SEC. 4. Every person in business as a joint control agent on the effective date of this act shall, on or before January 1, 1966, comply with the provisions of the Escrow Law, as amended hereby, and procure a license from the Commissioner of Corporations as provided therein.

CHAPTER 288

An act to repeal Section 1463.1 of the Education Code, relating to ballot arguments.

[Approved by Governor May 17, 1965 Filed with
Secretary of State May 17, 1965.]

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

SECTION 1. Section 1463.1 of the Education Code is repealed.

CHAPTER 289

An act to amend Section 7361 of the Public Resources Code, relating to sale of timber or timberlands of state.

[Approved by Governor May 17, 1965 Filed with
Secretary of State May 17, 1965.]

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

SECTION 1. Section 7361 of the Public Resources Code is amended to read:

7361. Timberlands belonging to this state shall be sold for cash only. The commission may sell timber separately from the land on a selective cutting or other basis or may sell the timber and land combined. The commission shall make and enforce all necessary rules and regulations to prevent the sale of or issuance of any evidence of title to any timber or timberlands of this state, except on payment, in cash, of the full price therefor.

CHAPTER 290

An act to amend Section 6052 of the Business and Professions Code, relating to the State Bar.

[Approved by Governor May 17, 1965 Filed with
Secretary of State May 17, 1965.]

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

SECTION 1. Section 6052 of the Business and Professions Code is amended to read:

6052. Any member of the board, or of any committee or unit or section thereof, having jurisdiction, may administer oaths and issue any subpoena.

No witness shall be compelled to attend a hearing outside the county in which he resides unless the distance is less than 150 miles from his place of residence to the place of hearing.

Depositions may be taken and used as provided in the rules of procedure adopted by the board pursuant to this chapter.

CHAPTER 291

*An act to amend Section 11801 of the Elections Code,
relating to ballot measures.*

[Approved by Governor May 17, 1965. Filed with
Secretary of State May 17, 1965.]

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

SECTION 1. Section 11801 of the Elections Code is amended to read:

11801. "Association" means any person, committee, firm, association, public or private corporation, or other group of persons, whether incorporated or not, that for the payment of expenses in a campaign to influence the action of the voters for or against the adoption of any measure voted upon at a statewide, county, district, or municipal election does either or both of the following:

(a) Collects, raises, or receives money or promises of money aggregating from all sources more than one thousand dollars (\$1,000).

(b) Expends more than one thousand dollars (\$1,000) of its own money or funds.

CHAPTER 292

*An act to amend Section 19406 of the Government Code,
relating to military leave from the state civil service.*

[Approved by Governor May 17, 1965. Filed with
Secretary of State May 17, 1965.]

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

SECTION 1. Section 19406 of the Government Code is amended to read:

19406. Any permanent state civil service employee in good standing who is an enlistee with no prior military service and who is ordered into training for not to exceed 18 months under the Reserve Forces Act of 1955 and any subsequent amendments shall have the right of reinstatement upon his return without unreasonable delay following such training. Upon such reinstatement he shall be granted only the rights and privileges granted employees reinstated under the provisions of Government Code Section 19390.

CHAPTER 293

An act to amend Sections 16522 and 53651 of the Government Code, relating to the security for state and local agency money deposited in banks.

[Approved by Governor May 17, 1965 Filed with
Secretary of State May 17, 1965]

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

SECTION 1. Section 16522 of the Government Code is amended to read:

16522. The following securities may be received as security for demand and time deposits:

(a) Treasury notes or bonds of the United States, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

(b) Notes or bonds or any obligations of a local public agency (as defined in the United States Housing Act of 1949) or any obligations of a public housing agency (as defined in the United States Housing Act of 1937) for which the faith and credit of the United States are pledged for the payment of principal and interest.

(c) Bonds of this state or of any county, city, town, metropolitan water district, municipal utility district, municipal water district, bridge and highway district, flood control district, school district, water district, water conservation district or irrigation district within this state.

(d) Registered warrants of this state.

(e) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, bonds, debentures and other obligations of the Federal National Mortgage Association established under the National Housing Act as amended, and bonds of any federal home loan bank established under said act.

SEC. 2. Section 53651 of said code is amended to read:

53651. To secure active or inactive deposits, the depository shall deposit with the Treasurer:

(a) United States Treasury notes, bonds, bills or certificates of indebtedness.

(b) Notes or bonds or any obligations of a local public agency (as defined in the United States Housing Act of 1949) or any obligations of a public housing agency (as defined in the United States Housing Act of 1937) for which the faith

and credit of the United States are pledged for the payment of principal and interest.

(c) Bonds of this state or of any local agency or district of the State of California having the power, without limit as to rate or amount, to levy taxes to pay the principal and interest of such bonds upon all property within its boundaries subject to taxation by such local agency or district, in addition to bonds payable solely out of the revenues from a revenue-producing property owned, controlled or operated by such state, local agency or district or by a department, board, agency or authority thereof.

(d) Bonds of any public housing agency (as defined in the United States Housing Act of 1937, as amended) as are secured by a pledge of annual contributions under an annual contribution contract between such public housing agency and the Public Housing Administration if such contract shall contain the covenant by the Public Housing Administration which is authorized by subsection (b) of Section 22 of the United States Housing Act of 1937, as amended, and if the maximum sum and the maximum period specified in such contract pursuant to said subsection 22(b) shall not be less than the annual amount and the period for payment which are requisite to provide for the payment when due of all installments of principal and interest on such obligations.

(e) Registered warrants of this state.

(f) Bonds, consolidated bonds, collateral trust debentures, consolidated debentures, or other obligations issued by federal land banks or federal intermediate credit banks established under the Federal Farm Loan Act, as amended, debentures and consolidated debentures issued by the Central Bank for Cooperatives and banks for cooperatives established under the Farm Credit Act of 1933, as amended, bonds or debentures of the Federal Home Loan Bank Board established under the Federal Home Loan Bank Act, bonds, debentures and other obligations of the Federal National Mortgage Association established under the National Housing Act, as amended, and bonds of any federal home loan bank established under said act.

CHAPTER 294

An act to add Section 40005 to the Vehicle Code, relating to offenses.

[Approved by Governor May 17, 1965. Filed with
Secretary of State May 17, 1965.]

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

SECTION 1. Section 40005 is added to the Vehicle Code, to read:

40005. Whenever a driver is cited for a violation of any provision of this code, or regulations promulgated pursuant

to this code, relating to the size, weight, equipment, registration, fees, or loading of a vehicle, while operating a vehicle he was employed or otherwise directed to operate, and which is not owned by him, and the driver gives the citation to the owner or any other person referred to in Section 40001, if the owner or other person undertakes to answer the charge or otherwise to cause its disposition without any further action by the driver and then fails to act in accordance with the undertaking as a consequence of which a warrant is issued for the arrest of the driver, the owner or other person is guilty of a misdemeanor.

CHAPTER 295

An act to amend Section 22500 of the Vehicle Code, relating to parking on bridges.

[Approved by Governor May 17, 1965. Filed with
Secretary of State May 17, 1965.]

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

SECTION 1. Section 22500 of the Vehicle Code is amended to read:

22500. No person shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

(a) Within an intersection except adjacent to curbs as may be permitted by local ordinance.

(b) On a crosswalk.

(c) Between a safety zone and the adjacent right-hand curb or within the area between the zone and the curb as may be indicated by a sign or red paint on the curb, which sign or paint was erected or placed by local authorities pursuant to ordinance.

(d) Within 15 feet of the driveway entrance to any fire station. This paragraph shall not apply to any vehicle owned or operated by a fire department and clearly marked as a fire department vehicle.

(e) In front of a public or private driveway, except that a bus engaged as a common carrier, schoolbus, or a taxicab may stop to load or unload passengers when authorized by local authorities pursuant to ordinance.

In unincorporated territory, where the entrance of a private road or driveway is not delineated by an opening in a curb or by other curb construction, so much of the surface of the ground as is paved, surfaced, or otherwise plainly marked by vehicle use as a private road or driveway entrance, shall constitute a driveway.

(f) On a sidewalk.

(g) Alongside or opposite any street or highway excavation or obstruction when such stopping, standing, or parking would obstruct traffic.

(h) On the roadway side of any vehicle stopped, parked, or standing at the curb or edge of a highway.

(i) Alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation when indicated by a sign or red paint on such curb erected or painted by local authorities pursuant to ordinance.

(j) In a tube or tunnel, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility.

(k) Upon a bridge, except vehicles of the authorities in charge, being used in the repair, maintenance, or inspection of the facility, and except that a bus engaged as a common carrier in local transportation may stop to load or unload passengers upon a bridge where sidewalks are provided, when authorized by local authorities pursuant to ordinance, and except that local authorities pursuant to ordinance or the Department of Public Works pursuant to order, within their respective jurisdictions, may permit parking on bridges having sidewalks, and shoulders of sufficient width to permit parking without interfering with the normal movement of traffic on the roadway. Local authorities may by ordinance or resolution permit parking on such bridges on state highways in their respective jurisdictions if the ordinance or resolution is first approved in writing by the Department of Public Works. Parking shall not be permitted unless there are signs in place as may be necessary to indicate the provisions of local ordinances or the order of the Department of Public Works.

CHAPTER 296

An act to add Section 11582 to the Insurance Code, relating to motor vehicle liability insurance.

[Approved by Governor May 17, 1965. Filed with Secretary of State May 17, 1965.]

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

SECTION 1. Section 11582 is added to the Insurance Code, to read:

11582. No settlement made under a motor vehicle liability insurance policy of a claim against any insured thereunder arising from any accident or other event insured against for damage to or destruction of property owned by another person shall be construed as an admission of liability by the insured, or the insurer's recognition of such liability, with respect to any other claim arising from the same accident or event.

CHAPTER 297

An act to amend Section 11166.12 of the Health and Safety Code, relating to narcotics.

[Approved by Governor May 18, 1965 Filed with
Secretary of State May 18, 1965]

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

SECTION 1. Section 11166.12 of the Health and Safety Code is amended to read:

11166.12. The provisions of this code with reference to the writing of narcotic prescriptions on official triplicate blanks and the filling thereof do not apply to any of the following:

(a) Codeine or dihydrocodeinone combined with other active nonnarcotic medicinal ingredients.

(b) Codeine in combination with apomorphine hydrochloride, ethylmorphine hydrochloride, noscapine, and papaverine hydrochloride.

(c) Preparations containing not more than two grains of opium to the fluid or avoirdupois ounce combined with other active nonnarcotic medicinal ingredients.

(d) Apomorphine hydrochloride.

(e) Ethylmorphine hydrochloride.

(f) Papaverine hydrochloride.

(g) Noscapine (formerly narcotine).

(h) Pharmaceutical preparations in solid or liquid form containing not more than $2\frac{1}{2}$ milligrams diphenoxylate and not less than 25 micrograms atropine sulfate per dosage unit

Any of the combinations mentioned in the above subsections may be dispensed upon an oral prescription which must be reduced to handwriting, by the pharmacist, before filling the prescription. The name and address of the person for whom prescribed and the name, address, telephone number and registered number of the prescriber must be recorded on the prescription.

CHAPTER 298*An act to amend Section 24370.1 of, and to add Section 24370.8 to, the Health and Safety Code, relating to the Bay Area Air Pollution Control District, declaring the urgency thereof, to take effect immediately.*

[Approved by Governor May 18, 1965 Filed with
Secretary of State May 18, 1965]

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

SECTION 1. Section 24370.1 of the Health and Safety Code is amended to read:

24370.1. Before the 15th day of June of each year the board shall estimate and determine the amount of money

required by the district for purposes of the district during the ensuing fiscal year and shall apportion this amount to the counties included within the district, one-half according to the relative value of the real estate of each county within the district as determined by the board and one-half in the proportion that the population of each county bears to the total population of the district. For the purposes of this section the board shall base its determination of the population of the several counties on the latest official information available to it. The total amount of money required by the district to be apportioned to the counties included within the district for district purposes during any one fiscal year shall not exceed one cent and three mills (\$0.013) on each one hundred dollars (\$100) of the assessed valuation of all the property included within the district.

SEC. 2. Section 24370.8 is added to said code, to read:

24370.8. Any federal funds which are granted to the district on any matching basis shall be used for an air monitoring program, including, but not limited to, equipment, operation, and maintenance.

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 problem of air pollution in the San Francisco Bay area has become increasingly serious and, as a result, it is necessary that additional funds be made available to the Bay Area Air Pollution Control District for the 1965-1966 fiscal year. This act increases the present limit on the tax rate of the district. Unless it becomes effective immediately adequate funds will not be available to the district for the 1965-1966 fiscal year.

It is therefore imperative that this act take effect immediately.

CHAPTER 299

An act to establish an Evidence Code, thereby consolidating and revising the law relating to evidence; amending various sections of the Business and Professions Code, Civil Code, Code of Civil Procedure, Corporations Code, Government Code, Health and Safety Code, Penal Code, and Public Utilities Code to make them consistent therewith; adding Sections 164.5, 3544, 3545, 3546, 3547, and 3548 to the Civil Code; adding Sections 631.7 and 1908.5 to the Code of Civil Procedure; and repealing legislation inconsistent therewith.

[Approved by Governor May 18, 1965. Filed with
Secretary of State May 18, 1965.]

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

SECTION 1. This act shall be known as the Cobey-Song Evidence Act.

SEC. 2. The Evidence Code is enacted, to read:

EVIDENCE CODE

DIVISION 1. PRELIMINARY PROVISIONS AND
CONSTRUCTION

1. This code shall be known as the Evidence Code.

2. The rule of the common law, that statutes in derogation thereof are to be strictly construed, has no application to this code. This code establishes the law of this state respecting the subject to which it relates, and its provisions are to be liberally construed with a view to effecting its objects and promoting justice.

3. If any provision or clause of this code or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the code which can be given effect without the invalid provision or application, and to this end the provisions of this code are declared to be severable.

4. Unless the provision or context otherwise requires, these preliminary provisions and rules of construction shall govern the construction of this code.

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

6. Whenever any reference is made to any portion of this code or of any other statute, such reference shall apply to all amendments and additions heretofore or hereafter made.

7. Unless otherwise expressly stated:

(a) "Division" means a division of this code.

(b) "Chapter" means a chapter of the division in which that term occurs.

(c) "Article" means an article of the chapter in which that term occurs.

(d) "Section" means a section of this code.

(e) "Subdivision" means a subdivision of the section in which that term occurs.

(f) "Paragraph" means a paragraph of the subdivision in which that term occurs.

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

9. The masculine gender includes the feminine and neuter.

10. The singular number includes the plural; and the plural, the singular.

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

12. (a) This code shall become operative on January 1, 1967, and shall govern proceedings in actions brought on or after that date and, except as provided in subdivision (b), further proceedings in actions pending on that date.

(b) Subject to subdivision (c), a trial commenced before January 1, 1967, shall not be governed by this code. For the purpose of this subdivision:

(1) A trial is commenced when the first witness is sworn or the first exhibit is admitted into evidence and is terminated when the issue upon which such evidence is received is submitted to the trier of fact. A new trial, or a separate trial of a different issue, commenced on or after January 1, 1967, shall be governed by this code.

(2) If an appeal is taken from a ruling made at a trial commenced before January 1, 1967, the appellate court shall apply the law applicable at the time of the commencement of the trial.

(c) The provisions of Division 8 (commencing with Section 900) relating to privileges shall govern any claim of privilege made after December 31, 1966.

DIVISION 2. WORDS AND PHRASES DEFINED

100. Unless the provision or context otherwise requires, these definitions govern the construction of this code.

105. "Action" includes a civil action and a criminal action.

110. "Burden of producing evidence" means the obligation of a party to introduce evidence sufficient to avoid a ruling against him on the issue

115. "Burden of proof" means the obligation of a party to establish by evidence a requisite degree of belief concerning a fact in the mind of the trier of fact or the court. The burden of proof may require a party to raise a reasonable doubt concerning the existence or nonexistence of a fact or that he establish the existence or nonexistence of a fact by a preponderance of the evidence, by clear and convincing proof, or by proof beyond a reasonable doubt

Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence.

120. "Civil action" includes civil proceedings.
125. "Conduct" includes all active and passive behavior, both verbal and nonverbal.
130. "Criminal action" includes criminal proceedings.
135. "Declarant" is a person who makes a statement.
140. "Evidence" means testimony, writings, material objects, or other things presented to the senses that are offered to prove the existence or nonexistence of a fact.
145. "The hearing" means the hearing at which a question under this code arises, and not some earlier or later hearing.
150. "Hearsay evidence" is defined in Section 1200.
160. "Law" includes constitutional, statutory, and decisional law.
165. "Oath" includes affirmation or declaration under penalty of perjury.
170. "Perceive" means to acquire knowledge through one's senses.
175. "Person" includes a natural person, firm, association, organization, partnership, business trust, corporation, or public entity.
180. "Personal property" includes money, goods, chattels, things in action, and evidences of debt.
185. "Property" includes both real and personal property.
190. "Proof" is the establishment by evidence of a requisite degree of belief concerning a fact in the mind of the trier of fact or the court.
195. "Public employee" means an officer, agent, or employee of a public entity.
200. "Public entity" includes a nation, state, county, city and county, city district, public authority, public agency, or any other political subdivision or public corporation, whether foreign or domestic.
205. "Real property" includes lands, tenements, and hereditaments.
210. "Relevant evidence" means evidence, including evidence relevant to the credibility of a witness or hearsay declarant, having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action.
220. "State" means the State of California, unless applied to the different parts of the United States. In the latter case, it includes any state, district, commonwealth, territory, or insular possession of the United States.
225. "Statement" means (a) oral or written verbal expression or (b) nonverbal conduct of a person intended by him as a substitute for oral or written verbal expression.
230. "Statute" includes a treaty and a constitutional provision.
235. "Trier of fact" includes (a) the jury and (b) the court when the court is trying an issue of fact other than one relating to the admissibility of evidence.

240. (a) Except as otherwise provided in subdivision (b), "unavailable as a witness" means that the declarant is:

(1) Exempted or precluded on the ground of privilege from testifying concerning the matter to which his statement is relevant;

(2) Disqualified from testifying to the matter;

(3) Dead or unable to attend or to testify at the hearing because of then existing physical or mental illness or infirmity;

(4) Absent from the hearing and the court is unable to compel his attendance by its process; or

(5) Absent from the hearing and the proponent of his statement has exercised reasonable diligence but has been unable to procure his attendance by the court's process.

(b) A declarant is not unavailable as a witness if the exemption, preclusion, disqualification, death, inability, or absence of the declarant was brought about by the procurement or wrongdoing of the proponent of his statement for the purpose of preventing the declarant from attending or testifying.

250. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof.

DIVISION 3. GENERAL PROVISIONS

CHAPTER 1. APPLICABILITY OF CODE

300. Except as otherwise provided by statute, this code applies in every action before the Supreme Court or a district court of appeal, superior court, municipal court, or justice court, including proceedings in such actions conducted by a referee, court commissioner, or similar officer, but does not apply in grand jury proceedings.

CHAPTER 2. PROVINCE OF COURT AND JURY

310. (a) All questions of law (including but not limited to questions concerning the construction of statutes and other writings, the admissibility of evidence, and other rules of evidence) are to be decided by the court. Determination of issues of fact preliminary to the admission of evidence are to be decided by the court as provided in Article 2 (commencing with Section 400) of Chapter 4.

(b) Determination of the law of an organization of nations or of the law of a foreign nation or a public entity in a foreign nation is a question of law to be determined in the manner provided in Division 4 (commencing with Section 450).

311. If the law of an organization of nations, a foreign nation or a state other than this state, or a public entity in a foreign nation or a state other than this state, is applicable and such law cannot be determined, the court may, as the ends of justice require, either:

(a) Apply the law of this state if the court can do so consistently with the Constitution of the United States and the Constitution of this state; or

(b) Dismiss the action without prejudice or, in the case of a reviewing court, remand the case to the trial court with directions to dismiss the action without prejudice.

312. Except as otherwise provided by law, where the trial is by jury:

(a) All questions of fact are to be decided by the jury.

(b) Subject to the control of the court, the jury is to determine the effect and value of the evidence addressed to it, including the credibility of witnesses and hearsay declarants.

CHAPTER 3. ORDER OF PROOF

320. Except as otherwise provided by law, the court in its discretion shall regulate the order of proof.

CHAPTER 4. ADMITTING AND EXCLUDING EVIDENCE

Article 1. General Provisions

350. No evidence is admissible except relevant evidence.

351. Except as otherwise provided by statute, all relevant evidence is admissible.

352. The court in its discretion may exclude evidence if its probative value is substantially outweighed by the probability that its admission will (a) necessitate undue consumption of time or (b) create substantial danger of undue prejudice, of confusing the issues, or of misleading the jury.

353. A verdict or finding shall not be set aside, nor shall the judgment or decision based thereon be reversed, by reason of the erroneous admission of evidence unless:

(a) There appears of record an objection to or a motion to exclude or to strike the evidence that was timely made and so stated as to make clear the specific ground of the objection or motion; and

(b) The court which passes upon the effect of the error or errors is of the opinion that the admitted evidence should have been excluded on the ground stated and that the error or errors complained of resulted in a miscarriage of justice.

354. A verdict or finding shall not be set aside, nor shall the judgment or decision based thereon be reversed, by reason of the erroneous exclusion of evidence unless the court which passes upon the effect of the error or errors is of the opinion that the error or errors complained of resulted in a miscarriage of justice and it appears of record that:

(a) The substance, purpose, and relevance of the excluded evidence was made known to the court by the questions asked, an offer of proof, or by any other means;

(b) The rulings of the court made compliance with subdivision (a) futile; or

(e) The evidence was sought by questions asked during cross-examination or recross-examination.

355. When evidence is admissible as to one party or for one purpose and is inadmissible as to another party or for another purpose, the court upon request shall restrict the evidence to its proper scope and instruct the jury accordingly.

356. Where part of an act, declaration, conversation, or writing is given in evidence by one party, the whole on the same subject may be inquired into by an adverse party; when a letter is read, the answer may be given; and when a detached act, declaration, conversation, or writing is given in evidence, any other act, declaration, conversation, or writing which is necessary to make it understood may also be given in evidence.

Article 2. Preliminary Determinations on Admissibility of Evidence

400. As used in this article, "preliminary fact" means a fact upon the existence or nonexistence of which depends the admissibility or inadmissibility of evidence. The phrase "the admissibility or inadmissibility of evidence" includes the qualification or disqualification of a person to be a witness and the existence or nonexistence of a privilege.

401. As used in this article, "proffered evidence" means evidence, the admissibility or inadmissibility of which is dependent upon the existence or nonexistence of a preliminary fact.

402. (a) When the existence of a preliminary fact is disputed, its existence or nonexistence shall be determined as provided in this article.

(b) The court may hear and determine the question of the admissibility of evidence out of the presence or hearing of the jury; but in a criminal action, the court shall hear and determine the question of the admissibility of a confession or admission of the defendant out of the presence and hearing of the jury if any party so requests.

(c) A ruling on the admissibility of evidence implies whatever finding of fact is prerequisite thereto; a separate or formal finding is unnecessary unless required by statute.

403. (a) The proponent of the proffered evidence has the burden of producing evidence as to the existence of the preliminary fact, and the proffered evidence is inadmissible unless the court finds that there is evidence sufficient to sustain a finding of the existence of the preliminary fact, when:

(1) The relevance of the proffered evidence depends on the existence of the preliminary fact;

(2) The preliminary fact is the personal knowledge of a witness concerning the subject matter of his testimony;

(3) The preliminary fact is the authenticity of a writing; or

(4) The proffered evidence is of a statement or other conduct of a particular person and the preliminary fact is whether that person made the statement or so conducted himself.

(b) Subject to Section 702, the court may admit conditionally the proffered evidence under this section, subject to evidence of the preliminary fact being supplied later in the course of the trial.

(c) If the court admits the proffered evidence under this section, the court:

(1) May, and on request shall, instruct the jury to determine whether the preliminary fact exists and to disregard the proffered evidence unless the jury finds that the preliminary fact does exist.

(2) Shall instruct the jury to disregard the proffered evidence if the court subsequently determines that a jury could not reasonably find that the preliminary fact exists.

404. Whenever the proffered evidence is claimed to be privileged under Section 940, the person claiming the privilege has the burden of showing that the proffered evidence might tend to incriminate him; and the proffered evidence is inadmissible unless it clearly appears to the court that the proffered evidence cannot possibly have a tendency to incriminate the person claiming the privilege.

405. With respect to preliminary fact determinations not governed by Section 403 or 404:

(a) When the existence of a preliminary fact is disputed, the court shall indicate which party has the burden of producing evidence and the burden of proof on the issue as implied by the rule of law under which the question arises. The court shall determine the existence or nonexistence of the preliminary fact and shall admit or exclude the proffered evidence as required by the rule of law under which the question arises.

(b) If a preliminary fact is also a fact in issue in the action:

(1) The jury shall not be informed of the court's determination as to the existence or nonexistence of the preliminary fact.

(2) If the proffered evidence is admitted, the jury shall not be instructed to disregard the evidence if its determination of the fact differs from the court's determination of the preliminary fact.

406. This article does not limit the right of a party to introduce before the trier of fact evidence relevant to weight or credibility.

CHAPTER 5. WEIGHT OF EVIDENCE GENERALLY

410. As used in this chapter, "direct evidence" means evidence that directly proves a fact, without an inference or presumption, and which in itself, if true, conclusively establishes that fact.

411. Except where additional evidence is required by statute, the direct evidence of one witness who is entitled to full credit is sufficient for proof of any fact.

412. If weaker and less satisfactory evidence is offered when it was within the power of the party to produce stronger

and more satisfactory evidence, the evidence offered should be viewed with distrust.

413. In determining what inferences to draw from the evidence or facts in the case against a party, the trier of fact may consider, among other things, the party's failure to explain or to deny by his testimony such evidence or facts in the case against him, or his willful suppression of evidence relating thereto, if such be the case.

DIVISION 4. JUDICIAL NOTICE

450. Judicial notice may not be taken of any matter unless authorized or required by law.

451. Judicial notice shall be taken of:

(a) The decisional, constitutional, and public statutory law of this state and of the United States and the provisions of any charter described in Section 7½ or 8 of Article XI of the California Constitution.

(b) Any matter made a subject of judicial notice by Section 11383, 11384, or 18576 of the Government Code or by Section 307 of Title 44 of the United States Code.

(c) Rules of professional conduct for members of the bar adopted pursuant to Section 6076 of the Business and Professions Code and rules of practice and procedure for the courts of this state adopted by the Judicial Council.

(d) Rules of pleading, practice, and procedure prescribed by the United States Supreme Court, such as the Rules of the United States Supreme Court, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Admiralty Rules, the Rules of the Court of Claims, the Rules of the Customs Court, and the General Orders and Forms in Bankruptcy.

(e) The true signification of all English words and phrases and of all legal expressions.

(f) Facts and propositions of generalized knowledge that are so universally known that they cannot reasonably be the subject of dispute.

452. Judicial notice may be taken of the following matters to the extent that they are not embraced within Section 451:

(a) The decisional, constitutional, and statutory law of any state of the United States and the resolutions and private acts of the Congress of the United States and of the Legislature of this state.

(b) Regulations and legislative enactments issued by or under the authority of the United States or any public entity in the United States.

(c) Official acts of the legislative, executive, and judicial departments of the United States and of any state of the United States.

(d) Records of (1) any court of this state or (2) any court of record of the United States or of any state of the United States.

(e) Rules of court of (1) any court of this state or (2) any court of record of the United States or of any state of the United States.

(f) The law of an organization of nations and of foreign nations and public entities in foreign nations.

(g) Facts and propositions that are of such common knowledge within the territorial jurisdiction of the court that they cannot reasonably be the subject of dispute.

(h) Facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.

453. The trial court shall take judicial notice of any matter specified in Section 452 if a party requests it and:

(a) Gives each adverse party sufficient notice of the request, through the pleadings or otherwise, to enable such adverse party to prepare to meet the request; and

(b) Furnishes the court with sufficient information to enable it to take judicial notice of the matter.

454. (a) In determining the propriety of taking judicial notice of a matter, or the tenor thereof:

(1) Any source of pertinent information, including the advice of persons learned in the subject matter, may be consulted or used, whether or not furnished by a party.

(2) Exclusionary rules of evidence do not apply except for Section 352 and the rules of privilege.

(b) Where the subject of judicial notice is the law of an organization of nations, a foreign nation, or a public entity in a foreign nation and the court resorts to the advice of persons learned in the subject matter, such advice, if not received in open court, shall be in writing.

455. With respect to any matter specified in Section 452 or in subdivision (f) of Section 451 that is of substantial consequence to the determination of the action:

(a) If the trial court has been requested to take or has taken or proposes to take judicial notice of such matter, the court shall afford each party reasonable opportunity, before the jury is instructed or before the cause is submitted for decision by the court, to present to the court information relevant to (1) the propriety of taking judicial notice of the matter and (2) the tenor of the matter to be noticed.

(b) If the trial court resorts to any source of information not received in open court, including the advice of persons learned in the subject matter, such information and its source shall be made a part of the record in the action and the court shall afford each party reasonable opportunity to meet such information before judicial notice of the matter may be taken.

456. If the trial court denies a request to take judicial notice of any matter, the court shall at the earliest practicable time so advise the parties and indicate for the record that it has denied the request.

457. If a matter judicially noticed is a matter which would otherwise have been for determination by the jury, the trial court may, and upon request shall, instruct the jury to accept as a fact the matter so noticed.

458. The failure or refusal of the trial court to take judicial notice of a matter, or to instruct the jury with respect to the matter, does not preclude the trial court in subsequent proceedings in the action from taking judicial notice of the matter in accordance with the procedure specified in this division.

459. (a) The reviewing court shall take judicial notice of (1) each matter properly noticed by the trial court and (2) each matter that the trial court was required to notice under Section 451 or 453. The reviewing court may take judicial notice of any matter specified in Section 452. The reviewing court may take judicial notice of a matter in a tenor different from that noticed by the trial court.

(b) In determining the propriety of taking judicial notice of a matter, or the tenor thereof, the reviewing court has the same power as the trial court under Section 454.

(c) When taking judicial notice under this section of a matter specified in Section 452 or in subdivision (f) of Section 451 that is of substantial consequence to the determination of the action, the reviewing court shall comply with the provisions of subdivision (a) of Section 455 if the matter was not theretofore judicially noticed in the action.

(d) In determining the propriety of taking judicial notice of a matter specified in Section 452 or in subdivision (f) of Section 451 that is of substantial consequence to the determination of the action, or the tenor thereof, if the reviewing court resorts to any source of information not received in open court or not included in the record of the action, including the advice of persons learned in the subject matter, the reviewing court shall afford each party reasonable opportunity to meet such information before judicial notice of the matter may be taken.

460. Where the advice of persons learned in the subject matter is required in order to enable the court to take judicial notice of a matter, the court on its own motion or on motion of any party may appoint one or more such persons to provide such advice. If the court determines to appoint such a person, he shall be appointed and compensated in the manner provided in Article 2 (commencing with Section 730) of Chapter 3 of Division 6.

DIVISION 5. BURDEN OF PROOF; BURDEN OF PRODUCING EVIDENCE; PRESUMPTIONS AND INFERENCES

CHAPTER 1. BURDEN OF PROOF

Article 1. General

500. Except as otherwise provided by law, a party has the burden of proof as to each fact the existence or nonexistence

of which is essential to the claim for relief or defense that he is asserting.

501. Insofar as any statute, except Section 522, assigns the burden of proof in a criminal action, such statute is subject to Penal Code Section 1096.

502. The court on all proper occasions shall instruct the jury as to which party bears the burden of proof on each issue and as to whether that burden requires that a party raise a reasonable doubt concerning the existence or nonexistence of a fact or that he establish the existence or nonexistence of a fact by a preponderance of the evidence, by clear and convincing proof, or by proof beyond a reasonable doubt.

Article 2. Burden of Proof on Specific Issues

520. The party claiming that a person is guilty of crime or wrongdoing has the burden of proof on that issue.

521. The party claiming that a person did not exercise a requisite degree of care has the burden of proof on that issue.

522. The party claiming that any person, including himself, is or was insane has the burden of proof on that issue.

CHAPTER 2. BURDEN OF PRODUCING EVIDENCE

550. (a) The burden of producing evidence as to a particular fact is on the party against whom a finding on that fact would be required in the absence of further evidence.

(b) The burden of producing evidence as to a particular fact is initially on the party with the burden of proof as to that fact.

CHAPTER 3. PRESUMPTIONS AND INFERENCES

Article 1. General

600. (a) A presumption is an assumption of fact that the law requires to be made from another fact or group of facts found or otherwise established in the action. A presumption is not evidence.

(b) An inference is a deduction of fact that may logically and reasonably be drawn from another fact or group of facts found or otherwise established in the action.

601. A presumption is either conclusive or rebuttable. Every rebuttable presumption is either (a) a presumption affecting the burden of producing evidence or (b) a presumption affecting the burden of proof.

602. A statute providing that a fact or group of facts is prima facie evidence of another fact establishes a rebuttable presumption.

603. A presumption affecting the burden of producing evidence is a presumption established to implement no public policy other than to facilitate the determination of the particular action in which the presumption is applied.

604. The effect of a presumption affecting the burden of producing evidence is to require the trier of fact to assume the existence of the presumed fact unless and until evidence is introduced which would support a finding of its nonexistence, in which case the trier of fact shall determine the existence or nonexistence of the presumed fact from the evidence and without regard to the presumption. Nothing in this section shall be construed to prevent the drawing of any inference that may be appropriate.

605. A presumption affecting the burden of proof is a presumption established to implement some public policy other than to facilitate the determination of the particular action in which the presumption is applied, such as the policy in favor of the legitimacy of children, the validity of marriage, the stability of titles to property, or the security of those who entrust themselves or their property to the administration of others.

606. The effect of a presumption affecting the burden of proof is to impose upon the party against whom it operates the burden of proof as to the nonexistence of the presumed fact.

607. When a presumption affecting the burden of proof operates in a criminal action to establish presumptively any fact that is essential to the defendant's guilt, the presumption operates only if the facts that give rise to the presumption have been found or otherwise established beyond a reasonable doubt and, in such case, the defendant need only raise a reasonable doubt as to the existence of the presumed fact.

Article 2. Conclusive Presumptions

620. The presumptions established by this article, and all other presumptions declared by law to be conclusive, are conclusive presumptions.

621. Notwithstanding any other provision of law, the issue of a wife cohabiting with her husband, who is not impotent, is conclusively presumed to be legitimate.

622. The facts recited in a written instrument are conclusively presumed to be true as between the parties thereto, or their successors in interest; but this rule does not apply to the recital of a consideration.

623. Whenever a party has, by his own statement or conduct, intentionally and deliberately led another to believe a particular thing true and to act upon such belief, he is not, in any litigation arising out of such statement or conduct, permitted to contradict it.

624. A tenant is not permitted to deny the title of his landlord at the time of the commencement of the relation.

**Article 3. Presumptions Affecting the Burden
of Producing Evidence**

630. The presumptions established by this article, and all other rebuttable presumptions established by law that fall within the criteria of Section 603, are presumptions affecting the burden of producing evidence.

631. Money delivered by one to another is presumed to have been due to the latter.

632. A thing delivered by one to another is presumed to have belonged to the latter.

633. An obligation delivered up to the debtor is presumed to have been paid.

634. A person in possession of an order on himself for the payment of money, or delivery of a thing, is presumed to have paid the money or delivered the thing accordingly.

635. An obligation possessed by the creditor is presumed not to have been paid.

636. The payment of earlier rent or installments is presumed from a receipt for later rent or installments.

637. The things which a person possesses are presumed to be owned by him.

638. A person who exercises acts of ownership over property is presumed to be the owner of it.

639. A judgment, when not conclusive, is presumed to correctly determine or set forth the rights of the parties, but there is no presumption that the facts essential to the judgment have been correctly determined.

640. A writing is presumed to have been truly dated.

641. A letter correctly addressed and properly mailed is presumed to have been received in the ordinary course of mail.

642. A trustee or other person, whose duty it was to convey real property to a particular person, is presumed to have actually conveyed to him when such presumption is necessary to perfect title of such person or his successor in interest.

643. A deed or will or other writing purporting to create, terminate, or affect an interest in real or personal property is presumed to be authentic if it:

(a) Is at least 30 years old;

(b) Is in such condition as to create no suspicion concerning its authenticity;

(c) Was kept, or if found was found, in a place where such writing, if authentic, would be likely to be kept or found; and

(d) Has been generally acted upon as authentic by persons having an interest in the matter.

644. A book, purporting to be printed or published by public authority, is presumed to have been so printed or published.

645. A book, purporting to contain reports of cases adjudged in the tribunals of the state or nation where the book is published, is presumed to contain correct reports of such cases.

Article 4. Presumptions Affecting the Burden of Proof

660. The presumptions established by this article, and all other rebuttable presumptions established by law that fall within the criteria of Section 605, are presumptions affecting the burden of proof.

661. A child of a woman who is or has been married, born during the marriage or within 300 days after the dissolution thereof, is presumed to be a legitimate child of that marriage. This presumption may be disputed only by the people of the State of California in a criminal action brought under Section 270 of the Penal Code or by the husband or wife, or the descendant of one or both of them. In a civil action, this presumption may be rebutted only by clear and convincing proof.

662. The owner of the legal title to property is presumed to be the owner of the full beneficial title. This presumption may be rebutted only by clear and convincing proof.

663. A ceremonial marriage is presumed to be valid.

664. It is presumed that official duty has been regularly performed. This presumption does not apply on an issue as to the lawfulness of an arrest if it is found or otherwise established that the arrest was made without a warrant.

665. A person is presumed to intend the ordinary consequences of his voluntary act. This presumption is inapplicable in a criminal action to establish the specific intent of the defendant where specific intent is an element of the crime charged.

666. Any court of this state or the United States, or any court of general jurisdiction in any other state or nation, or any judge of such a court, acting as such, is presumed to have acted in the lawful exercise of its jurisdiction. This presumption applies only when the act of the court or judge is under collateral attack.

667. A person not heard from in seven years is presumed to be dead.

668. An unlawful intent is presumed from the doing of an unlawful act. This presumption is inapplicable in a criminal action to establish the specific intent of the defendant where specific intent is an element of the crime charged.

DIVISION 6. WITNESSES

CHAPTER 1. COMPETENCY

700. Except as otherwise provided by statute, every person is qualified to be a witness and no person is disqualified to testify to any matter.

701. A person is disqualified to be a witness if he is:

(a) Incapable of expressing himself concerning the matter so as to be understood, either directly or through interpretation by one who can understand him; or

(b) Incapable of understanding the duty of a witness to tell the truth.

702. (a) Subject to Section 801, the testimony of a witness concerning a particular matter is inadmissible unless he has personal knowledge of the matter. Against the objection of a party, such personal knowledge must be shown before the witness may testify concerning the matter.

(b) A witness' personal knowledge of a matter may be shown by any otherwise admissible evidence, including his own testimony.

703. (a) Before the judge presiding at the trial of an action may be called to testify in that trial as a witness, he shall, in proceedings held out of the presence and hearing of the jury, inform the parties of the information he has concerning any fact or matter about which he will be called to testify.

(b) Against the objection of a party, the judge presiding at the trial of an action may not testify in that trial as a witness. Upon such objection, the judge shall declare a mistrial and order the action assigned for trial before another judge.

(c) The calling of the judge presiding at a trial to testify in that trial as a witness shall be deemed a consent to the granting of a motion for mistrial, and an objection to such calling of a judge shall be deemed a motion for mistrial.

(d) In the absence of objection by a party, the judge presiding at the trial of an action may testify in that trial as a witness.

704. (a) Before a juror sworn and impaneled in the trial of an action may be called to testify before the jury in that trial as a witness, he shall, in proceedings conducted by the court out of the presence and hearing of the remaining jurors, inform the parties of the information he has concerning any fact or matter about which he will be called to testify.

(b) Against the objection of a party, a juror sworn and impaneled in the trial of an action may not testify before the jury in that trial as a witness. Upon such objection, the court shall declare a mistrial and order the action assigned for trial before another jury.

(c) The calling of a juror to testify before the jury as a witness shall be deemed a consent to the granting of a motion for mistrial, and an objection to such calling of a juror shall be deemed a motion for mistrial.

(d) In the absence of objection by a party, a juror sworn and impaneled in the trial of an action may be compelled to testify in that trial as a witness.

CHAPTER 2. OATH AND CONFRONTATION

710. Every witness before testifying shall take an oath or make an affirmation or declaration in the form provided by law.

711. At the trial of an action, a witness can be heard only in the presence and subject to the examination of all the parties to the action, if they choose to attend and examine.

CHAPTER 3. EXPERT WITNESSES

Article 1. Expert Witnesses Generally

720. (a) A person is qualified to testify as an expert if he has special knowledge, skill, experience, training, or education sufficient to qualify him as an expert on the subject to which his testimony relates. Against the objection of a party, such special knowledge, skill, experience, training, or education must be shown before the witness may testify as an expert.

(b) A witness' special knowledge, skill, experience, training, or education may be shown by any otherwise admissible evidence, including his own testimony.

721. (a) Subject to subdivision (b), a witness testifying as an expert may be cross-examined to the same extent as any other witness and, in addition, may be fully cross-examined as to (1) his qualifications, (2) the subject to which his expert testimony relates, and (3) the matter upon which his opinion is based and the reasons for his opinion.

(b) If a witness testifying as an expert testifies in the form of an opinion, he may not be cross-examined in regard to the content or tenor of any scientific, technical, or professional text, treatise, journal, or similar publication unless:

(1) The witness referred to, considered, or relied upon such publication in arriving at or forming his opinion; or

(2) Such publication has been admitted in evidence.

722. (a) The fact of the appointment of an expert witness by the court may be revealed to the trier of fact.

(b) The compensation and expenses paid or to be paid to an expert witness by the party calling him is a proper subject of inquiry by any adverse party as relevant to the credibility of the witness and the weight of his testimony.

730. When it appears to the court, at any time before or during the trial of an action, that expert evidence is or may be required by the court or by any party to the action, the court on its own motion or on motion of any party may appoint one or more experts to investigate, to render a report as may be ordered by the court, and to testify as an expert at the trial of the action relative to the fact or matter as to which such expert evidence is or may be required. The court may fix the compensation for such services, if any, rendered by any person appointed under this section, in addition to any service as a witness, at such amount as seems reasonable to the court.

731. (a) In all criminal actions and juvenile court proceedings, the compensation fixed under Section 730 shall be a charge against the county in which such action or proceeding is pending and shall be paid out of the treasury of such county on order of the court.

(b) In any county in which the board of supervisors so provides, the compensation fixed under Section 730 for medical experts in civil actions in such county shall be a charge against and paid out of the treasury of such county on order of the court.

(c) Except as otherwise provided in this section, in all civil actions, the compensation fixed under Section 730 shall, in the first instance, be apportioned and charged to the several parties in such proportion as the court may determine and may thereafter be taxed and allowed in like manner as other costs.

732. Any expert appointed by the court under Section 730 may be called and examined by the court or by any party to the action. When such witness is called and examined by the court, the parties have the same right as is expressed in Section 775 to cross-examine the witness and to object to the questions asked and the evidence adduced.

733. Nothing contained in this article shall be deemed or construed to prevent any party to any action from producing other expert evidence on the same fact or matter mentioned

In Section 730; but, where other expert witnesses are called by a party to the action, their fees shall be paid by the party calling them and only ordinary witness fees shall be taxed as costs in the action.

CHAPTER 4. INTERPRETERS AND TRANSLATORS

750. A person who serves as an interpreter or translator in any action is subject to all the rules of law relating to witnesses.

751. (a) An interpreter shall take an oath that he will make a true interpretation to the witness in a language that the witness understands and that he will make a true interpretation of the witness' answers to questions to counsel, court, or jury, in the English language, with his best skill and judgment.

(b) A translator shall take an oath that he will make a true translation in the English language of any writing he is to decipher or translate.

752. (a) When a witness is incapable of hearing or understanding the English language or is incapable of expressing himself in the English language so as to be understood directly by counsel, court, and jury, an interpreter whom he can understand and who can understand him shall be sworn to interpret for him.

(b) The interpreter may be appointed and compensated as provided in Article 2 (commencing with Section 730) of Chapter 3.

753. (a) When the written characters in a writing offered in evidence are incapable of being deciphered or understood directly, a translator who can decipher the characters or understand the language shall be sworn to decipher or translate the writing.

(b) The translator may be appointed and compensated as provided in Article 2 (commencing with Section 730) of Chapter 3.

754. (a) As used in this section, "deaf person" means a person with a hearing loss so great as to prevent his understanding language spoken in a normal tone.

(b) In any criminal action where the defendant is a deaf person, all of the proceedings of the trial shall be interpreted to him in a language that he understands by a qualified interpreter appointed by the court.

(c) In any action where the mental condition of a deaf person is being considered and where such person may be committed to a mental institution, all of the court proceedings pertaining to him shall be interpreted to him in a language that he understands by a qualified interpreter appointed by the court.

(d) Interpreters appointed under this section shall be paid for their services a reasonable sum to be determined by the court, which shall be a charge against the county in which such action is pending and shall be paid out of the treasury of such county on order of the court.

CHAPTER 5. METHOD AND SCOPE OF EXAMINATION

Article 1. Definitions

760. "Direct examination" is the first examination of a witness upon a matter that is not within the scope of a previous examination of the witness.

761. "Cross-examination" is the examination of a witness by a party other than the direct examiner upon a matter that is within the scope of the direct examination of the witness.

762. "Redirect examination" is an examination of a witness by the direct examiner subsequent to the cross-examination of the witness.

763. "Recross-examination" is an examination of a witness by a cross-examiner subsequent to a redirect examination of the witness.

764. A "leading question" is a question that suggests to the witness the answer that the examining party desires.

Article 2. Examination of Witnesses

765. The court shall exercise reasonable control over the mode of interrogation of a witness so as (a) to make such interrogation as rapid, as distinct, and as effective for the ascertainment of the truth, as may be, and (b) to protect the witness from undue harassment or embarrassment.

766. A witness must give responsive answers to questions, and answers that are not responsive shall be stricken on motion of any party.

767. Except under special circumstances where the interests of justice otherwise require:

(a) A leading question may not be asked of a witness on direct or redirect examination.

(b) A leading question may be asked of a witness on cross-examination or recross-examination.

768. (a) In examining a witness concerning a writing, it is not necessary to show, read, or disclose to him any part of the writing.

(b) If a writing is shown to a witness, all parties to the action must be given an opportunity to inspect it before any question concerning it may be asked of the witness.

769. In examining a witness concerning a statement or other conduct by him that is inconsistent with any part of his testimony at the hearing, it is not necessary to disclose to him any information concerning the statement or other conduct.

770. Unless the interests of justice otherwise require, extrinsic evidence of a statement made by a witness that is inconsistent with any part of his testimony at the hearing shall be excluded unless:

(a) The witness was so examined while testifying as to give him an opportunity to explain or to deny the statement; or

(b) The witness has not been excused from giving further testimony in the action.

771. (a) Subject to subdivision (c), if a witness, either while testifying or prior thereto, uses a writing to refresh his memory with respect to any matter about which he testifies, such writing must be produced at the hearing at the request of an adverse party and, unless the writing is so produced, the testimony of the witness concerning such matter shall be stricken.

(b) If the writing is produced at the hearing, the adverse party may, if he chooses, inspect the writing, cross-examine the witness concerning it, and introduce in evidence such portion of it as may be pertinent to the testimony of the witness.

(c) Production of the writing is excused, and the testimony of the witness shall not be stricken, if the writing:

(1) Is not in the possession or control of the witness or the party who produced his testimony concerning the matter; and

(2) Was not reasonably procurable by such party through the use of the court's process or other available means.

772. (a) The examination of a witness shall proceed in the following phases: direct examination, cross-examination, redirect examination, recross-examination, and continuing thereafter by redirect and recross-examination.

(b) Unless for good cause the court otherwise directs, each phase of the examination of a witness must be concluded before the succeeding phase begins.

(c) Subject to subdivision (d), a party may, in the discretion of the court, interrupt his cross-examination, redirect examination, or recross-examination of a witness, in order to examine the witness upon a matter not within the scope of a previous examination of the witness.

(d) If the witness is the defendant in a criminal action, the witness may not, without his consent, be examined under direct examination by another party.

773. (a) A witness examined by one party may be cross-examined upon any matter within the scope of the direct examination by each other party to the action in such order as the court directs.

(b) The cross-examination of a witness by any party whose interest is not adverse to the party calling him is subject to the same rules that are applicable to the direct examination.

774. A witness once examined cannot be reexamined as to the same matter without leave of the court, but he may be reexamined as to any new matter upon which he has been examined by another party to the action. Leave may be granted or withheld in the court's discretion.

775. The court, on its own motion or on the motion of any party, may call witnesses and interrogate them the same as if they had been produced by a party to the action, and the parties may object to the questions asked and the evidence adduced the same as if such witnesses were called and examined by an adverse party. Such witnesses may be cross-examined by all parties to the action in such order as the court directs.

776. (a) A party to the record of any civil action, or a person identified with such a party, may be called and examined as if under cross-examination by any adverse party at any time during the presentation of evidence by the party calling the witness.

(b) A witness examined by a party under this section may be cross-examined by all other parties to the action in such order as the court directs; but the witness may be examined only as if under redirect examination by:

(1) In the case of a witness who is a party, his own counsel and counsel for a party who is not adverse to the witness.

(2) In the case of a witness who is not a party, counsel for the party with whom the witness is identified and counsel for a party who is not adverse to the party with whom the witness is identified.

(c) For the purpose of this section, parties represented by the same counsel are deemed to be a single party.

(d) For the purpose of this section, a person is identified with a party if he is:

(1) A person for whose immediate benefit the action is prosecuted or defended by the party.

(2) A director, officer, superintendent, member, agent, employee, or managing agent of the party or of a person specified in paragraph (1), or any public employee of a public entity when such public entity is the party.

(3) A person who was in any of the relationships specified in paragraph (2) at the time of the act or omission giving rise to the cause of action.

(4) A person who was in any of the relationships specified in paragraph (2) at the time he obtained knowledge of the matter concerning which he is sought to be examined under this section.

777. (a) Subject to subdivisions (b) and (c), the court may exclude from the courtroom any witness not at the time under examination so that such witness cannot hear the testimony of other witnesses.

(b) A party to the action cannot be excluded under this section.

(c) If a person other than a natural person is a party to the action, an officer or employee designated by its attorney is entitled to be present.

778. After a witness has been excused from giving further testimony in the action, he cannot be recalled without leave of the court. Leave may be granted or withheld in the court's discretion.

CHAPTER 6. CREDIBILITY OF WITNESSES

Article 1. Credibility Generally

780. Except as otherwise provided by statute, the court or jury may consider in determining the credibility of a witness any matter that has any tendency in reason to prove or disprove the truthfulness of his testimony at the hearing, including but not limited to any of the following:

(a) His demeanor while testifying and the manner in which he testifies.

(b) The character of his testimony.

(c) The extent of his capacity to perceive, to recollect, or to communicate any matter about which he testifies.

(d) The extent of his opportunity to perceive any matter about which he testifies.

(e) His character for honesty or veracity or their opposites.

(f) The existence or nonexistence of a bias, interest, or other motive.

(g) A statement previously made by him that is consistent with his testimony at the hearing.

(h) A statement made by him that is inconsistent with any part of his testimony at the hearing.

(i) The existence or nonexistence of any fact testified to by him.

(j) His attitude toward the action in which he testifies or toward the giving of testimony.

(k) His admission of untruthfulness.

Article 2. Attacking or Supporting Credibility

785. The credibility of a witness may be attacked or supported by any party, including the party calling him.

786. Evidence of traits of his character other than honesty or veracity, or their opposites, is inadmissible to attack or support the credibility of a witness.

787. Subject to Section 788, evidence of specific instances of his conduct relevant only as tending to prove a trait of his character is inadmissible to attack or support the credibility of a witness.

788. For the purpose of attacking the credibility of a witness, it may be shown by the examination of the witness or by the record of the judgment that he has been convicted of a felony unless:

(a) A pardon based on his innocence has been granted to the witness by the jurisdiction in which he was convicted.

(b) A certificate of rehabilitation and pardon has been granted to the witness under the provisions of Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code.

(c) The accusatory pleading against the witness has been dismissed under the provisions of Penal Code Section 1203.4,

but this exception does not apply to any criminal trial where the witness is being prosecuted for a subsequent offense.

(d) The conviction was under the laws of another jurisdiction and the witness has been relieved of the penalties and disabilities arising from the conviction pursuant to a procedure substantially equivalent to that referred to in subdivision (b) or (c).

789. Evidence of his religious belief or lack thereof is inadmissible to attack or support the credibility of a witness.

790. Evidence of the good character of a witness is inadmissible to support his credibility unless evidence of his bad character has been admitted for the purpose of attacking his credibility.

791. Evidence of a statement previously made by a witness that is consistent with his testimony at the hearing is inadmissible to support his credibility unless it is offered after:

(a) Evidence of a statement made by him that is inconsistent with any part of his testimony at the hearing has been admitted for the purpose of attacking his credibility, and the statement was made before the alleged inconsistent statement; or

(b) An express or implied charge has been made that his testimony at the hearing is recently fabricated or is influenced by bias or other improper motive, and the statement was made before the bias, motive for fabrication, or other improper motive is alleged to have arisen.

DIVISION 7. OPINION TESTIMONY AND SCIENTIFIC EVIDENCE

CHAPTER 1. EXPERT AND OTHER OPINION TESTIMONY

Article 1. Expert and Other Opinion Testimony Generally

800. If a witness is not testifying as an expert, his testimony in the form of an opinion is limited to such an opinion as is permitted by law, including but not limited to an opinion that is:

- (a) Rationally based on the perception of the witness; and
- (b) Helpful to a clear understanding of his testimony.

801. If a witness is testifying as an expert, his testimony in the form of an opinion is limited to such an opinion as is:

(a) Related to a subject that is sufficiently beyond common experience that the opinion of an expert would assist the trier of fact; and

(b) Based on matter (including his special knowledge, skill, experience, training, and education) perceived by or personally known to the witness or made known to him at or before the hearing, whether or not admissible, that is of a type that reasonably may be relied upon by an expert in forming an opinion upon the subject to which his testimony relates, unless

an expert is precluded by law from using such matter as a basis for his opinion.

802. A witness testifying in the form of an opinion may state on direct examination the reasons for his opinion and the matter (including, in the case of an expert, his special knowledge, skill, experience, training, and education) upon which it is based, unless he is precluded by law from using such reasons or matter as a basis for his opinion. The court in its discretion may require that a witness before testifying in the form of an opinion be first examined concerning the matter upon which his opinion is based.

803. The court may, and upon objection shall, exclude testimony in the form of an opinion that is based in whole or in significant part on matter that is not a proper basis for such an opinion. In such case, the witness may, if there remains a proper basis for his opinion, then state his opinion after excluding from consideration the matter determined to be improper.

804. (a) If a witness testifying as an expert testifies that his opinion is based in whole or in part upon the opinion or statement of another person, such other person may be called and examined by any adverse party as if under cross-examination concerning the opinion or statement.

(b) This section is not applicable if the person upon whose opinion or statement the expert witness has relied is (1) a party, (2) a person identified with a party within the meaning of subdivision (d) of Section 776, or (3) a witness who has testified in the action concerning the subject matter of the opinion or statement upon which the expert witness has relied.

(c) Nothing in this section makes admissible an expert opinion that is inadmissible because it is based in whole or in part on the opinion or statement of another person.

(d) An expert opinion otherwise admissible is not made inadmissible by this section because it is based on the opinion or statement of a person who is unavailable for examination pursuant to this section.

805. Testimony in the form of an opinion that is otherwise admissible is not objectionable because it embraces the ultimate issue to be decided by the trier of fact.

Article 2. Opinion Testimony on Particular Subjects

870. A witness may state his opinion as to the sanity of a person when:

(a) The witness is an intimate acquaintance of the person whose sanity is in question;

(b) The witness was a subscribing witness to a writing, the validity of which is in dispute, signed by the person whose sanity is in question and the opinion relates to the sanity of such person at the time the writing was signed; or

(c) The witness is qualified under Section 800 or 801 to testify in the form of an opinion.

CHAPTER 2. BLOOD TESTS TO DETERMINE PATERNITY

890. This chapter may be cited as the Uniform Act on Blood Tests to Determine Paternity.

891. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

892. In a civil action in which paternity is a relevant fact, the court may upon its own initiative or upon suggestion made by or on behalf of any person whose blood is involved, and shall upon motion of any party to the action made at a time so as not to delay the proceedings unduly, order the mother, child, and alleged father to submit to blood tests. If any party refuses to submit to such tests, the court may resolve the question of paternity against such party or enforce its order if the rights of others and the interests of justice so require.

893. The tests shall be made by experts qualified as examiners of blood types who shall be appointed by the court. The experts shall be called by the court as witnesses to testify to their findings and shall be subject to cross-examination by the parties. Any party or person at whose suggestion the tests have been ordered may demand that other experts, qualified as examiners of blood types, perform independent tests under order of the court, the results of which may be offered in evidence. The number and qualifications of such experts shall be determined by the court.

894. The compensation of each expert witness appointed by the court shall be fixed at a reasonable amount. It shall be paid as the court shall order. The court may order that it be paid by the parties in such proportions and at such times as it shall prescribe, or that the proportion of any party be paid by the county, and that, after payment by the parties or the county or both, all or part or none of it be taxed as costs in the action.

895. If the court finds that the conclusions of all the experts, as disclosed by the evidence based upon the tests, are that the alleged father is not the father of the child, the question of paternity shall be resolved accordingly. If the experts disagree in their findings or conclusions, the question shall be submitted upon all the evidence.

896. This chapter applies to criminal actions subject to the following limitations and provisions:

(a) An order for the tests shall be made only upon application of a party or on the court's initiative.

(b) The compensation of the experts shall be paid by the county under order of court.

(c) The court may direct a verdict of acquittal upon the conclusions of all the experts under the provisions of Section 895; otherwise, the case shall be submitted for determination upon all the evidence.

897. Nothing contained in this chapter shall be deemed or construed to prevent any party to any action from producing other expert evidence on the matter covered by this chapter; but, where other expert witnesses are called by a party to the action, their fees shall be paid by the party calling them and only ordinary witness fees shall be taxed as costs in the action.

DIVISION 8. PRIVILEGES

CHAPTER 1. DEFINITIONS

900. Unless the provision or context otherwise requires, the definitions in this chapter govern the construction of this division. They do not govern the construction of any other division.

901. "Proceeding" means any action, hearing, investigation, inquest, or inquiry (whether conducted by a court, administrative agency, hearing officer, arbitrator, legislative body, or any other person authorized by law) in which, pursuant to law, testimony can be compelled to be given.

902. "Civil proceeding" means any proceeding except a criminal proceeding.

903. "Criminal proceeding" means:

(a) A criminal action; and

(b) A proceeding pursuant to Article 3 (commencing with Section 3060) of Chapter 7 of Division 4 of Title 1 of the Government Code to determine whether a public officer should be removed from office for willful or corrupt misconduct in office.

905. "Presiding officer" means the person authorized to rule on a claim of privilege in the proceeding in which the claim is made.

CHAPTER 2. APPLICABILITY OF DIVISION

910. Except as otherwise provided by statute, the provisions of this division apply in all proceedings. The provisions of any statute making rules of evidence inapplicable in particular proceedings, or limiting the applicability of rules of evidence in particular proceedings, do not make this division inapplicable to such proceedings.

CHAPTER 3. GENERAL PROVISIONS RELATING TO PRIVILEGES

911. Except as otherwise provided by statute:

(a) No person has a privilege to refuse to be a witness.

(b) No person has a privilege to refuse to disclose any matter or to refuse to produce any writing, object, or other thing.

(c) No person has a privilege that another shall not be a witness or shall not disclose any matter or shall not produce any writing, object, or other thing.

912. (a) Except as otherwise provided in this section, the right of any person to claim a privilege provided by Section 954 (lawyer-client privilege), 980 (privilege for confidential marital communications), 994 (physician-patient privilege), 1014 (psychotherapist-patient privilege), 1033 (privilege of penitent), or 1034 (privilege of clergyman) is waived with respect to a communication protected by such privilege if any holder of the privilege, without coercion, has disclosed a significant part of the communication or has consented to such disclosure made by anyone. Consent to disclosure is manifested by any statement or other conduct of the holder of the privilege indicating his consent to the disclosure, including his failure to claim the privilege in any proceeding in which he has the legal standing and opportunity to claim the privilege.

(b) Where two or more persons are joint holders of a privilege provided by Section 954 (lawyer-client privilege), 994 (physician-patient privilege), or 1014 (psychotherapist-patient privilege), a waiver of the right of a particular joint holder of the privilege to claim the privilege does not affect the right of another joint holder to claim the privilege. In the case of the privilege provided by Section 980 (privilege for confidential marital communications), a waiver of the right of one spouse to claim the privilege does not affect the right of the other spouse to claim the privilege.

(c) A disclosure that is itself privileged is not a waiver of any privilege.

(d) A disclosure in confidence of a communication that is protected by a privilege provided by Section 954 (lawyer-client privilege), 994 (physician-patient privilege), or 1014 (psychotherapist-patient privilege), when such disclosure is reasonably necessary for the accomplishment of the purpose for which the lawyer, physician, or psychotherapist was consulted, is not a waiver of the privilege.

913. (a) If in the instant proceeding or on a prior occasion a privilege is or was exercised not to testify with respect to any matter, or to refuse to disclose or to prevent another from disclosing any matter, neither the presiding officer nor counsel may comment thereon, no presumption shall arise because of the exercise of the privilege, and the trier of fact may not draw any inference therefrom as to the credibility of the witness or as to any matter at issue in the proceeding.

(b) The court, at the request of a party who may be adversely affected because an unfavorable inference may be drawn by the jury because a privilege has been exercised, shall instruct the jury that no presumption arises because of the exercise of the privilege and that the jury may not draw any inference therefrom as to the credibility of the witness or as to any matter at issue in the proceeding.

914 (a) The presiding officer shall determine a claim of privilege in any proceeding in the same manner as a court determines such a claim under Article 2 (commencing with Section 400) of Chapter 4 of Division 3.

(b) No person may be held in contempt for failure to disclose information claimed to be privileged unless he has failed to comply with an order of a court that he disclose such information. This subdivision does not apply to any governmental agency that has constitutional contempt power, nor does it apply to hearings and investigations of the Industrial Accident Commission, nor does it impliedly repeal Chapter 4 (commencing with Section 9400) of Part 1 of Division 2 of Title 2 of the Government Code. If no other statutory procedure is applicable, the procedure prescribed by Section 1991 of the Code of Civil Procedure shall be followed in seeking an order of a court that the person disclose the information claimed to be privileged.

915. (a) Subject to subdivision (b), the presiding officer may not require disclosure of information claimed to be privileged under this division in order to rule on the claim of privilege.

(b) When a court is ruling on a claim of privilege under Article 9 (commencing with Section 1040) of Chapter 4 (official information and identity of informer) or under Section 1060 (trade secret) and is unable to do so without requiring disclosure of the information claimed to be privileged, the court may require the person from whom disclosure is sought or the person authorized to claim the privilege, or both, to disclose the information in chambers out of the presence and hearing of all persons except the person authorized to claim the privilege and such other persons as the person authorized to claim the privilege is willing to have present. If the judge determines that the information is privileged, neither he nor any other person may ever disclose, without the consent of a person authorized to permit disclosure, what was disclosed in the course of the proceedings in chambers.

916. (a) The presiding officer, on his own motion or on the motion of any party, shall exclude information that is subject to a claim of privilege under this division if:

(1) The person from whom the information is sought is not a person authorized to claim the privilege; and

(2) There is no party to the proceeding who is a person authorized to claim the privilege.

(b) The presiding officer may not exclude information under this section if:

(1) He is otherwise instructed by a person authorized to permit disclosure; or

(2) The proponent of the evidence establishes that there is no person authorized to claim the privilege in existence.

917. Whenever a privilege is claimed on the ground that the matter sought to be disclosed is a communication made in confidence in the course of the lawyer-client, physician-patient, psychotherapist-patient, clergyman-penitent, or husband-wife relationship, the communication is presumed to have been made in confidence and the opponent of the claim of privilege

has the burden of proof to establish that the communication was not confidential.

918. A party may predicate error on a ruling disallowing a claim of privilege only if he is the holder of the privilege, except that a party may predicate error on a ruling disallowing a claim of privilege by his spouse under Section 970 or 971.

919. Evidence of a statement or other disclosure of privileged information is inadmissible against a holder of the privilege if:

(a) A person authorized to claim the privilege claimed it but nevertheless disclosure erroneously was required to be made; or

(b) The presiding officer did not exclude the privileged information as required by Section 916.

920. Nothing in this division shall be construed to repeal by implication any other statute relating to privileges.

CHAPTER 4. PARTICULAR PRIVILEGES

Article 1. Privilege of Defendant in Criminal Case

930. To the extent that such privilege exists under the Constitution of the United States or the State of California, a defendant in a criminal case has a privilege not to be called as a witness and not to testify.

Article 2. Privilege Against Self-incrimination

940. To the extent that such privilege exists under the Constitution of the United States or the State of California, a person has a privilege to refuse to disclose any matter that may tend to incriminate him.

Article 3. Lawyer-client Privilege

950. As used in this article, "lawyer" means a person authorized, or reasonably believed by the client to be authorized, to practice law in any state or nation.

951. As used in this article, "client" means a person who, directly or through an authorized representative, consults a lawyer for the purpose of retaining the lawyer or securing legal service or advice from him in his professional capacity, and includes an incompetent (a) who himself so consults the lawyer or (b) whose guardian or conservator so consults the lawyer in behalf of the incompetent.

952. As used in this article, "confidential communication between client and lawyer" means information transmitted between a client and his lawyer in the course of that relationship and in confidence by a means which, so far as the client is aware, discloses the information to no third persons other than those who are present to further the interest of the client in the consultation or those to whom disclosure is reasonably

necessary for the transmission of the information or the accomplishment of the purpose for which the lawyer is consulted, and includes advice given by the lawyer in the course of that relationship.

953. As used in this article, "holder of the privilege" means:

- (a) The client when he has no guardian or conservator.
- (b) A guardian or conservator of the client when the client has a guardian or conservator.
- (c) The personal representative of the client if the client is dead.
- (d) A successor, assign, trustee in dissolution, or any similar representative of a firm, association, organization, partnership, business trust, corporation, or public entity that is no longer in existence.

954. Subject to Section 912 and except as otherwise provided in this article, the client, whether or not a party, has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between client and lawyer if the privilege is claimed by:

- (a) The holder of the privilege;
- (b) A person who is authorized to claim the privilege by the holder of the privilege; or
- (c) The person who was the lawyer at the time of the confidential communication, but such person may not claim the privilege if there is no holder of the privilege in existence or if he is otherwise instructed by a person authorized to permit disclosure.

955. The lawyer who received or made a communication subject to the privilege under this article shall claim the privilege whenever he is present when the communication is sought to be disclosed and is authorized to claim the privilege under subdivision (c) of Section 954.

956. There is no privilege under this article if the services of the lawyer were sought or obtained to enable or aid anyone to commit or plan to commit a crime or a fraud.

957. There is no privilege under this article as to a communication relevant to an issue between parties all of whom claim through a deceased client, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction.

958. There is no privilege under this article as to a communication relevant to an issue of breach, by the lawyer or by the client, of a duty arising out of the lawyer-client relationship.

959. There is no privilege under this article as to a communication relevant to an issue concerning the intention or competence of a client executing an attested document of which the lawyer is an attesting witness, or concerning the execution or attestation of such a document.

960. There is no privilege under this article as to a communication relevant to an issue concerning the intention of a client, now deceased, with respect to a deed of conveyance,

will, or other writing, executed by the client, purporting to affect an interest in property.

961. There is no privilege under this article as to a communication relevant to an issue concerning the validity of a deed of conveyance, will, or other writing, executed by a client, now deceased, purporting to affect an interest in property.

962. Where two or more clients have retained or consulted a lawyer upon a matter of common interest, none of them, nor the successor in interest of any of them, may claim a privilege under this article as to a communication made in the course of that relationship when such communication is offered in a civil proceeding between one of such clients (or his successor in interest) and another of such clients (or his successor in interest).

Article 4. Privilege Not to Testify Against Spouse

970. Except as otherwise provided by statute, a married person has a privilege not to testify against his spouse in any proceeding.

971. Except as otherwise provided by statute, a married person whose spouse is a party to a proceeding has a privilege not to be called as a witness by an adverse party to that proceeding without the prior express consent of the spouse having the privilege under this section unless the party calling the spouse does so in good faith without knowledge of the marital relationship.

972. A married person does not have a privilege under this article in:

(a) A proceeding brought by or on behalf of one spouse against the other spouse.

(b) A proceeding to commit or otherwise place his spouse or his spouse's property, or both, under the control of another because of the spouse's alleged mental or physical condition.

(c) A proceeding brought by or on behalf of a spouse to establish his competence.

(d) A proceeding under the Juvenile Court Law, Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code.

(e) A criminal proceeding in which one spouse is charged with:

(1) A crime against the person or property of the other spouse or of a child of either, whether committed before or during marriage.

(2) A crime against the person or property of a third person committed in the course of committing a crime against the person or property of the other spouse, whether committed before or during marriage.

(3) Bigamy or adultery.

(4) A crime defined by Section 270 or 270a of the Penal Code.

973. (a) Unless erroneously compelled to do so, a married person who testifies in a proceeding to which his spouse is a party, or who testifies against his spouse in any proceeding, does not have a privilege under this article in the proceeding in which such testimony is given.

(b) There is no privilege under this article in a civil proceeding brought or defended by a married person for the immediate benefit of his spouse or of himself and his spouse.

Article 5. Privilege for Confidential Marital Communications

980. Subject to Section 912 and except as otherwise provided in this article, a spouse (or his guardian or conservator when he has a guardian or conservator), whether or not a party, has a privilege during the marital relationship and afterwards to refuse to disclose, and to prevent another from disclosing, a communication if he claims the privilege and the communication was made in confidence between him and the other spouse while they were husband and wife.

981. There is no privilege under this article if the communication was made, in whole or in part, to enable or aid anyone to commit or plan to commit a crime or a fraud.

982. There is no privilege under this article in a proceeding to commit either spouse or otherwise place him or his property, or both, under the control of another because of his alleged mental or physical condition.

983. There is no privilege under this article in a proceeding brought by or on behalf of either spouse to establish his competence.

984. There is no privilege under this article in:

(a) A proceeding brought by or on behalf of one spouse against the other spouse.

(b) A proceeding between a surviving spouse and a person who claims through the deceased spouse, regardless of whether such claim is by testate or intestate succession or by inter vivos transaction.

985. There is no privilege under this article in a criminal proceeding in which one spouse is charged with:

(a) A crime committed at any time against the person or property of the other spouse or of a child of either.

(b) A crime committed at any time against the person or property of a third person committed in the course of committing a crime against the person or property of the other spouse.

(c) Bigamy or adultery.

(d) A crime defined by Section 270 or 270a of the Penal Code.

986. There is no privilege under this article in a proceeding under the Juvenile Court Law, Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code.

987. There is no privilege under this article in a criminal proceeding in which the communication is offered in evidence by a defendant who is one of the spouses between whom the communication was made.

Article 6. Physician-patient Privilege

990. As used in this article, "physician" means a person authorized, or reasonably believed by the patient to be authorized, to practice medicine in any state or nation.

991. As used in this article, "patient" means a person who consults a physician or submits to an examination by a physician for the purpose of securing a diagnosis or preventive, palliative, or curative treatment of his physical or mental or emotional condition.

992. As used in this article, "confidential communication between patient and physician" means information, including information obtained by an examination of the patient, transmitted between a patient and his physician in the course of that relationship and in confidence by a means which, so far as the patient is aware, discloses the information to no third persons other than those who are present to further the interest of the patient in the consultation or those to whom disclosure is reasonably necessary for the transmission of the information or the accomplishment of the purpose for which the physician is consulted, and includes advice given by the physician in the course of that relationship.

993. As used in this article, "holder of the privilege" means:

- (a) The patient when he has no guardian or conservator.
- (b) A guardian or conservator of the patient when the patient has a guardian or conservator.
- (c) The personal representative of the patient if the patient is dead.

994. Subject to Section 912 and except as otherwise provided in this article, the patient, whether or not a party, has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between patient and physician if the privilege is claimed by:

- (a) The holder of the privilege;
- (b) A person who is authorized to claim the privilege by the holder of the privilege; or
- (c) The person who was the physician at the time of the confidential communication, but such person may not claim the privilege if there is no holder of the privilege in existence or if he is otherwise instructed by a person authorized to permit disclosure.

995. The physician who received or made a communication subject to the privilege under this article shall claim the privilege whenever he is present when the communication is sought to be disclosed and is authorized to claim the privilege under subdivision (c) of Section 994.

996. There is no privilege under this article as to a communication relevant to an issue concerning the condition of the patient if such issue has been tendered by:

- (a) The patient;
- (b) Any party claiming through or under the patient;
- (c) Any party claiming as a beneficiary of the patient through a contract to which the patient is or was a party; or
- (d) The plaintiff in an action brought under Section 376 or 377 of the Code of Civil Procedure for damages for the injury or death of the patient.

997. There is no privilege under this article if the services of the physician were sought or obtained to enable or aid anyone to commit or plan to commit a crime or a tort or to escape detection or apprehension after the commission of a crime or a tort.

998. There is no privilege under this article in a criminal proceeding.

999. There is no privilege under this article in a proceeding to recover damages on account of conduct of the patient which constitutes a crime.

1000. There is no privilege under this article as to a communication relevant to an issue between parties all of whom claim through a deceased patient, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction.

1001. There is no privilege under this article as to a communication relevant to an issue of breach, by the physician or by the patient, of a duty arising out of the physician-patient relationship.

1002. There is no privilege under this article as to a communication relevant to an issue concerning the intention of a patient, now deceased, with respect to a deed of conveyance, will, or other writing, executed by the patient, purporting to affect an interest in property.

1003. There is no privilege under this article as to a communication relevant to an issue concerning the validity of a deed of conveyance, will, or other writing, executed by a patient, now deceased, purporting to affect an interest in property.

1004. There is no privilege under this article in a proceeding to commit the patient or otherwise place him or his property, or both, under the control of another because of his alleged mental or physical condition.

1005. There is no privilege under this article in a proceeding brought by or on behalf of the patient to establish his competence.

1006. There is no privilege under this article as to information that the physician or the patient is required to report to a public employee, or as to information required to be recorded in a public office, if such report or record is open to public inspection.

1007. There is no privilege under this article in a proceeding brought by a public entity to determine whether a right, authority, license, or privilege (including the right or privilege to be employed by the public entity or to hold a public office) should be revoked, suspended, terminated, limited, or conditioned.

Article 7. Psychotherapist-patient Privilege

1010. As used in this article, "psychotherapist" means:

(a) A person authorized, or reasonably believed by the patient to be authorized, to practice medicine in any state or nation who devotes, or is reasonably believed by the patient to devote, a substantial portion of his time to the practice of psychiatry; or

(b) A person certified as a psychologist under Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code.

1011. As used in this article, "patient" means a person who consults a psychotherapist or submits to an examination by a psychotherapist for the purpose of securing a diagnosis or preventive, palliative, or curative treatment of his mental or emotional condition or who submits to an examination of his mental or emotional condition for the purpose of scientific research on mental or emotional problems.

1012. As used in this article, "confidential communication between patient and psychotherapist" means information, including information obtained by an examination of the patient, transmitted between a patient and his psychotherapist in the course of that relationship and in confidence by a means which, so far as the patient is aware, discloses the information to no third persons other than those who are present to further the interest of the patient in the consultation or examination or those to whom disclosure is reasonably necessary for the transmission of the information or the accomplishment of the purpose of the consultation or examination, and includes advice given by the psychotherapist in the course of that relationship.

1013. As used in this article, "holder of the privilege" means:

(a) The patient when he has no guardian or conservator.

(b) A guardian or conservator of the patient when the patient has a guardian or conservator.

(c) The personal representative of the patient if the patient is dead.

1014. Subject to Section 912 and except as otherwise provided in this article, the patient, whether or not a party, has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between patient and psychotherapist if the privilege is claimed by:

(a) The holder of the privilege;

(b) A person who is authorized to claim the privilege by the holder of the privilege; or

(c) The person who was the psychotherapist at the time of the confidential communication, but such person may not claim the privilege if there is no holder of the privilege in existence or if he is otherwise instructed by a person authorized to permit disclosure.

1015. The psychotherapist who received or made a communication subject to the privilege under this article shall claim the privilege whenever he is present when the communication is sought to be disclosed and is authorized to claim the privilege under subdivision (c) of Section 1014.

1016. There is no privilege under this article as to a communication relevant to an issue concerning the mental or emotional condition of the patient if such issue has been tendered by:

- (a) The patient;
- (b) Any party claiming through or under the patient;
- (c) Any party claiming as a beneficiary of the patient through a contract to which the patient is or was a party; or
- (d) The plaintiff in an action brought under Section 376 or 377 of the Code of Civil Procedure for damages for the injury or death of the patient.

1017. There is no privilege under this article if the psychotherapist is appointed by order of a court to examine the patient, but this exception does not apply where the psychotherapist is appointed by order of the court upon the request of the lawyer for the defendant in a criminal proceeding in order to provide the lawyer with information needed so that he may advise the defendant whether to enter a plea based on insanity or to present a defense based on his mental or emotional condition.

1018. There is no privilege under this article if the services of the psychotherapist were sought or obtained to enable or aid anyone to commit or plan to commit a crime or a tort or to escape detection or apprehension after the commission of a crime or a tort.

1019. There is no privilege under this article as to a communication relevant to an issue between parties all of whom claim through a deceased patient, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction.

1020. There is no privilege under this article as to a communication relevant to an issue of breach, by the psychotherapist or by the patient, of a duty arising out of the psychotherapist-patient relationship.

1021. There is no privilege under this article as to a communication relevant to an issue concerning the intention of a patient, now deceased, with respect to a deed of conveyance, will, or other writing, executed by the patient, purporting to affect an interest in property.

1022. There is no privilege under this article as to a communication relevant to an issue concerning the validity of a deed of conveyance, will, or other writing, executed by a pa-

tient, now deceased, purporting to affect an interest in property.

1023. There is no privilege under this article in a proceeding under Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 of the Penal Code initiated at the request of the defendant in a criminal action to determine his sanity.

1024. There is no privilege under this article if the psychotherapist has reasonable cause to believe that the patient is in such mental or emotional condition as to be dangerous to himself or to the person or property of another and that disclosure of the communication is necessary to prevent the threatened danger.

1025. There is no privilege under this article in a proceeding brought by or on behalf of the patient to establish his competence.

1026. There is no privilege under this article as to information that the psychotherapist or the patient is required to report to a public employee or as to information required to be recorded in a public office, if such report or record is open to public inspection.

Article 8. Clergyman-penitent Privileges

1030. As used in this article, "clergyman" means a priest, minister, religious practitioner, or similar functionary of a church or of a religious denomination or religious organization.

1031. As used in this article, "penitent" means a person who has made a penitential communication to a clergyman.

1032. As used in this article, "penitential communication" means a communication made in confidence, in the presence of no third person so far as the penitent is aware, to a clergyman who, in the course of the discipline or practice of his church, denomination, or organization, is authorized or accustomed to hear such communications and, under the discipline or tenets of his church, denomination, or organization, has a duty to keep such communications secret.

1033. Subject to Section 912, a penitent, whether or not a party, has a privilege to refuse to disclose, and to prevent another from disclosing, a penitential communication if he claims the privilege.

1034. Subject to Section 912, a clergyman, whether or not a party, has a privilege to refuse to disclose a penitential communication if he claims the privilege.

Article 9. Official Information and Identity of Informer

1040. (a) As used in this section, "official information" means information acquired in confidence by a public employee in the course of his duty and not open, or officially disclosed, to the public prior to the time the claim of privilege is made.

(b) A public entity has a privilege to refuse to disclose official information, and to prevent another from disclosing such

information, if the privilege is claimed by a person authorized by the public entity to do so and:

(1) Disclosure is forbidden by an act of the Congress of the United States or a statute of this state; or

(2) Disclosure of the information is against the public interest because there is a necessity for preserving the confidentiality of the information that outweighs the necessity for disclosure in the interest of justice; but no privilege may be claimed under this paragraph if any person authorized to do so has consented that the information be disclosed in the proceeding. In determining whether disclosure of the information is against the public interest, the interest of the public entity as a party in the outcome of the proceeding may not be considered.

1041. (a) Except as provided in this section, a public entity has a privilege to refuse to disclose the identity of a person who has furnished information as provided in subdivision (b) purporting to disclose a violation of a law of the United States or of this state or of a public entity in this state, and to prevent another from disclosing such identity, if the privilege is claimed by a person authorized by the public entity to do so and:

(1) Disclosure is forbidden by an act of the Congress of the United States or a statute of this state; or

(2) Disclosure of the identity of the informer is against the public interest because there is a necessity for preserving the confidentiality of his identity that outweighs the necessity for disclosure in the interest of justice; but no privilege may be claimed under this paragraph if any person authorized to do so has consented that the identity of the informer be disclosed in the proceeding. In determining whether disclosure of the identity of the informer is against the public interest, the interest of the public entity as a party in the outcome of the proceeding may not be considered.

(b) This section applies only if the information is furnished in confidence by the informer to:

(1) A law enforcement officer;

(2) A representative of an administrative agency charged with the administration or enforcement of the law alleged to be violated; or

(3) Any person for the purpose of transmittal to a person listed in paragraph (1) or (2).

(c) There is no privilege under this section to prevent the informer from disclosing his identity

1042. (a) Except where disclosure is forbidden by an act of the Congress of the United States, if a claim of privilege under this article by the state or a public entity in this state is sustained in a criminal proceeding, the presiding officer shall make such order or finding of fact adverse to the public entity bringing the proceeding as is required by law upon any issue in the proceeding to which the privileged information is material.

(b) Notwithstanding subdivision (a), where a search is made pursuant to a warrant valid on its face, the public entity bringing a criminal proceeding is not required to reveal to the defendant official information or the identity of an informer in order to establish the legality of the search or the admissibility of any evidence obtained as a result of it.

Article 10. Political Vote

1050. If he claims the privilege, a person has a privilege to refuse to disclose the tenor of his vote at a public election where the voting is by secret ballot unless he voted illegally or he previously made an unprivileged disclosure of the tenor of his vote.

Article 11. Trade Secret

1060. If he or his agent or employee claims the privilege, the owner of a trade secret has a privilege to refuse to disclose the secret, and to prevent another from disclosing it, if the allowance of the privilege will not tend to conceal fraud or otherwise work injustice.

CHAPTER 5. IMMUNITY OF NEWSMAN FROM CITATION FOR CONTEMPT

1070. A publisher, editor, reporter, or other person connected with or employed upon a newspaper, or by a press association or wire service, cannot be adjudged in contempt by a court, the Legislature, or any administrative body, for refusing to disclose the source of any information procured for publication and published in a newspaper.

Nor can a radio or television news reporter or other person connected with or employed by a radio or television station be so adjudged in contempt for refusing to disclose the source of any information procured for and used for news or news commentary purposes on radio or television.

DIVISION 9. EVIDENCE AFFECTED OR EXCLUDED BY EXTRINSIC POLICIES

CHAPTER 1. EVIDENCE OF CHARACTER, HABIT, OR CUSTOM

1100. Except as otherwise provided by statute, any otherwise admissible evidence (including evidence in the form of an opinion, evidence of reputation, and evidence of specific instances of such person's conduct) is admissible to prove a person's character or a trait of his character.

1101. (a) Except as provided in this section and in Sections 1102 and 1103, evidence of a person's character or a trait of his character (whether in the form of an opinion, evidence of reputation, or evidence of specific instances of his conduct) is inadmissible when offered to prove his conduct on a specified occasion.

(b) Nothing in this section prohibits the admission of evidence that a person committed a crime, civil wrong, or other act when relevant to prove some fact (such as motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident) other than his disposition to commit such acts.

(c) Nothing in this section affects the admissibility of evidence offered to support or attack the credibility of a witness.

1102. In a criminal action, evidence of the defendant's character or a trait of his character in the form of an opinion or evidence of his reputation is not made inadmissible by Section 1101 if such evidence is:

(a) Offered by the defendant to prove his conduct in conformity with such character or trait of character.

(b) Offered by the prosecution to rebut evidence adduced by the defendant under subdivision (a).

1103. In a criminal action, evidence of the character or a trait of character (in the form of an opinion, evidence of reputation, or evidence of specific instances of conduct) of the victim of the crime for which the defendant is being prosecuted is not made inadmissible by Section 1101 if such evidence is:

(a) Offered by the defendant to prove conduct of the victim in conformity with such character or trait of character.

(b) Offered by the prosecution to rebut evidence adduced by the defendant under subdivision (a).

1104. Except as provided in Sections 1102 and 1103, evidence of a trait of a person's character with respect to care or skill is inadmissible to prove the quality of his conduct on a specified occasion.

1105. Any otherwise admissible evidence of habit or custom is admissible to prove conduct on a specified occasion in conformity with the habit or custom.

CHAPTER 2. OTHER EVIDENCE AFFECTED OR EXCLUDED BY EXTRINSIC POLICIES

1150. (a) Upon an inquiry as to the validity of a verdict, any otherwise admissible evidence may be received as to statements made, or conduct, conditions, or events occurring, either within or without the jury room, of such a character as is likely to have influenced the verdict improperly. No evidence is admissible to show the effect of such statement, conduct, condition, or event upon a juror either in influencing him to assent to or dissent from the verdict or concerning the mental processes by which it was determined.

(b) Nothing in this code affects the law relating to the competence of a juror to give evidence to impeach or support a verdict.

1151. When, after the occurrence of an event, remedial or precautionary measures are taken, which, if taken previously, would have tended to make the event less likely to occur, evidence of such subsequent measures is inadmissible to prove

negligence or culpable conduct in connection with the event.

1152. (a) Evidence that a person has, in compromise or from humanitarian motives, furnished or offered or promised to furnish money or any other thing, act, or service to another who has sustained or claims to have sustained loss or damage, as well as any conduct or statements made in negotiation thereof, is inadmissible to prove his liability for the loss or damage or any part of it.

(b) This section does not affect the admissibility of evidence of:

(1) Partial satisfaction of an asserted claim or demand without questioning its validity when such evidence is offered to prove the validity of the claim; or

(2) A debtor's payment or promise to pay all or a part of his preexisting debt when such evidence is offered to prove the creation of a new duty on his part or a revival of his pre-existing duty.

1153. Evidence of a plea of guilty, later withdrawn, or of an offer to plead guilty to the crime charged or to any other crime, made by the defendant in a criminal action is inadmissible in any action or in any proceeding of any nature, including proceedings before agencies, commissions, boards, and tribunals.

1154. Evidence that a person has accepted or offered or promised to accept a sum of money or any other thing, act, or service in satisfaction of a claim, as well as any conduct or statements made in negotiation thereof, is inadmissible to prove the invalidity of the claim or any part of it.

1155. Evidence that a person was, at the time a harm was suffered by another, insured wholly or partially against loss arising from liability for that harm is inadmissible to prove negligence or other wrongdoing.

1156. (a) In-hospital medical staff committees of a licensed hospital may engage in research and medical study for the purpose of reducing morbidity or mortality, and may make findings and recommendations relating to such purpose. Except as provided in subdivision (b), the written records of interviews, reports, statements, or memoranda of such in-hospital medical staff committees relating to such medical studies are subject to Sections 2016 to 2036, inclusive, of the Code of Civil Procedure (relating to discovery proceedings) but, subject to subdivisions (c) and (d), shall not be admitted as evidence in any action or before any administrative body, agency, or person.

(b) The disclosure, with or without the consent of the patient, of information concerning him to such in-hospital medical staff committee does not make unprivileged any information that would otherwise be privileged under Section 994 or 1014; but, notwithstanding Sections 994 and 1014, such information is subject to discovery under subdivision (a) except that the identity of any patient may not be discovered under subdivision (a) unless the patient consents to such disclosure.

(c) This section does not affect the admissibility in evidence of the original medical records of any patient.

(d) This section does not exclude evidence which is relevant evidence in a criminal action.

DIVISION 10. HEARSAY EVIDENCE

CHAPTER 1. GENERAL PROVISIONS

1200. (a) "Hearsay evidence" is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated.

(b) Except as provided by law, hearsay evidence is inadmissible.

(c) This section shall be known and may be cited as the hearsay rule.

1201. A statement within the scope of an exception to the hearsay rule is not inadmissible on the ground that the evidence is hearsay evidence if the hearsay evidence of such statement consists of one or more statements each of which meets the requirements of an exception to the hearsay rule.

1202. Evidence of a statement or other conduct by a declarant that is inconsistent with a statement by such declarant received in evidence as hearsay evidence is not inadmissible for the purpose of attacking the credibility of the declarant though he is not given and has not had an opportunity to explain or to deny such inconsistent statement or other conduct. Any other evidence offered to attack or support the credibility of the declarant is admissible if it would have been admissible had the declarant been a witness at the hearing. For the purposes of this section, the deponent of a deposition taken in the action in which it is offered shall be deemed to be a hearsay declarant.

1203. (a) The declarant of a statement that is admitted as hearsay evidence may be called and examined by any adverse party as if under cross-examination concerning the statement.

(b) This section is not applicable if the declarant is (1) a party, (2) a person identified with a party within the meaning of subdivision (d) of Section 776, or (3) a witness who has testified in the action concerning the subject matter of the statement.

(c) This section is not applicable if the statement is one described in Article 1 (commencing with Section 1220), Article 3 (commencing with Section 1235), or Article 10 (commencing with Section 1300) of Chapter 2 of this division.

(d) A statement that is otherwise admissible as hearsay evidence is not made inadmissible by this section because the declarant who made the statement is unavailable for examination pursuant to this section.

1204. A statement that is otherwise admissible as hearsay evidence is inadmissible against the defendant in a criminal

action if the statement was made, either by the defendant or by another, under such circumstances that it is inadmissible against the defendant under the Constitution of the United States or the State of California.

1205. Nothing in this division shall be construed to repeal by implication any other statute relating to hearsay evidence.

CHAPTER 2. EXCEPTIONS TO THE HEARSAY RULE

Article 1. Confessions and Admissions

1220. Evidence of a statement is not made inadmissible by the hearsay rule when offered against the declarant in an action to which he is a party in either his individual or representative capacity, regardless of whether the statement was made in his individual or representative capacity

1221. Evidence of a statement offered against a party is not made inadmissible by the hearsay rule if the statement is one of which the party, with knowledge of the content thereof, has by words or other conduct manifested his adoption or his belief in its truth.

1222. Evidence of a statement offered against a party is not made inadmissible by the hearsay rule if:

(a) The statement was made by a person authorized by the party to make a statement or statements for him concerning the subject matter of the statement; and

(b) The evidence is offered either after admission of evidence sufficient to sustain a finding of such authority or, in the court's discretion as to the order of proof, subject to the admission of such evidence

1223. Evidence of a statement offered against a party is not made inadmissible by the hearsay rule if:

(a) The statement was made by the declarant while participating in a conspiracy to commit a crime or civil wrong and in furtherance of the objective of that conspiracy;

(b) The statement was made prior to or during the time that the party was participating in that conspiracy; and

(c) The evidence is offered either after admission of evidence sufficient to sustain a finding of the facts specified in subdivisions (a) and (b) or, in the court's discretion as to the order of proof, subject to the admission of such evidence.

1224. When the liability, obligation, or duty of a party to a civil action is based in whole or in part upon the liability, obligation, or duty of the declarant, or when the claim or right asserted by a party to a civil action is barred or diminished by a breach of duty by the declarant, evidence of a statement made by the declarant is as admissible against the party as it would be if offered against the declarant in an action involving that liability, obligation, duty, or breach of duty.

1225. When a right, title, or interest in any property or claim asserted by a party to a civil action requires a determination that a right, title, or interest exists or existed in the de-

clarant, evidence of a statement made by the declarant during the time the party now claims the declarant was the holder of the right, title, or interest is as admissible against the party as it would be if offered against the declarant in an action involving that right, title, or interest.

1226. Evidence of a statement by a minor child is not made inadmissible by the hearsay rule if offered against the plaintiff in an action brought under Section 376 of the Code of Civil Procedure for injury to such minor child.

1227. Evidence of a statement by the deceased is not made inadmissible by the hearsay rule if offered against the plaintiff in an action for wrongful death brought under Section 377 of the Code of Civil Procedure.

Article 2. Declarations Against Interest

1230. Evidence of a statement by a declarant having sufficient knowledge of the subject is not made inadmissible by the hearsay rule if the declarant is unavailable as a witness and the statement, when made, was so far contrary to the declarant's pecuniary or proprietary interest, or so far subjected him to the risk of civil or criminal liability, or so far tended to render invalid a claim by him against another, or created such a risk of making him an object of hatred, ridicule, or social disgrace in the community, that a reasonable man in his position would not have made the statement unless he believed it to be true.

Article 3. Prior Statements of Witnesses

1235. Evidence of a statement made by a witness is not made inadmissible by the hearsay rule if the statement is inconsistent with his testimony at the hearing and is offered in compliance with Section 770.

1236. Evidence of a statement previously made by a witness is not made inadmissible by the hearsay rule if the statement is consistent with his testimony at the hearing and is offered in compliance with Section 791.

1237. (a) Evidence of a statement previously made by a witness is not made inadmissible by the hearsay rule if the statement would have been admissible if made by him while testifying, the statement concerns a matter as to which the witness has insufficient present recollection to enable him to testify fully and accurately, and the statement is contained in a writing which:

(1) Was made at a time when the fact recorded in the writing actually occurred or was fresh in the witness' memory;

(2) Was made (i) by the witness himself or under his direction or (ii) by some other person for the purpose of recording the witness' statement at the time it was made;

(3) Is offered after the witness testifies that the statement he made was a true statement of such fact; and

(4) Is offered after the writing is authenticated as an accurate record of the statement.

(b) The writing may be read into evidence, but the writing itself may not be received in evidence unless offered by an adverse party.

1238. Evidence of a statement previously made by a witness is not made inadmissible by the hearsay rule if the statement would have been admissible if made by him while testifying and:

(a) The statement is an identification of a party or another as a person who participated in a crime or other occurrence;

(b) The statement was made at a time when the crime or other occurrence was fresh in the witness' memory; and

(c) The evidence of the statement is offered after the witness testifies that he made the identification and that it was a true reflection of his opinion at that time.

Article 4. Spontaneous, Contemporaneous, and Dying Declarations

1240. Evidence of a statement is not made inadmissible by the hearsay rule if the statement:

(a) Purports to narrate, describe, or explain an act, condition, or event perceived by the declarant; and

(b) Was made spontaneously while the declarant was under the stress of excitement caused by such perception.

1241. Evidence of a statement is not made inadmissible by the hearsay rule if the statement:

(a) Is offered to explain, qualify, or make understandable conduct of the declarant; and

(b) Was made while the declarant was engaged in such conduct.

1242. Evidence of a statement made by a dying person respecting the cause and circumstances of his death is not made inadmissible by the hearsay rule if the statement was made upon his personal knowledge and under a sense of immediately impending death.

Article 5. Statements of Mental or Physical State

1250. (a) Subject to Section 1252, evidence of a statement of the declarant's then existing state of mind, emotion, or physical sensation (including a statement of intent, plan, motive, design, mental feeling, pain, or bodily health) is not made inadmissible by the hearsay rule when:

(1) The evidence is offered to prove the declarant's state of mind, emotion, or physical sensation at that time or at any other time when it is itself an issue in the action; or

(2) The evidence is offered to prove or explain acts or conduct of the declarant.

(b) This section does not make admissible evidence of a statement of memory or belief to prove the fact remembered or believed.

1251. Subject to Section 1252, evidence of a statement of the declarant's state of mind, emotion, or physical sensation (including a statement of intent, plan, motive, design, mental feeling, pain, or bodily health) at a time prior to the statement is not made inadmissible by the hearsay rule if:

(a) The declarant is unavailable as a witness; and

(b) The evidence is offered to prove such prior state of mind, emotion, or physical sensation when it is itself an issue in the action and the evidence is not offered to prove any fact other than such state of mind, emotion, or physical sensation.

1252. Evidence of a statement is inadmissible under this article if the statement was made under circumstances such as to indicate its lack of trustworthiness.

Article 6. Statements Relating to Wills and to Claims Against Estates

1260. (a) Evidence of a statement made by a declarant who is unavailable as a witness that he has or has not made a will, or has or has not revoked his will, or that identifies his will, is not made inadmissible by the hearsay rule.

(b) Evidence of a statement is inadmissible under this section if the statement was made under circumstances such as to indicate its lack of trustworthiness.

1261. (a) Evidence of a statement is not made inadmissible by the hearsay rule when offered in an action upon a claim or demand against the estate of the declarant if the statement was made upon the personal knowledge of the declarant at a time when the matter had been recently perceived by him and while his recollection was clear.

(b) Evidence of a statement is inadmissible under this section if the statement was made under circumstances such as to indicate its lack of trustworthiness.

Article 7. Business Records

1270. As used in this article, "a business" includes every kind of business, governmental activity, profession, occupation, calling, or operation of institutions, whether carried on for profit or not.

1271. Evidence of a writing made as a record of an act, condition, or event is not made inadmissible by the hearsay rule when offered to prove the act, condition, or event if:

(a) The writing was made in the regular course of a business;

(b) The writing was made at or near the time of the act, condition, or event;

(c) The custodian or other qualified witness testifies to its identity and the mode of its preparation; and

(d) The sources of information and method and time of preparation were such as to indicate its trustworthiness.

1272. Evidence of the absence from the records of a business of a record of an asserted act, condition, or event is not

made inadmissible by the hearsay rule when offered to prove the nonoccurrence of the act or event, or the nonexistence of the condition, if:

(a) It was the regular course of that business to make records of all such acts, conditions, or events at or near the time of the act, condition, or event and to preserve them; and

(b) The sources of information and method and time of preparation of the records of that business were such that the absence of a record of an act, condition, or event is a trustworthy indication that the act or event did not occur or the condition did not exist.

Article 8. Official Records and Other Official Writings

1280. Evidence of a writing made as a record of an act, condition, or event is not made inadmissible by the hearsay rule when offered to prove the act, condition, or event if:

(a) The writing was made by and within the scope of duty of a public employee;

(b) The writing was made at or near the time of the act, condition, or event; and

(c) The sources of information and method and time of preparation were such as to indicate its trustworthiness.

1281. Evidence of a writing made as a record of a birth, fetal death, death, or marriage is not made inadmissible by the hearsay rule if the maker was required by law to file the writing in a designated public office and the writing was made and filed as required by law.

1282. A written finding of presumed death made by an employee of the United States authorized to make such finding pursuant to the Federal Missing Persons Act (56 Stats. 143, 1092, and P.L. 408, Ch. 371, 2d Sess. 78th Cong.; 50 U.S.C. App 1001-1016), as enacted or as heretofore or hereafter amended, shall be received in any court, office, or other place in this state as evidence of the death of the person therein found to be dead and of the date, circumstances, and place of his disappearance.

1283. An official written report or record that a person is missing, missing in action, interned in a foreign country, **captured by a hostile force, beleaguered by a hostile force, besieged by a hostile force, or detained in a foreign country against his will, or is dead or is alive, made by an employee of the United States authorized by any law of the United States to make such report or record shall be received in any court, office, or other place in this state as evidence that such person is missing, missing in action, interned in a foreign country, captured by a hostile force, beleaguered by a hostile force, besieged by a hostile force, or detained in a foreign country against his will, or is dead or is alive.**

1284. Evidence of a writing made by the public employee who is the official custodian of the records in a public office, reciting diligent search and failure to find a record, is not

made inadmissible by the hearsay rule when offered to prove the absence of a record in that office.

Article 9. Former Testimony

1290. As used in this article, "former testimony" means testimony given under oath in:

(a) Another action or in a former hearing or trial of the same action;

(b) A proceeding to determine a controversy conducted by or under the supervision of an agency that has the power to determine such a controversy and is an agency of the United States or a public entity in the United States;

(c) A deposition taken in compliance with law in another action; or

(d) An arbitration proceeding if the evidence of such former testimony is a verbatim transcript thereof.

1291. (a) Evidence of former testimony is not made inadmissible by the hearsay rule if the declarant is unavailable as a witness and:

(1) The former testimony is offered against a person who offered it in evidence in his own behalf on the former occasion or against the successor in interest of such person; or

(2) The party against whom the former testimony is offered was a party to the action or proceeding in which the testimony was given and had the right and opportunity to cross-examine the declarant with an interest and motive similar to that which he has at the hearing.

(b) The admissibility of former testimony under this section is subject to the same limitations and objections as though the declarant were testifying at the hearing, except that former testimony offered under this section is not subject to:

(1) Objections to the form of the question which were not made at the time the former testimony was given.

(2) Objections based on competency or privilege which did not exist at the time the former testimony was given.

1292. (a) Evidence of former testimony is not made inadmissible by the hearsay rule if:

(1) The declarant is unavailable as a witness;

(2) The former testimony is offered in a civil action; and

(3) The issue is such that the party to the action or proceeding in which the former testimony was given had the right and opportunity to cross-examine the declarant with an interest and motive similar to that which the party against whom the testimony is offered has at the hearing.

(b) The admissibility of former testimony under this section is subject to the same limitations and objections as though the declarant were testifying at the hearing, except that former testimony offered under this section is not subject to objections based on competency or privilege which did not exist at the time the former testimony was given.

Article 10. Judgments

1300. Evidence of a final judgment adjudging a person guilty of a crime punishable as a felony is not made inadmissible by the hearsay rule when offered in a civil action to prove any fact essential to the judgment unless the judgment was based on a plea of *nolo contendere*.

1301. Evidence of a final judgment is not made inadmissible by the hearsay rule when offered by the judgment debtor to prove any fact which was essential to the judgment in an action in which he seeks to:

(a) Recover partial or total indemnity or exoneration for money paid or liability incurred because of the judgment;

(b) Enforce a warranty to protect the judgment debtor against the liability determined by the judgment; or

(c) Recover damages for breach of warranty substantially the same as the warranty determined by the judgment to have been breached.

1302. When the liability, obligation, or duty of a third person is in issue in a civil action, evidence of a final judgment against that person is not made inadmissible by the hearsay rule when offered to prove such liability, obligation, or duty.

Article 11. Family History

1310. (a) Subject to subdivision (b), evidence of a statement by a declarant who is unavailable as a witness concerning his own birth, marriage, divorce, legitimacy, relationship by blood or marriage, race, ancestry, or other similar fact of his family history is not made inadmissible by the hearsay rule, even though the declarant had no means of acquiring personal knowledge of the matter declared.

(b) Evidence of a statement is inadmissible under this section if the statement was made under circumstances such as to indicate its lack of trustworthiness.

1311. (a) Subject to subdivision (b), evidence of a statement concerning the birth, marriage, divorce, death, legitimacy, race, ancestry, relationship by blood or marriage, or other similar fact of the family history of a person other than the declarant is not made inadmissible by the hearsay rule if the declarant is unavailable as a witness and:

(1) The declarant was related to the other by blood or marriage; or

(2) The declarant was otherwise so intimately associated with the other's family as to be likely to have had accurate information concerning the matter declared and made the statement (i) upon information received from the other or from a person related by blood or marriage to the other or (ii) upon repute in the other's family.

(b) Evidence of a statement is inadmissible under this section if the statement was made under circumstances such as to indicate its lack of trustworthiness.

1312. Evidence of entries in family Bibles or other family books or charts, engravings on rings, family portraits, engravings on urns, crypts, or tombstones, and the like, is not made inadmissible by the hearsay rule when offered to prove the birth, marriage, divorce, death, legitimacy, race, ancestry, relationship by blood or marriage, or other similar fact of the family history of a member of the family by blood or marriage.

1313. Evidence of reputation among members of a family is not made inadmissible by the hearsay rule if the reputation concerns the birth, marriage, divorce, death, legitimacy, race, ancestry, relationship by blood or marriage, or other similar fact of the family history of a member of the family by blood or marriage.

1314. Evidence of reputation in a community concerning the date or fact of birth, marriage, divorce, or death of a person resident in the community at the time of the reputation is not made inadmissible by the hearsay rule.

1315. Evidence of a statement concerning a person's birth, marriage, divorce, death, legitimacy, race, ancestry, relationship by blood or marriage, or other similar fact of family history which is contained in a writing made as a record of a church, religious denomination, or religious society is not made inadmissible by the hearsay rule if:

(a) The statement is contained in a writing made as a record of an act, condition, or event that would be admissible as evidence of such act, condition, or event under Section 1271; and

(b) The statement is of a kind customarily recorded in connection with the act, condition, or event recorded in the writing.

1316. Evidence of a statement concerning a person's birth, marriage, divorce, death, legitimacy, race, ancestry, relationship by blood or marriage, or other similar fact of family history is not made inadmissible by the hearsay rule if the statement is contained in a certificate that the maker thereof performed a marriage or other ceremony or administered a sacrament and:

(a) The maker was a clergyman, civil officer, or other person authorized to perform the acts reported in the certificate by law or by the rules, regulations, or requirements of a church, religious denomination, or religious society; and

(b) The certificate was issued by the maker at the time and place of the ceremony or sacrament or within a reasonable time thereafter.

Article 12. Reputation and Statements Concerning Community History, Property Interests, and Character

1320. Evidence of reputation in a community is not made inadmissible by the hearsay rule if the reputation concerns an event of general history of the community or of the state or nation of which the community is a part and the event was of importance to the community.

1321. Evidence of reputation in a community is not made inadmissible by the hearsay rule if the reputation concerns the interest of the public in property in the community and the reputation arose before controversy.

1322. Evidence of reputation in a community is not made inadmissible by the hearsay rule if the reputation concerns boundaries of, or customs affecting, land in the community and the reputation arose before controversy.

1323. Evidence of a statement concerning the boundary of land is not made inadmissible by the hearsay rule if the declarant is unavailable as a witness and had sufficient knowledge of the subject, but evidence of a statement is not admissible under this section if the statement was made under circumstances such as to indicate its lack of trustworthiness.

1324. Evidence of a person's general reputation with reference to his character or a trait of his character at a relevant time in the community in which he then resided or in a group with which he then habitually associated is not made inadmissible by the hearsay rule.

Article 13. Dispositive Instruments and Ancient Writings

1330. Evidence of a statement contained in a deed of conveyance or a will or other writing purporting to affect an interest in real or personal property is not made inadmissible by the hearsay rule if:

(a) The matter stated was relevant to the purpose of the writing;

(b) The matter stated would be relevant to an issue as to an interest in the property; and

(c) The dealings with the property since the statement was made have not been inconsistent with the truth of the statement.

1331. Evidence of a statement is not made inadmissible by the hearsay rule if the statement is contained in a writing more than 30 years old and the statement has been since generally acted upon as true by persons having an interest in the matter.

Article 14. Commercial, Scientific, and Similar Publications

1340. Evidence of a statement, other than an opinion, contained in a tabulation, list, directory, register, or other published compilation is not made inadmissible by the hearsay rule if the compilation is generally used and relied upon as accurate in the course of a business as defined in Section 1270.

1341. Historical works, books of science or art, and published maps or charts, made by persons indifferent between the parties, are not made inadmissible by the hearsay rule when offered to prove facts of general notoriety and interest.

DIVISION 11. WRITINGS

CHAPTER 1. AUTHENTICATION AND PROOF OF WRITINGS

Article 1. Requirement of Authentication

1400. Authentication of a writing means (a) the introduction of evidence sufficient to sustain a finding that it is the writing that the proponent of the evidence claims it is or (b) the establishment of such facts by any other means provided by law.

1401. (a) Authentication of a writing is required before it may be received in evidence.

(b) Authentication of a writing is required before secondary evidence of its content may be received in evidence.

1402. The party producing a writing as genuine which has been altered, or appears to have been altered, after its execution, in a part material to the question in dispute, must account for the alteration or appearance thereof. He may show that the alteration was made by another, without his concurrence, or was made with the consent of the parties affected by it, or otherwise properly or innocently made, or that the alteration did not change the meaning or language of the instrument. If he does that, he may give the writing in evidence, but not otherwise.

Article 2. Means of Authenticating and Proving Writings

1410. Nothing in this article shall be construed to limit the means by which a writing may be authenticated or proved.

1411. Except as provided by statute, the testimony of a subscribing witness is not required to authenticate a writing.

1412. If the testimony of a subscribing witness is required by statute to authenticate a writing and the subscribing witness denies or does not recollect the execution of the writing, the writing may be authenticated by other evidence.

1413. A writing may be authenticated by anyone who saw the writing made or executed, including a subscribing witness.

1414. A writing may be authenticated by evidence that:

(a) The party against whom it is offered has at any time admitted its authenticity; or

(b) The writing has been acted upon as authentic by the party against whom it is offered.

1415. A writing may be authenticated by evidence of the genuineness of the handwriting of the maker.

1416. A witness who is not otherwise qualified to testify as an expert may state his opinion whether a writing is in the handwriting of a supposed writer if the court finds that he has personal knowledge of the handwriting of the supposed writer. Such personal knowledge may be acquired from:

(a) Having seen the supposed writer write;

(b) Having seen a writing purporting to be in the handwriting of the supposed writer and upon which the supposed writer has acted or been charged;

(c) Having received letters in the due course of mail purporting to be from the supposed writer in response to letters duly addressed and mailed by him to the supposed writer; or

(d) Any other means of obtaining personal knowledge of the handwriting of the supposed writer.

1417. The genuineness of handwriting, or the lack thereof, may be proved by a comparison made by the trier of fact with handwriting (a) which the court finds was admitted or treated as genuine by the party against whom the evidence is offered or (b) otherwise proved to be genuine to the satisfaction of the court.

1418. The genuineness of writing, or the lack thereof, may be proved by a comparison made by an expert witness with writing (a) which the court finds was admitted or treated as genuine by the party against whom the evidence is offered or (b) otherwise proved to be genuine to the satisfaction of the court.

1419. Where a writing whose genuineness is sought to be proved is more than 30 years old, the comparison under Section 1417 or 1418 may be made with writing purporting to be genuine, and generally respected and acted upon as such, by persons having an interest in knowing whether it is genuine.

1420. A writing may be authenticated by evidence that the writing was received in response to a communication sent to the person who is claimed by the proponent of the evidence to be the author of the writing.

1421. A writing may be authenticated by evidence that the writing refers to or states matters that are unlikely to be known to anyone other than the person who is claimed by the proponent of the evidence to be the author of the writing.

Article 3. Presumptions Affecting Acknowledged Writings and Official Writings

1450. The presumptions established by this article are presumptions affecting the burden of producing evidence.

1451. A certificate of the acknowledgment of a writing other than a will, or a certificate of the proof of such a writing, is *prima facie* evidence of the facts recited in the certificate and the genuineness of the signature of each person by whom the writing purports to have been signed if the certificate meets the requirements of Article 3 (commencing with Section 1180) of Chapter 4, Title 4, Part 4, Division 2 of the Civil Code.

1452. A seal is presumed to be genuine and its use authorized if it purports to be the seal of:

(a) The United States or a department, agency, or public employee of the United States.

(b) A public entity in the United States or a department, agency, or public employee of such public entity.

(c) A nation recognized by the executive power of the United States or a department, agency, or officer of such nation.

(d) A public entity in a nation recognized by the executive power of the United States or a department, agency, or officer of such public entity.

(e) A court of admiralty or maritime jurisdiction.

(f) A notary public within any state of the United States.

1453. A signature is presumed to be genuine and authorized if it purports to be the signature, affixed in his official capacity, of:

(a) A public employee of the United States.

(b) A public employee of any public entity in the United States.

(c) A notary public within any state of the United States.

1454. A signature is presumed to be genuine and authorized if it purports to be the signature, affixed in his official capacity, of an officer, or deputy of an officer, of a nation or public entity in a nation recognized by the executive power of the United States and the writing to which the signature is affixed is accompanied by a final statement certifying the genuineness of the signature and the official position of (a) the person who executed the writing or (b) any foreign official who has certified either the genuineness of the signature and official position of the person executing the writing or the genuineness of the signature and official position of another foreign official who has executed a similar certificate in a chain of such certificates beginning with a certificate of the genuineness of the signature and official position of the person executing the writing. The final statement may be made only by a secretary of an embassy or legation, consul general, consul, vice consul, consular agent, or other officer in the foreign service of the United States stationed in the nation, authenticated by the seal of his office.

CHAPTER 2. SECONDARY EVIDENCE OF WRITINGS

Article 1. Best Evidence Rule

1500. Except as otherwise provided by statute, no evidence other than the writing itself is admissible to prove the content of a writing. This section shall be known and may be cited as the best evidence rule.

1501. A copy of a writing is not made inadmissible by the best evidence rule if the writing is lost or has been destroyed without fraudulent intent on the part of the proponent of the evidence.

1502. A copy of a writing is not made inadmissible by the best evidence rule if the writing was not reasonably procurable by the proponent by use of the court's process or by other available means.

1503. (a) A copy of a writing is not made inadmissible by the best evidence rule if, at a time when the writing was under the control of the opponent, the opponent was expressly or impliedly notified, by the pleadings or otherwise, that the writing would be needed at the hearing, and on request at the hearing the opponent has failed to produce the writing. In a criminal action, the request at the hearing to produce the writing may not be made in the presence of the jury.

(b) Though a writing requested by one party is produced by another, and is thereupon inspected by the party calling for it, the party calling for the writing is not obliged to introduce it as evidence in the action.

1504. A copy of a writing is not made inadmissible by the best evidence rule if the writing is not closely related to the controlling issues and it would be inexpedient to require its production.

1505. If the proponent does not have in his possession or under his control a copy of a writing described in Section 1501, 1502, 1503, or 1504, other secondary evidence of the content of the writing is not made inadmissible by the best evidence rule. This section does not apply to a writing that is also described in Section 1506 or 1507.

1506. A copy of a writing is not made inadmissible by the best evidence rule if the writing is a record or other writing that is in the custody of a public entity.

1507. A copy of a writing is not made inadmissible by the best evidence rule if the writing has been recorded in the public records and the record or an attested or a certified copy thereof is made evidence of the writing by statute.

1508. If the proponent does not have in his possession a copy of a writing described in Section 1506 or 1507 and could not in the exercise of reasonable diligence have obtained a copy, other secondary evidence of the content of the writing is not made inadmissible by the best evidence rule.

1509. Secondary evidence, whether written or oral, of the content of a writing is not made inadmissible by the best evidence rule if the writing consists of numerous accounts or other writings that cannot be examined in court without great loss of time, and the evidence sought from them is only the general result of the whole; but the court in its discretion may require that such accounts or other writings be produced for inspection by the adverse party.

1510. A copy of a writing is not made inadmissible by the best evidence rule if the writing has been produced at the hearing and made available for inspection by the adverse party.

Article 2. Official Writings and Recorded Writings

1530. (a) A purported copy of a writing in the custody of a public entity, or of an entry in such a writing, is *prima facie* evidence of the existence and content of such writing or entry if:

(1) The copy purports to be published by the authority of the nation or state, or public entity therein, in which the writing is kept;

(2) The office in which the writing is kept is within the United States or within the Panama Canal Zone, the Trust Territory of the Pacific Islands, or the Ryukyu Islands, and the copy is attested or certified as a correct copy of the writing or entry by a public employee, or a deputy of a public employee, having the legal custody of the writing; or

(3) The office in which the writing is kept is not within the United States or any other place described in paragraph (2) and the copy is attested as a correct copy of the writing or entry by a person having authority to make the attestation. The attestation must be accompanied by a final statement certifying the genuineness of the signature and the official position of (i) the person who attested the copy as a correct copy or (ii) any foreign official who has certified either the genuineness of the signature and official position of the person attesting the copy or the genuineness of the signature and official position of another foreign official who has executed a similar certificate in a chain of such certificates beginning with a certificate of the genuineness of the signature and official position of the person attesting the copy. The final statement may be made only by a secretary of an embassy or legation, consul general, consul, vice consul, consular agent, or other officer in the foreign service of the United States stationed in the nation in which the writing is kept, authenticated by the seal of his office.

(b) The presumptions established by this section are presumptions affecting the burden of producing evidence.

1531. For the purpose of evidence, whenever a copy of a writing is attested or certified, the attestation or certificate must state in substance that the copy is a correct copy of the original, or of a specified part thereof, as the case may be.

1532. (a) The official record of a writing is prima facie evidence of the existence and content of the original recorded writing if:

(1) The record is in fact a record of an office of a public entity; and

(2) A statute authorized such a writing to be recorded in that office.

(b) The presumption established by this section is a presumption affecting the burden of producing evidence.

Article 3. Photographic Copies of Writings

1550. A photostatic, microfilm, microcard, miniature photographic or other photographic copy or reproduction, or an enlargement thereof, of a writing is as admissible as the writing itself if such copy or reproduction was made and preserved as a part of the records of a business (as defined by Section 1270) in the regular course of such business. The introduction

of such copy, reproduction, or enlargement does not preclude admission of the original writing if it is still in existence.

1551. A print, whether enlarged or not, from a photographic film (including a photographic plate, microphotographic film, photostatic negative, or similar reproduction) of an original writing destroyed or lost after such film was taken is as admissible as the original writing itself if, at the time of the taking of such film, the person under whose direction and control it was taken attached thereto, or to the sealed container in which it was placed and has been kept, or incorporated in the film, a certification complying with the provisions of Section 1531 and stating the date on which, and the fact that, it was so taken under his direction and control.

Article 4. Hospital Records

1560. (a) As used in this article, "hospital" means a hospital located in this state that is operated by a public entity or any licensed hospital located in this state.

(b) Except as provided in Section 1564, when a subpoena duces tecum is served upon the custodian of records or other qualified witness from a hospital in an action in which the hospital is neither a party nor the place where any cause of action is alleged to have arisen and such subpoena requires the production of all or any part of the records of the hospital relating to the care or treatment of a patient in such hospital, it is sufficient compliance therewith if the custodian or other officer of the hospital, within five days after the receipt of such subpoena, delivers by mail or otherwise a true and correct copy (which may be a photographic or microphotographic reproduction) of all the records described in such subpoena to the clerk of court or to the court if there be no clerk or to such other person as described in subdivision (a) of Section 2018 of the Code of Civil Procedure, together with the affidavit described in Section 1561.

(c) The copy of the records shall be separately enclosed in an inner envelope or wrapper, sealed, with the title and number of the action, name of witness, and date of subpoena clearly inscribed thereon; the sealed envelope or wrapper shall then be enclosed in an outer envelope or wrapper, sealed, directed as follows:

(1) If the subpoena directs attendance in court, to the clerk of such court, or to the judge thereof if there be no clerk.

(2) If the subpoena directs attendance at a deposition or other hearing, to the officer before whom the deposition is to be taken, at the place designated in the subpoena for the taking of the deposition or at his place of business.

(3) In other cases, to the officer, body, or tribunal conducting the hearing, at a like address.

(d) Unless the parties to the proceeding otherwise agree, or unless the sealed envelope or wrapper is returned to a witness who is to appear personally, the copy of the records

shall remain sealed and shall be opened only at the time of trial, deposition, or other hearing, upon the direction of the judge, officer, body, or tribunal conducting the proceeding, in the presence of all parties who have appeared in person or by counsel at such trial, deposition, or hearing. Records which are not introduced in evidence or required as part of the record shall be returned to the person or entity from whom received.

1561. (a) The records shall be accompanied by the affidavit of the custodian or other qualified witness, stating in substance each of the following:

(1) That the affiant is the duly authorized custodian of the records and has authority to certify the records.

(2) That the copy is a true copy of all the records described in the subpoena.

(3) That the records were prepared by the personnel of the hospital, staff physicians, or persons acting under the control of either, in the ordinary course of hospital business at or near the time of the act, condition, or event.

(b) If the hospital has none of the records described, or only part thereof, the custodian shall so state in the affidavit, and deliver the affidavit and such records as are available in the manner provided in Section 1560.

1562. The copy of the records is admissible in evidence to the same extent as though the original thereof were offered and the custodian had been present and testified to the matters stated in the affidavit. The affidavit is admissible as evidence of the matters stated therein pursuant to Section 1561 and the matters so stated are presumed true. When more than one person has knowledge of the facts, more than one affidavit may be made. The presumption established by this section is a presumption affecting the burden of producing evidence.

1563. This article shall not be interpreted to require tender or payment of more than one witness and mileage fee or other charge unless there is an agreement to the contrary.

1564. The personal attendance of the custodian or other qualified witness and the production of the original records is required if the subpoena duces tecum contains a clause which reads:

“The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized pursuant to subdivision (b) of Section 1560, and Sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena.”

1565. If more than one subpoena duces tecum is served upon the custodian of records or other qualified witness from a hospital and the personal attendance of the custodian or other qualified witness is required pursuant to Section 1564, the witness shall be deemed to be the witness of the party serving the first such subpoena duces tecum.

1566. This article applies in any proceeding in which testimony can be compelled.

CHAPTER 3. OFFICIAL WRITINGS AFFECTING PROPERTY

1600. The official record of a document purporting to establish or affect an interest in property is prima facie evidence of the existence and content of the original recorded document and its execution and delivery by each person by whom it purports to have been executed if:

(a) The record is in fact a record of an office of a public entity; and

(b) A statute authorized such a document to be recorded in that office.

1601. (a) Subject to subdivisions (b) and (c), when in any action it is desired to prove the contents of the official record of any writing lost or destroyed by conflagration or other public calamity, after proof of such loss or destruction, the following may, without further proof, be admitted in evidence to prove the contents of such record:

(1) Any abstract of title made and issued and certified as correct prior to such loss or destruction, and purporting to have been prepared and made in the ordinary course of business by any person engaged in the business of preparing and making abstracts of title prior to such loss or destruction; or

(2) Any abstract of title, or of any instrument affecting title, made, issued, and certified as correct by any person engaged in the business of insuring titles or issuing abstracts of title to real estate, whether the same was made, issued, or certified before or after such loss or destruction and whether the same was made from the original records or from abstract and notes, or either, taken from such records in the preparation and upkeeping of its plant in the ordinary course of its business.

(b) No proof of the loss of the original writing is required other than the fact that the original is not known to the party desiring to prove its contents to be in existence.

(c) Any party desiring to use evidence admissible under this section shall give reasonable notice in writing to all other parties to the action who have appeared therein, of his intention to use such evidence at the trial of the action, and shall give all such other parties a reasonable opportunity to inspect the evidence, and also the abstracts, memoranda, or notes from which it was compiled, and to take copies thereof.

1602. If a patent for mineral lands within this state, issued or granted by the United States of America, contains a statement of the date of the location of a claim or claims upon which the granting or issuance of such patent is based, such statement is prima facie evidence of the date of such location.

1603. A deed of conveyance of real property, purporting to have been executed by a proper officer in pursuance of legal process of any of the courts of record of this state, acknowledged and recorded in the office of the recorder of the county wherein the real property therein described is situated, or the record of such deed, or a certified copy of such record,

is prima facie evidence that the property or interest therein described was thereby conveyed to the grantee named in such deed.

1604. A certificate of purchase, or of location, of any lands in this state, issued or made in pursuance of any law of the United States or of this state, is prima facie evidence that the holder or assignee of such certificate is the owner of the land described therein; but this evidence may be overcome by proof that, at the time of the location, or time of filing a preemption claim on which the certificate may have been issued, the land was in the adverse possession of the adverse party, or those under whom he claims, or that the adverse party is holding the land for mining purposes.

1605. Duplicate copies and authenticated translations of original Spanish title papers relating to land claims in this state, derived from the Spanish or Mexican governments, prepared under the supervision of the Keeper of Archives, authenticated by the Surveyor-General or his successor and by the Keeper of Archives, and filed with a county recorder, in accordance with Chapter 281 of the Statutes of 1865-66, are receivable as prima facie evidence with like force and effect as the originals and without proving the execution of such originals.

SEC. 3. Section 2904 of the Business and Professions Code is repealed.

SEC. 4. Section 5012 of the Business and Professions Code is amended to read:

5012. The board shall have a seal.

SEC. 5. Section 25009 of the Business and Professions Code is amended to read:

25009. Any defendant in any action brought under this chapter or any person who may be a witness therein under Sections 2016, 2018, and 2019 of the Code of Civil Procedure or Section 776 of the Evidence Code, and the books and records of any such defendant or witness, may be brought into court and the books and records may be introduced by reference into evidence, but no information so obtained may be used against the defendant or any such witness as a basis for a misdemeanor prosecution under this chapter.

SEC. 6. Section 53 of the Civil Code is amended to read:

53. (a) Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, leasing, or mortgaging of such real property to any person of a specified race, color, religion, ancestry, or national origin, is void and every restriction or prohibition as to the use or occupation of real property because of the user's or occupier's race, color, religion, ancestry, or national origin is void.

(b) Every restriction or prohibition, whether by way of covenant, condition upon use or occupation, or upon transfer of title to real property, which restriction or prohibition di-

rectly or indirectly limits the acquisition, use or occupation of such property because of the acquirer's, user's, or occupier's race, color, religion, ancestry, or national origin is void.

(c) In any action to declare that a restriction or prohibition specified in subdivision (a) or (b) of this section is void, the court takes judicial notice of the recorded instrument or instruments containing such prohibitions or restrictions in the same manner that it takes judicial notice of the matters listed in Section 452 of the Evidence Code.

SEC. 7. Section 164.5 is added to the Civil Code, to read:

164.5. The presumption that property acquired during marriage is community property does not apply to any property to which legal or equitable title is held by a person at the time of his death if the marriage during which the property was acquired was terminated by divorce more than four years prior to such death.

SEC. 8. Section 193 of the Civil Code is repealed.

SEC. 9. Section 194 of the Civil Code is repealed.

SEC. 10. Section 195 of the Civil Code is repealed.

SEC. 11. Section 3545 is added to the Civil Code, to read:

3545. Private transactions are fair and regular.

SEC. 12. Section 3546 is added to the Civil Code, to read:

3546. Things happen according to the ordinary course of nature and the ordinary habits of life.

SEC. 13. Section 3547 is added to the Civil Code, to read:

3547. A thing continues to exist as long as is usual with things of that nature.

SEC. 14. Section 3548 is added to the Civil Code, to read:

3548. The law has been obeyed.

SEC. 15. Section 1 of the Code of Civil Procedure is amended to read:

1. This act shall be known as the Code of Civil Procedure, and is divided into four parts, as follows:

Part I. Of Courts of Justice.

II. Of Civil Actions.

III. Of Special Proceedings of a Civil Nature.

IV. Miscellaneous Provisions.

SEC. 16. Section 117g of the Code of Civil Procedure is amended to read:

117g. No attorney at law or other person than the plaintiff and defendant shall take any part in the filing or the prosecution or defense of such litigation in the small claims court. The plaintiff and defendant shall have the right to offer evidence in their behalf by witnesses appearing at such hearing, or at any other time. The presence of the plaintiff or defendant, whether individual or corporate, at the hearing shall not be required to permit the proof of the items of an account but such proof shall be in accordance with the provisions of Sections 1270 and 1271 of the Evidence Code. The judge or justice may also informally make any investigation of the controversy between the parties either in or out of court and give judgment and make such orders as to time of payment or otherwise

as may, by him, be deemed to be right and just. The provisions of Section 579 of the Code of Civil Procedure are hereby made applicable to small claims court actions.

SEC. 17. Section 125 of the Code of Civil Procedure is amended to read:

125. In an action for divorce or seduction, the court may direct the trial of any issue of fact joined therein to be private, and may exclude all persons except the officers of the court, the parties, their witnesses, and counsel. Nothing in this section prevents the exclusion of a witness pursuant to Evidence Code Section 777.

SEC. 18. Section 153 of the Code of Civil Procedure is amended to read:

153. Except as otherwise expressly provided by law, the seal of a court need not be affixed to any proceeding therein, or to any document, except:

1. To a writ;
2. To a summons;
3. To a warrant of arrest;
4. To the certificate of probate of a will or of the appointment of an executor, administrator, or guardian.

SEC. 19. Section 433 of the Code of Civil Procedure is amended to read:

433. When any of the matters enumerated in Section 430 do not appear upon the face of the complaint, the objection may be taken by answer; except that when the ground of demurrer is that there is another action or proceeding pending between the same parties for the same cause and the court may take judicial notice of the other action or proceeding under Division 4 (commencing with Section 450) of the Evidence Code, an affidavit may be filed with the demurrer for the sole purpose of establishing such fact or invoking such notice.

SEC. 20. Section 631.7 is added to the Code of Civil Procedure, to read:

631.7. Ordinarily, unless the court otherwise directs, the trial of a civil action tried by the court without a jury shall proceed in the order specified in Section 607.

SEC. 21. Section 1256.2 of the Code of Civil Procedure is repealed.

SEC. 22. Section 1747 of the Code of Civil Procedure is amended to read:

1747. Notwithstanding the provisions of Section 124 of the Code of Civil Procedure, all superior court hearings or conferences in proceedings under this chapter shall be held in private and the court shall exclude all persons except the officers of the court, the parties, their counsel and witnesses. Conferences may be held with each party and his counsel separately and in the discretion of the judge, commissioner or counselor conducting the conference or hearing, counsel for one party may be excluded when the adverse party is present. All communications, verbal or written, from parties to the

judge, commissioner or counselor in a proceeding under this chapter shall be deemed to be official information within the meaning of Section 1040 of the Evidence Code.

The files of the conciliation court shall be closed. The petition, supporting affidavit, reconciliation agreement and any court order made in the matter may be opened to inspection by any party or his counsel upon the written authority of the judge of the conciliation court.

SEC. 23. The heading of Part IV of the Code of Civil Procedure is amended to read :

PART IV. MISCELLANEOUS PROVISIONS

SEC. 24. Section 1823 of the Code of Civil Procedure is repealed.

SEC. 25. Section 1824 of the Code of Civil Procedure is repealed.

SEC. 26. Section 1825 of the Code of Civil Procedure is repealed.

SEC. 27. Section 1826 of the Code of Civil Procedure is repealed.

SEC. 28. Section 1827 of the Code of Civil Procedure is repealed.

SEC. 29. Section 1828 of the Code of Civil Procedure is repealed.

SEC. 30. Section 1829 of the Code of Civil Procedure is repealed.

SEC. 31. Section 1830 of the Code of Civil Procedure is repealed.

SEC. 32. Section 1831 of the Code of Civil Procedure is repealed.

SEC. 33. Section 1832 of the Code of Civil Procedure is repealed.

SEC. 34. Section 1833 of the Code of Civil Procedure is repealed.

SEC. 35. Section 1834 of the Code of Civil Procedure is repealed.

SEC. 36. Section 1836 of the Code of Civil Procedure is repealed.

SEC. 37. Section 1837 of the Code of Civil Procedure is repealed.

SEC. 38. Section 1838 of the Code of Civil Procedure is repealed.

SEC. 39. Section 1839 of the Code of Civil Procedure is repealed.

SEC. 40. Section 1844 of the Code of Civil Procedure is repealed.

SEC. 41. Section 1845 of the Code of Civil Procedure is repealed.

SEC. 42. Section 1845.5 of the Code of Civil Procedure is amended and renumbered to read :

1247c. In an eminent domain proceeding a witness, otherwise qualified, may testify with respect to the value of the real

property including the improvements situated thereon or the value of any interest in real property to be taken, and may testify on direct examination as to his knowledge of the amount paid for comparable property or property interests. In rendering his opinion as to highest and best use and market value of the property sought to be condemned the witness shall be permitted to consider and give evidence as to the nature and value of the improvements and the character of the existing uses being made of the properties in the general vicinity of the property sought to be condemned. Nothing in this section makes inadmissible any evidence that is admissible under Sections 800 to 805, inclusive, of the Evidence Code or under any other provision of the Evidence Code.

SEC. 43. Section 1846 of the Code of Civil Procedure is repealed.

SEC. 44. Section 1847 of the Code of Civil Procedure is repealed.

SEC. 45. Section 1848 of the Code of Civil Procedure is repealed.

SEC. 46. Section 1849 of the Code of Civil Procedure is repealed.

SEC. 47. Section 1850 of the Code of Civil Procedure is repealed.

SEC. 48. Section 1851 of the Code of Civil Procedure is repealed.

SEC. 49. Section 1852 of the Code of Civil Procedure is repealed.

SEC. 50. Section 1853 of the Code of Civil Procedure is repealed.

SEC. 51. Section 1854 of the Code of Civil Procedure is repealed.

SEC. 52. Section 1855 of the Code of Civil Procedure is repealed.

SEC. 53. Section 1855a of the Code of Civil Procedure is repealed.

SEC. 54. Section 1863 of the Code of Civil Procedure is repealed.

SEC. 55. Section 1867 of the Code of Civil Procedure is repealed.

SEC. 56. Section 1868 of the Code of Civil Procedure is repealed.

SEC. 57. Section 1869 of the Code of Civil Procedure is repealed.

SEC. 58. Section 1870 of the Code of Civil Procedure is repealed.

SEC. 59. Section 1871 of the Code of Civil Procedure is repealed.

SEC. 60. Section 1872 of the Code of Civil Procedure is repealed.

SEC. 61. Section 1875 of the Code of Civil Procedure is repealed.

SEC. 62. Section 1879 of the Code of Civil Procedure is repealed.

SEC. 63. Section 1880 of the Code of Civil Procedure is repealed.

SEC. 64. Section 1881 of the Code of Civil Procedure is repealed.

SEC. 65. Section 1883 of the Code of Civil Procedure is repealed.

SEC. 66. Section 1884 of the Code of Civil Procedure is repealed.

SEC. 67. Section 1885 of the Code of Civil Procedure is repealed.

SEC. 68. Section 1893 of the Code of Civil Procedure is amended to read:

1893. Every public officer having the custody of a public writing, which a citizen has a right to inspect, is bound to give him, on demand, a certified copy of it, on payment of the legal fees therefor. If a public officer having custody of public writings of a particular type fails to find a demanded writing of that type after diligent search, he shall furnish, upon demand, a writing so stating and affix his signature thereto in his official capacity, on payment of a fee therefor in like amount as the minimum fee that would have been required for the preparation and certification of a nonphotographic copy of the demanded writing.

SEC. 69. Section 1901 of the Code of Civil Procedure is repealed.

SEC. 70. Section 1903 of the Code of Civil Procedure is repealed.

SEC. 71. Section 1905 of the Code of Civil Procedure is repealed.

SEC. 72. Section 1906 of the Code of Civil Procedure is repealed.

SEC. 73. Section 1907 of the Code of Civil Procedure is repealed.

SEC. 74. Section 1908.5 is added to the Code of Civil Procedure, to read:

1908.5. When a judgment or order of a court is conclusive, the judgment or order must be alleged in the pleadings if there be an opportunity to do so; if there be no such opportunity, the judgment or order may be used as evidence.

SEC. 75. Section 1918 of the Code of Civil Procedure is repealed.

SEC. 76. Section 1919 of the Code of Civil Procedure is repealed.

SEC. 77. Section 1919a of the Code of Civil Procedure is repealed.

SEC. 78. Section 1919b of the Code of Civil Procedure is repealed.

SEC. 79. Section 1920 of the Code of Civil Procedure is repealed.

SEC. 80. Section 1920a of the Code of Civil Procedure is repealed.

SEC. 81. Section 1920b of the Code of Civil Procedure is repealed.

SEC. 82. Section 1921 of the Code of Civil Procedure is repealed.

SEC. 83. Section 1922 of the Code of Civil Procedure is repealed.

SEC. 84. Section 1923 of the Code of Civil Procedure is repealed.

SEC. 85. Section 1924 of the Code of Civil Procedure is repealed.

SEC. 86. Section 1925 of the Code of Civil Procedure is repealed.

SEC. 87. Section 1926 of the Code of Civil Procedure is repealed.

SEC. 88. Section 1927 of the Code of Civil Procedure is repealed.

SEC. 89. Section 1927.5 of the Code of Civil Procedure is repealed.

SEC. 90. Section 1928 of the Code of Civil Procedure is repealed.

SEC. 91. Article 2.1 (commencing with Section 1928.1) of Chapter 3 of Title 2 of Part IV of the Code of Civil Procedure is repealed.

SEC. 92. Section 1936 of the Code of Civil Procedure is repealed.

SEC. 93. Section 1936.1 of the Code of Civil Procedure is repealed.

SEC. 94. Section 1937 of the Code of Civil Procedure is repealed.

SEC. 95. Section 1938 of the Code of Civil Procedure is repealed.

SEC. 96. Section 1939 of the Code of Civil Procedure is repealed.

SEC. 97. Section 1940 of the Code of Civil Procedure is repealed.

SEC. 98. Section 1941 of the Code of Civil Procedure is repealed.

SEC. 99. Section 1942 of the Code of Civil Procedure is repealed.

SEC. 100. Section 1943 of the Code of Civil Procedure is repealed.

SEC. 101. Section 1944 of the Code of Civil Procedure is repealed.

SEC. 102. Section 1945 of the Code of Civil Procedure is repealed.

SEC. 103. Section 1946 of the Code of Civil Procedure is repealed.

SEC. 104. Section 1947 of the Code of Civil Procedure is repealed.

SEC. 105. Section 1948 of the Code of Civil Procedure is repealed.

SEC. 106. Section 1951 of the Code of Civil Procedure is repealed.

SEC. 107. Article 5 (commencing with Section 1953e) of Chapter 3 of Title 2 of Part IV of the Code of Civil Procedure is repealed.

SEC. 108. Article 6 (commencing with Section 1953i) of Chapter 3 of Title 2 of Part IV of the Code of Civil Procedure is repealed.

SEC. 109. Chapter 4 (consisting of Section 1954) of Title 2 of Part IV of the Code of Civil Procedure is repealed.

SEC. 110. Chapter 5 (commencing with Section 1957) of Title 2 of Part IV of the Code of Civil Procedure is repealed.

SEC. 111. Section 1967 of the Code of Civil Procedure is repealed.

SEC. 112. Section 1968 of the Code of Civil Procedure is repealed.

SEC. 113. Section 1973 of the Code of Civil Procedure is repealed.

SEC. 114. Section 1974 of the Code of Civil Procedure is amended to read:

1974. No person is liable upon a representation as to the credit of a third person, unless such representation, or some memorandum thereof, be in writing, and either subscribed by or in the handwriting of the party to be held liable.

SEC. 115. Chapter 7 (consisting of Section 1978) of Title 2 of Part IV of the Code of Civil Procedure is repealed.

SEC. 116. Chapter 8 (commencing with Section 1980.1) of Title 2 of Part IV of the Code of Civil Procedure is repealed.

SEC. 117. Chapter 1 (commencing with Section 1981) of Title 3 of Part IV of the Code of Civil Procedure is repealed.

SEC. 118. Section 1998 of the Code of Civil Procedure is repealed.

SEC. 119. Section 1998.1 of the Code of Civil Procedure is repealed.

SEC. 120. Section 1998.2 of the Code of Civil Procedure is repealed.

SEC. 121. Section 1998.3 of the Code of Civil Procedure is repealed.

SEC. 122. Section 1998.4 of the Code of Civil Procedure is repealed.

SEC. 123. Section 1998.5 of the Code of Civil Procedure is repealed.

SEC. 124. Section 2009 of the Code of Civil Procedure is amended to read:

2009. An affidavit may be used to verify a pleading or a paper in a special proceeding, to prove the service of a summons, notice, or other paper in an action or special proceeding, to obtain a provisional remedy, the examination of a witness, or a stay of proceedings, and in uncontested proceedings

to establish a record of birth, or upon a motion, and in any other case expressly permitted by statute.

SEC. 125. Section 2016 of the Code of Civil Procedure is amended to read:

2016. (a) Any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for the purpose of discovery or for use as evidence in the action or for both purposes. Such depositions may be taken in an action at any time after the service of the summons or in a special proceeding after the service of the petition or after the appearance of the defendant or respondent. After commencement of the action or proceedings, the deposition may be taken without leave of court, except that leave of court, granted with or without notice, and for good cause shown, must be obtained if the notice of the taking of the deposition is served by the plaintiff within 20 days after service of the summons or petition on, or appearance of, the defendant or respondent. The attendance of witnesses or the production of books, documents, or other things at depositions may be compelled by the use of subpoena as provided in Chapter 2 (commencing with Section 1985), Title 3, Part 4 of this code.

(b) Unless otherwise ordered by the court as provided by subdivision (b) or (d) of Section 2019 of this code, the deponent may be examined regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the examining party, or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts. It is not ground for objection that the testimony will be inadmissible at the trial if the testimony sought appears reasonably calculated to lead to the discovery of admissible evidence. All matters which are privileged against disclosure upon the trial under the law of this state are privileged against disclosure through any discovery procedure. This article shall not be construed to change the law of this state with respect to the existence of any privilege, whether provided for by statute or by judicial decision.

The work product of an attorney shall not be discoverable unless the court determines that denial of discovery will unfairly prejudice the party seeking discovery in preparing his claim or defense or will result in an injustice, and any writing that reflects an attorney's impressions, conclusions, opinions, or legal research or theories shall not be discoverable under any circumstances.

(c) Examination and cross-examination of deponents may proceed as permitted at the trial.

(d) At the trial or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the rules of evidence, may be used against

any party who was present or represented at the taking of the deposition or who had due notice thereof, in accordance with any one of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of deponent as a witness.

(2) The deposition of a party to the record of any civil action or proceeding or of a person for whose immediate benefit said action or proceeding is prosecuted or defended, or of anyone who at the time of taking the deposition was an officer, director, superintendent, member, agent, employee, or managing agent of any such party or person may be used by an adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the court finds: (i) that the witness is unavailable as a witness within the meaning of Section 240 of the Evidence Code or (ii) upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open court, to allow the deposition to be used.

(4) Subject to the requirements of this section, a party may offer in evidence all or any part of a deposition, and if such party introduces only part of such deposition, any party may introduce any other parts.

Substitution of parties does not affect the right to use depositions previously taken; and, when an action in any court of the United States or of any state has been dismissed and another action involving the same subject matter is afterward brought between the same parties or their representatives or successors in interest, all depositions lawfully taken and duly filed in the former action may be used in the latter as if originally taken therefor.

(e) Subject to the provisions of subdivision (c) of Section 2021 of this code, objection may be made at the trial or hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

(f) A party shall not be deemed to make a person his own witness for any purpose by taking his deposition. Except where the deposition is used under the provisions of paragraph (2) of subdivision (d) of this section, the introduction in evidence of the deposition or any part thereof for any purpose other than that of contradicting or impeaching the deponent, or for explaining or clarifying portions of the said deposition offered by an adverse party, makes the deponent the witness of the party introducing the deposition, as to the portions of the deposition introduced by said party. At the trial or hearing any party may rebut any relevant evidence contained in a deposition whether introduced by him or by another party.

(g) It is the policy of this state (i) to preserve the rights of attorneys to prepare cases for trial with that degree of privacy necessary to encourage them to prepare their cases thoroughly and to investigate not only the favorable but the unfavorable aspects of such cases and (ii) to prevent an attorney from taking undue advantage of his adversary's industry or efforts

SEC. 126. Article 6 (commencing with Section 2042) of Chapter 3 of Title 3 of Part IV of the Code of Civil Procedure is repealed.

SEC. 127. Title 4 (consisting of Section 2061) of Part IV of the Code of Civil Procedure is repealed.

SEC. 128. Section 2065 of the Code of Civil Procedure is repealed.

SEC. 129. Section 2066 of the Code of Civil Procedure is repealed.

SEC. 130. Section 2078 of the Code of Civil Procedure is repealed.

SEC. 131. Section 2079 of the Code of Civil Procedure is repealed.

SEC. 132. Chapter 4 (commencing with Section 2101) of Title 6 of Part IV of the Code of Civil Procedure is repealed.

SEC. 133. Section 6602 of the Corporations Code is amended to read:

6602. In any action or proceeding, the court takes judicial notice, in the same manner that it takes judicial notice of the matters listed in Section 452 of the Evidence Code, of the official acts affecting corporations of the legislative, executive, and judicial departments of the state or place under the laws of which the corporation purports to be incorporated.

SEC. 134. Section 25310 of the Corporations Code is amended to read:

25310. The commissioner shall adopt a seal bearing the inscription: "Commissioner of Corporations, State of California." The seal shall be affixed to all writs, orders, permits, and certificates issued by him, and to such other instruments as he directs.

SEC. 135. Section 11513 of the Government Code is amended to read:

11513. (a) Oral evidence shall be taken only on oath or affirmation.

(b) Each party shall have these rights: 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 the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf he may be called and examined as if under cross-examination.

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which

responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

SEC. 136. Section 19580 of the Government Code is amended to read:

19580. Either by deposition or at the hearing the employee may be examined and may examine or cause any person to be examined under Section 776 of the Evidence Code.

SEC. 137. Section 3197 of the Health and Safety Code is amended to read:

3197. In any prosecution for a violation of any provision of this article, or any rule or regulation of the board made pursuant to this article, or in any quarantine proceeding authorized by this article, or in any habeas corpus or other proceeding in which the legality of such quarantine is questioned, any physician, health officer, spouse, or other person shall be competent and may be required to testify against any person against whom such prosecution or other proceeding was instituted, and the privileges provided by Sections 970, 971, 980, 994, and 1014 of the Evidence Code are not applicable to or in any such prosecution or proceeding.

SEC. 138. Section 270e of the Penal Code is amended to read:

270e. No other evidence shall be required to prove marriage of husband and wife, or that a person is the lawful father or mother of a child or children, than is or shall be required to prove such facts in a civil action. In all prosecutions under either Section 270a or 270 of this code, Sections 970, 971, and 980 of the Evidence Code do not apply, and both husband and wife shall be competent to testify to any and all relevant matters, including the fact of marriage and the parentage of a child or children. Proof of the abandonment and nonsupport of a wife, or of the omission to furnish necessary food, clothing, shelter, or of medical attendance for a child or children is prima facie evidence that such abandonment and nonsupport or omission to furnish necessary food, clothing, shelter or medical attendance is willful. In any prosecution under Section 270, it shall be competent for the people to prove nonaccess of husband to wife or any other fact establishing nonpaternity of a husband. In any prosecution pursuant to Section 270, the final establishment of paternity or nonpaternity in another proceeding shall be admissible as evidence of paternity or nonpaternity.

SEC. 139. Section 686 of the Penal Code is amended to read:

686. In a criminal action the defendant is entitled:

1. To a speedy and public trial.
2. To be allowed counsel as in civil actions, or to appear and defend in person and with counsel.
3. To produce witnesses on his behalf and to be confronted with the witnesses against him, in the presence of the court, except that:

(a) Hearsay evidence may be admitted to the extent that it is otherwise admissible in a criminal action under the law of this state.

(b) The deposition of a witness taken in the action may be read to the extent that it is otherwise admissible under the law of this state.

SEC. 140. Section 688 of the Penal Code is amended to read:

688. No person charged with a public offense may be subjected, before conviction, to any more restraint than is necessary for his detention to answer the charge.

SEC. 141. Section 939.6 of the Penal Code is amended to read:

939.6. (a) Subject to subdivision (b), in the investigation of a charge, the grand jury shall receive no other evidence than such as is:

(1) Given by witnesses produced and sworn before the grand jury;

(2) Furnished by writings, material objects, or other things presented to the senses; or

(3) Contained in a deposition that is admissible under subdivision 3 of Section 686.

(b) The grand jury shall receive none but evidence that would be admissible over objection at the trial of a criminal action, but the fact that evidence which would have been excluded at trial was received by the grand jury does not render the indictment void where sufficient competent evidence to support the indictment was received by the grand jury.

SEC. 142. Section 961 of the Penal Code is amended to read:

961. Neither presumptions of law, nor matters of which judicial notice is authorized or required to be taken, need be stated in an accusatory pleading.

SEC. 143. Section 963 of the Penal Code is amended to read:

963. In pleading a private statute, or an ordinance of a county or a municipal corporation, or a right derived therefrom, it is sufficient to refer to the statute or ordinance by its title and the day of its passage, and the court must thereupon take judicial notice thereof in the same manner that it takes judicial notice of matters listed in Section 452 of the Evidence Code.

SEC. 144. Section 1120 of the Penal Code is amended to read:

1120. If a juror has any personal knowledge respecting a fact in controversy in a cause, he must declare the same in open court during the trial. If, during the retirement of the jury, a juror declare a fact which could be evidence in the cause, as of his own knowledge, the jury must return into court. In either of these cases, the juror making the statement must be sworn as a witness and examined in the presence of the parties in order that the court may determine whether good cause exists for his discharge as a juror.

SEC. 145. Section 1322 of the Penal Code is repealed.

SEC. 146. Section 1323 of the Penal Code is repealed.

SEC. 147. Section 1323 5 of the Penal Code is repealed.

SEC. 148. Section 1345 of the Penal Code is amended to read:

1345. The deposition, or a certified copy thereof, may be read in evidence by either party on the trial if the court finds that the witness is unavailable as a witness within the meaning of Section 240 of the Evidence Code. The same objections may be taken to a question or answer contained in the deposition as if the witness had been examined orally in court.

SEC. 149. Section 1362 of the Penal Code is amended to read:

1362. The depositions taken under the commission may be read in evidence by either party on the trial if the court finds that the witness is unavailable as a witness within the meaning of Section 240 of the Evidence Code. The same objections may be taken to a question in the interrogatories or to an answer in the deposition as if the witness had been examined orally in court.

SEC. 150. Section 306 of the Public Utilities Code is amended to read:

306. The office of the commission shall be in the City and County of San Francisco. The office shall always be open, legal holidays and nonjudicial days excepted. The commission shall hold its sessions at least once in each calendar month in the City and County of San Francisco. The commission may also meet at such other times and in such other places as may be expedient and necessary for the proper performance of its duties, and for that purpose may rent quarters or offices. Except for the commission's deliberative conferences, the sessions and meetings of the commission shall be open and public and all persons shall be permitted to attend.

The commission shall have a seal, bearing the inscription "Public Utilities Commission State of California." The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the commission shall direct.

The commission may procure all necessary books, maps, charts, stationery, instruments, office furniture, apparatus, and appliances.

SEC. 151. Sections 2 to 150 of this act shall become operative on January 1, 1967.

CHAPTER 300

An act to add Sections 12731, 12732, and 12733 to the Water Code, relating to flood protection, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 18, 1965 Filed with
Secretary of State May 18, 1965.]

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

SECTION 1. Section 12731 is added to the Water Code, to read:

12731. The project for flood control construction of debris basins and channel clearing in the Santa Barbara, California, area as authorized by Public Law 88-635, 78 Stat. 1023, is adopted and authorized at such cost to the state as may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department.

SEC. 2. Section 12732 is added to said code, to read:

12732. The County of Santa Barbara shall give assurances satisfactory to the Secretary of the Army that the local co-operation, required by Section 2 of the Flood Control Act of 1938 (Public Law 761-75th Congress), will be furnished by the county in connection with the project for flood protection adopted and authorized in Section 12731.

SEC. 3. Section 12733 is added to said code, to read:

12733. The County of Santa Barbara, in conjunction with the Department of the Army, shall execute the plans and projects referred to in Section 12731, and may make modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 (commencing with Section 12570) and 2 (commencing with Section 12639) of this part.

SEC. 4. 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 flood control protection necessary to preserve the public peace, health and safety in the Santa Barbara area, it is essential that state authorization for the flood control project be provided immediately. Such authorization will facilitate the acquisition of land, easements, and rights-of-way necessary for the construction of the project.

CHAPTER 301

An act to codify the laws relating to the Southern California World Trade Center Authority, by adding Chapter 5.7 (commencing with Section 8420) to Division 1, Title 2 of the Government Code, and by adding Section 1.2 to Chapter 1508 of the Statutes of 1947.

[Approved by Governor May 18, 1965 Filed with
Secretary of State May 18, 1965]

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

SECTION 1. Chapter 5.7 (commencing with Section 8420) is added to Division 1, Title 2 of the Government Code, to read:

CHAPTER 5.7. SOUTHERN CALIFORNIA
WORLD TRADE CENTER AUTHORITY

Article 1. General Provisions and Definitions

8420. This chapter shall be known as the "Southern California World Trade Center Authority Law."

8420.1. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

8420.2. "Authority" means the Southern California World Trade Center Authority which is continued in existence by this chapter.

8420.3. "Bondholder" or "holder of bonds" or any similar term, means any person who is the bearer of any outstanding revenue bond or bonds, registered to bearer, or not registered, or the registered owner of any such outstanding revenue bond or bonds, which shall at the time be registered other than to bearer.

8420.4. "Bonds" means the written evidence of any obligation incurred by the authority payable out of revenues as provided in this chapter in order to secure funds with which to carry out the purposes of this chapter, irrespective of the form of such obligations, whether in the form of bonds, notes, debentures, interest-bearing certificates or other forms prescribed by the authority.

8420.5. "Construction" comprehends any planning, surveying, reclamation, demolition, leveling, clearance for foundations or other purposes, excavation, laying foundations, pile-driving, erection, building of every kind and nature, including road, street and sidewalk building, manufacture, landscaping, beautifying, processing, assembling, or any other act or function necessary, convenient or incidental to the building, development, enlargement or use of any works, properties or other structures. The term "construction" is not limited to the foregoing, but shall be liberally construed to accomplish the purposes of this chapter.

8420.7. "Improvement," "project," or "works, properties or structures," as used in this chapter, mean any improvement or property of any kind or character authorized by this chapter and acquired, constructed, or completed in whole or in part by or for the authority, whether consisting of real or personal properties or any interest therein or rights thereto, but in any proceedings for the issuance of bonds for the purpose of acquiring, constructing or completing any project the authority may define the project to be so acquired, constructed or completed, and in that event the term "project" shall then apply only to the project so defined in such proceedings by the authority.

8420.8. "Indenture" means an agreement entered into by the authority pursuant to which bonds are issued, regardless of whether such agreement is expressed in the form of a resolution of the authority or by other instrument.

8420.9. "Nonprofit corporation" means any corporation organized and operated as a nonprofit corporation under the laws of the state, and also any unincorporated association organized and operated for the same or similar purposes and without profit to its members.

8421. "Person" 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 chapter.

8421.1. "Public corporation" 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.

8421.2. "Revenues" means all rentals, fees and charges, or other income and revenue received or receivable by the authority from the operation or leasing of the world trade center or any part thereof, including, without limiting the generality of the foregoing, interest allowed on any moneys or securities and any profits derived from any of the properties owned, operated, leased, or at any time maintained by the authority directly or under contract.

8421.3. "World trade center" means the area selected for the center in the City of Los Angeles under the provisions of Section 8435.2 and extended pursuant to Section 8435.3, together with all improvements thereon.

8422. The authority and its officers and agents, the Department of Public Works and all other state officials and departments 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 chapter, in the matter of acquiring, constructing, completing, maintaining, operating, repairing or insuring or replacing any project acquired, constructed or completed under this chapter, for the safeguarding of funds and revenues required for the purposes of this chapter, and for the payment of the revenue bonds issued pursuant to the chapter.

8423. This chapter shall be liberally construed to carry out the objects and purposes and the declared policy of the state as in this chapter set forth.

8423.1. If any section, subdivision, sentence, clause or phrase of this chapter 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 chapter, and each section, subdivision, sentence, clause and phrase of this chapter, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses and phrases may be declared unconstitutional, invalid or unenforceable.

8423 2. This chapter shall not operate to rescind or repeal any other law of this state providing for the issuance of revenue bonds or the creation of any other authority for any other purpose.

Article 2. Policy

8425 It is hereby declared to be the general policy of the State of California to foster and develop domestic and international trade for the benefit of the entire state and, particularly, trade in the natural, processed, and manufactured products of the state. Such a policy requires the establishment of a world trade center in the City of Los Angeles.

8425.1. It is the policy of the state to stimulate the maximum use of the import-export facilities of a rapidly expanding industrial community, and of the hinterland in southern California which it particularly serves, and of its harbor installations and those in adjacent communities. It is essential to improve the facilities for domestic and international trade in the City of Los Angeles, which has become the center of a manufacturing and transportation network, serving as a major outlet for California, for the West, and for the whole United States.

8425.2. In addition, countries in North and South America and in Europe and Africa, nations across the Pacific having a population many times that of the United States desire to do business with the United States, and the United States with them; and they desire California products and California desires their products. The full beneficial use of the transportation network of Los Angeles to this end are not possible unless facilities for international trade are concentrated and made available to persons and organizations vitally concerned therein, so that they may be in close contact with one another on premises devoted to the fostering of the world exchange of goods, commerce, services and cultural contributions.

8425.3. It is essential that a special authority be created to raise the necessary funds to acquire land and property, and to construct and complete buildings and improvements for the housing and convenience of a world trade center in Los Angeles, and to operate and maintain such center, or to contract for the building, operation and maintenance thereof, in whole

or in part, as in this chapter provided, and thereby to make available to the people of the State of California the international facilities of this world trade center.

8425.4. The construction of the buildings and essential improvements of the world trade center will assist in the orderly process of rehabilitation, and will greatly contribute to the stabilization of employment and afford opportunities for employment to returned veterans, and be a proper addition or supplement to the state and local public works programs.

8425.5. The Legislature hereby declares that the acquisition, construction and completion of the buildings and facilities of a world trade center in the City of Los Angeles is essential, due to the special and peculiar conditions relating to the industrial-transportation complex, concentrated in and around the City of Los Angeles, making this metropolitan area a principal outlet in this state for domestic and international trade. The carrying out of the objects and purposes of this chapter and the facts and circumstances relative to the construction, development and operation of the world trade center require the creation of a special authority, and this chapter is intended to accomplish that purpose.

Article 3. Co-ordinating Council

8430. The activities of the authority shall be coordinated with the activities of other world trade center authorities in this state by the California World Trade Authorities Co-ordinating Council which is created by Chapter 2.5 (commencing with Section 2.50) of the California World Trade Authority Act (Chapter 1508 of the Statutes of 1947), with the objective of promoting the economic interests of this state regarding imports and exports relating to the European Common Market and any other areas of the world as provided in such Chapter 2.5.

Article 4. Southern California World Trade Center Authority

8435. The Southern California World Trade Center Authority is continued in existence.

8435.1. The authority is a state agency and public corporation of the state.

8435.2. Except as may be otherwise herein or subsequently provided, the territory under the authority shall be limited to an area consisting of one or more parcels, and not exceeding 30 acres in the aggregate, located in the City of Los Angeles. The authority, in its sole discretion and at such time or times as it may deem advisable, may select the parcel or parcels which will constitute the site of the Southern California World Trade Center, but in selecting such site shall be guided by all of the following considerations:

(a) The site shall be sufficiently close to a part of the city devoted to transportation or commerce so that, in the opinion

of the authority, the Southern California World Trade Center will be able to carry out the purposes of this chapter in facilitating international trade.

(b) The site shall be favorably located with respect to the buildings and structures to be erected thereon, so that, in the opinion of the authority, the revenues to be produced from such improvements will be sufficient to discharge all of the obligations of the authority.

The area so selected shall be known as the Southern California World Trade Center.

8435.3. The authority may also do all of the following:

(a) Acquire property by gift or purchase outside the area of the Southern California World Trade Center, and the jurisdiction, powers and activities of the authority thereupon shall be extended to cover and apply to the property so acquired.

(b) Maintain offices outside of such area, whether or not located within this state.

(c) Own, control, and dispose of property, other than real property, wherever it may be situated.

(d) Hold meetings, perform legal acts and do all things, inside or outside such area, which the authority may deem necessary or advisable to carry out the objects and purposes of this chapter.

8435.4. The territorial limits of the authority shall not be diminished so long as any bonds issued by it under this chapter are outstanding or unpaid.

8436. The authority is composed of nine members, including the Director of Public Works, the Director of Finance, and seven persons appointed by the Governor from the areas of California having the greatest concern in the world trade center and representing, insofar as practicable, the industries and areas benefited by the activities of the Southern California World Trade Center. Persons appointed shall have outstanding qualifications resulting from training, experience, and attainments in production and trade.

If the office of the Director of Public Works or of the office of the Director of Finance hereafter be discontinued or abolished by law, then the Governor shall appoint any person or officer of the State of California to fill any vacancy resulting from the abolition or discontinuance of such office.

8436.1. The members occupying the offices of the Director of Public Works and Director of Finance shall serve during the periods that they respectively occupy their offices (and subsequently until their successors have been appointed and qualified), and their successors on the authority shall be their successors in the offices.

8436.2. The members appointed by the Governor shall each serve for four-year terms commencing with their respective dates of their appointment.

8436.3. Each such member of the authority appointed by the Governor in office on the effective date of this section, and the successor of each such person, shall hold office for the term

for which he was appointed and until his successor has been appointed and qualified. Any member appointed by the Governor on account of death, resignation or disability of any other member appointed by the Governor shall serve for the unexpired term of such member.

Article 5. Administration

8440. Members of the authority are entitled to their actual necessary expenses incurred while on business of the authority, payable exclusively out of the funds of the authority available therefor.

8440.1. The members of the authority may designate the chairman as member manager of the authority and such member manager shall receive for his services and promotional purposes such sum or sums as may from time to time be authorized by the authority and approved by the Department of Finance. There shall not be more than a total of 10 percent of the money transferred to the World Trade Center Authority by the 1949 Legislature available for such purposes.

8440.2. The authority shall select a chairman from its membership and may appoint or employ such administrative, professional, technical, and clerical assistants, and such legal counsel, as may be deemed necessary or advisable, and shall provide for their compensation out of the 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.

8440.3. A majority of the members of the authority constitute a quorum for the transaction of business, and may act for the authority.

8440.4. The authority may act at any regular meeting or special meeting called pursuant to such rules and regulations as the authority may adopt, and may act without a meeting by an instrument in writing signed by all members of the authority. The authority may adopt such rules and regulations as it deems advisable with respect to the conduct of its own affairs.

8440.5. The authority shall maintain an office in the City of Los Angeles. It may maintain such branch offices in or outside of the state as it may deem advisable.

8440.6. The authority may adopt a seal to be impressed upon its instruments, and may provide for the impression of such seal or lithograph or printed facsimile thereof. Any executed instrument bearing the seal of the authority or lithograph or printed facsimile thereof shall be prima facie evidence of its execution by the authority and that its execution was duly, regularly and legally authorized by the authority.

8440.7. All meetings of the authority shall be open and public, and all persons shall be permitted to attend any meetings of the authority.

8440.8. All records of the authority shall be open to inspection by the public during regular office hours.

Article 6. General Powers

8445. The authority has perpetual succession.

8445.1. The authority may sue and be sued in all courts of competent jurisdiction.

8445.2. The authority may acquire by grant, purchase, condemnation, gift, devise, or lease, and may hold, use, sell, lease or dispose of any real and personal property (including franchises, rights, privileges, easements, or other property or interests therein) necessary for the full exercise, or convenient, or useful, for the carrying on of any of its powers pursuant to the provisions of this chapter.

8445.3. The world trade center buildings, without being limited to the following, may house and include any of the following:

(a) Offices for world trade departments of the Los Angeles, State of California, United States and other chambers of commerce, foreign trade associations, departments of federal, state and local government connected with foreign trade and services, branch post office, communications and press services, steamship, rail, bus, and airway lines, and other transportation services, international banking and insurance, foreign exchange and trade departments of banks, foreign consular officials and representatives, customhouse brokers, freight forwarders, representatives of exporters, importers and manufacturers interested in international trade, and tourist and traveling offices.

(b) Offices for service organizations, such as the headquarters of unions engaged in maritime service, sailors, longshoremen, warehousemen and the like.

(c) Offices for technical services in foreign trade, such as translators, interpreters, multilanguage secretaries and stenographers, and technical laboratories.

(d) Space and facilities for permanent and temporary exhibits (foreign as well as domestic), lecture halls, meeting rooms, conventions and headquarters offices for organizations devoted to study and promotion of international relations, and for organizations connected with world trade.

(e) Space for storage or processing of goods and for auctions of raw materials and products, as well as office accommodations in connection therewith. An international house, restaurant, and any other buildings or structures to house activities necessary for or incidental to the purposes of the world trade center.

8445.4. The authority may fix rents, fees or other charges for the use of any property, buildings or facilities, or any part thereof, acquired, constructed and operated by the authority, and may alter, change, or modify the property at its pleasure, subject to any contractual obligation which may be entered into by the authority with respect to the fixing of any such rents, fees, or charges under Section 8445.6 or otherwise.

8445.5. The authority may enter into covenants to maintain minimum rents, fees or charges sufficient to service the outstanding obligations of the authority, if any. It may also enter into covenants to increase rents, fees 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.

8445.6. The authority may do any of the following:

(a) Enter into a contract or contracts with any state or federal department, public body, firm, person or corporation, by or through whom the world trade center, or any of its buildings and facilities, may be acquired, constructed and completed.

(b) Enter into a lease with any nonprofit corporation which will provide or assure sufficient financial resources and competent personnel, for the management and operation of all or any part of the property, buildings and facilities acquired, constructed and completed under the provisions of this chapter. Such lease may require a sufficient overall rental from the corporation to serve the outstanding obligations of the authority and may be for such period or periods as may be agreed upon. Such lease may permit the nonprofit corporation to sublease property, buildings and facilities, or any part thereof, or to contract for concessions, on such rentals, charges or fees (payable to the corporation), and upon such other terms and conditions as the nonprofit corporation lessee shall deem advisable, provided, that the authority may, at any time it deems necessary to assure payment of a sufficient overall rental to enable it to discharge its obligations, require the corporation to increase its subrentals, charges and fees.

(c) Enter into a contract with any nonprofit corporation which will provide or assure sufficient financial resources and competent personnel, in which the corporation agrees to operate the world trade center, or any of its buildings and facilities on behalf of the authority. Such agreement may permit the corporation to lease, in its own name or in the name of the authority, the buildings and facilities of the authority or any part thereof; to fix and collect rentals, fees, and charges from such property, buildings and facilities, or any part thereof, upon such terms and conditions as it may deem advisable, consistent with the policy of the authority; and to retain or be reimbursed for such amounts as may be necessary to cover costs of operation and maintenance paid or payable by the corporation.

8445.7. The authority may maintain, protect, and repair the property, buildings and facilities acquired, constructed or completed by it under the provisions of this chapter, or may enter into contracts covering such maintenance, protection, and repair including provision therefor by the lessee referred to in Section 8445.6.

8445.8. The authority may condemn and take, in fee or otherwise, as it may determine, in the name of the authority,

any real estate, personal property, franchises, rights, privileges or easements, whether publicly or privately owned and whether or not already devoted to a public use or purpose, deemed necessary for the establishment and operation of the world trade center and its facilities; provided, that with respect to real estate, the territory subject to condemnation shall be limited to 30 acres as specified in Section 8435.2.

The procedure for eminent domain shall be as set forth in the Constitution of the state and the laws thereof (as modified herein) relating to eminent domain proceedings. In eminent domain proceedings to acquire property for any of the purposes of this chapter, any real property, personal property, franchises, rights, easements or other property or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, firm, private, public or municipal corporation, county, city and county, city, district, or the state or any political subdivision of the state, may be condemned and taken, and the acquisition and use thereof as herein provided for the same public use or purpose to which such property has been so appropriated or designated, or for any other public use or purpose shall be deemed a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which such property has already been appropriated or dedicated.

In eminent domain proceedings to acquire for any of the purposes of this chapter property which is appropriated or dedicated to the use of a state highway, or any part thereof, it shall appear, and the trial court shall find prior to the entry of any order for immediate possession or final order of condemnation, that the use for a purpose of this chapter is a superior and permanent right and necessity, and a more necessary public use and purpose than the use of the property as a state highway.

8446. Whenever the authority determines to exercise the right of eminent domain it shall first adopt a resolution, declaring that the public interest and necessity require the acquisition, construction, or completion of any particular real estate, personal property, franchises, rights, privileges or easements. Such resolution shall be conclusive evidence of all of the following:

(a) The public necessity of such acquisition, construction, or completion.

(b) That such property, franchises, rights, privileges, or easements are, and that acquisition of the fee or other interest therein is, necessary therefor.

(c) That such proposed acquisition, construction or completion is planned or located in a manner which will be most compatible for the greatest public good and the least private injury.

It shall not be necessary in any eminent domain proceedings under this chapter to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution of public

interest and necessity describing the property sought to be taken and directing such eminent domain proceedings.

8446.1. The authority shall have, and is hereby granted, all rights-of-way deemed by the authority necessary or advisable upon which to construct, locate, and maintain the buildings, roadways or other facilities which may be acquired, constructed or completed under this chapter through, over, under, on or across any property of this state, including all highways (other than state highways) now or hereafter owned, opened, or dedicated to or for public use and howsoever acquired, and through, over, under, on or across streets, lanes, alleys and roads now or hereafter opened or dedicated to or for public use, and howsoever acquired, which may be within the territory under the jurisdiction of the authority as provided in Section 8435.2. This grant shall not, however, apply to property of the state subject to the jurisdiction of the California Toll Bridge Authority. If the use by the authority of any existing public highway necessitates changes therein or expenditures thereon, the cost thereof shall be borne by the authority. The authority 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, to construct or maintain roads, highways, or other crossings over any public or private lands.

8446.2. The authority may construct and lay out such thoroughfares, streets, sidewalks, sewers, utilities, paths, gardens, and facilities as may be required for the operation of the world trade center. The authority, however, may acquire its properties, whether by condemnation or otherwise, subject to the continuance of such street, utility, easements or other rights as it may deem advisable.

8446.3. The authority may contract with any department or agency of the United States or of the state upon such terms and conditions as the authority finds is for the authority's best interests.

8446.4. The authority may make contracts, leases and agreements with any person, nonprofit or public corporation, and may generally perform all acts necessary for the full exercise of the powers vested in it.

8446.5. 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 chapter.

8446.6. The authority may directly, or through agreement with any nonprofit managing corporation, or otherwise, provide for the advertisement of the facilities of a world trade center and for the promotion of the use thereof, and the development of the projects constructed, in whole or in part, by the authority.

8446.7. 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 chapter.

Article 7. Revenue Bonds

8450. The authority may issue revenue bonds for the acquisition, construction, and completion of any works, properties, or structures in such total amount as shall be found by the authority to be necessary to carry out the objects and purposes of this chapter.

8450.1. A single or any number of improvements may be designated as a "project," for all or part of the purposes of this article and the purpose, nature and extent thereof shall be described in general terms prior to the issuance of any bonds.

8450.2. The validity of the authorization and issuance of any revenue bonds by the authority shall not be dependent on nor affected in any way by any of the following:

(a) Proceedings taken by the authority for the acquisition, construction, or completion of any improvement or any part thereof.

(b) Any contracts made by the authority in connection with the acquisition, construction, or completion of any improvement.

(c) The failure to complete any improvements for which bonds are authorized to be issued.

8450.3. The authority may 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 shall constitute a debt, liability, or obligation of 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 the state.

8450.4. The authority shall determine the time, form and manner of the issuance of revenue bonds.

8450.5. 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 appertaining thereto, and the terms and conditions upon which such bonds and coupons 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, shall be sufficient to incorporate all of the provisions thereof and of this chapter into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, shall have recourse to all of the provisions of the indenture and of this chapter, and be bound thereby.

8450.6. 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.

8450.7. 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.

8450.8. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to continuously operate, or cause to be operated, any specified improvements acquired, constructed, or completed by the authority in an efficient and economical manner.

8450.9. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to make, or cause to be made, all needful and necessary repairs, renewals and replacements to any improvements and to keep them at all times in good repair, working order and condition.

8451. 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.

8451.1. 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.

8451.2. 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, or dispose of any improvements the revenues from which may be related to the security.

8451.3. An indenture may include a clause relating to the bonds issued thereunder requiring the authority to fix, prescribe and collect rentals, fees and other charges in connection with the services and facilities furnished from the improvements acquired, constructed or purchased by the authority at least sufficient (together with any reserve funds) to pay the principal of and interest on the bonds as they become due and payable, together with all expenses of operation, maintenance and repair of the improvements, and with such additional sums for any sinking fund, reserve fund or other special funds as may be provided for the further security of such bonds or as a depreciation charge or other charge in connection with such improvement; provided, however, that in the event of a lease or contract between the authority and a nonprofit corporation for the operation of any project or projects as provided in Sec-

tion 8445.6, the right of control reserved to the authority to fix subrentals, charges, and fees under the conditions therein specified may be deemed sufficient to satisfy the requirements of such a clause in the indenture.

8451.4. An indenture may include a clause that, except as permitted by such indenture, no project acquired, constructed or completed from the proceeds of revenue bonds issued by the authority shall be used without charge therefor or be furnished free of charge to any person, including the state or any political subdivision thereof, or any public corporation or individual, other than employees of the authority, or of the state or other public body, or nonprofit corporation actually engaged in rendering service to the authority in connection with the project.

8451.5. An indenture may include a clause relating to the bonds issued thereunder requiring the net or gross revenues pledged to the payment of such bonds and the interest thereon to be held in trust or in 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.

8451.6. 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 any improvements or any part thereof, or to more than one of such improvements.

8451.7. An indenture may include a clause limiting the power of the authority to issue additional bonds for the purpose of acquiring, constructing or completing any improvement or any part thereof.

8451.8. An indenture may include a clause providing that additional bonds may be issued thereunder for the acquisition, construction and completion of extensions and betterments of, or additions to any project and for the acquisition, construction and completion of any new project or projects, and if the indenture so provides, it shall further prescribe the terms and conditions upon which such additional bonds and coupons thereon may be issued, paid and redeemed.

8451.9. An indenture may include a clause requiring, specifying or limiting the kind, amount and character of insurance to be maintained by the authority on any improvement, or any part thereof, and the use and disposition of the proceeds of any such insurance thereafter collected.

8452. 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.

8452.1. An indenture may include a clause designating the rights, limitations, powers and duties arising upon breach by the authority of any of the covenants, conditions, or obligations contained in any indenture.

8452.2. 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.

8452.3. 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, or by any public corporation, municipality, district, or political subdivision of the state 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.

8452.4. The indenture may include a clause providing for such other acts and matters as may be necessary or convenient or desirable in order to secure the bonds or to make the bonds more marketable. Pursuant thereto the indenture may include a clause which limits the amounts of its expenditures of various types which may be paid out of revenues from improvements acquired, constructed or completed under the provisions of this chapter.

8452.5. 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.

8452.6. 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 the 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.

8452.7. The authority may issue bonds in series or may divide any issue into one or more divisions and fix different maturities and dates of such bonds, different rates of interest, and 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.

8452.8. 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.

8452.9. Bonds shall bear interest at a rate of not to exceed 6 percent per annum, with interest payable at such time as may be determined by the authority. Prior to the issuance of bonds the authority may fix limitations or restrictions on the payment of interest.

8453. Bonds may be callable upon such terms and conditions, and upon such notice as the authority may determine, and upon the payment of the premiums, if any, 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.

8453.1. The authority may provide for the payment of the principal and interest of bonds at any place within or without the state and in specified coin or currency of the United States.

8453.2. The authority may provide for the execution and authentication of bonds and coupons by the manual, lithographed, or printed facsimile signature of officers of the authority designated thereby, 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 shall nevertheless be valid and of the same force and effect as if the officers had remained in office until the delivery of the bonds and coupons.

8453.3. 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.

8453.4. The authority may fix terms and conditions for the sale or other disposition of any authorized issue of bonds at either public or private sale, with or without advertising for bids, as the authority may deem advisable. 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 6 percent per annum, payable semiannually, according to standard tables of bond values.

8453.5. The authority may provide for the security for 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, the United States, or by any department or agency of either thereof, or by any other source. However, nothing in this chapter shall obligate the state to make any appropriation for that purpose.

8453.6. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any project for the acquisition, construction or completion of which the bonds have been issued, and for a period of not to exceed two years thereafter as provided for in the indenture.

8453.7. The authority may provide in the proceedings for the issuance of bonds that the bonds and interest thereon shall constitute such lien upon the net or gross revenues of any project or projects acquired, constructed, or completed by the authority as may be provided for in the indenture.

An indenture may provide regarding the extent or character of the lien and charge on revenues for the payment of the bonds and interest thereon, and also regarding the extent to which sinking funds and any other provisions for servicing the bond and interest obligations, may be subject to such lien or constitute such a charge.

8453.8. 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.

8453.9. All bonds and the interest or income therefrom shall be exempt from all taxation in this state other than gift, inheritance, and estate taxes.

8454. 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 chapter applicable to the issuance of revenue bonds are applicable to the funding or refunding bonds and to the issuance, sale or exchange thereof.

8454.1. 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 may 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 shall be 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.

8454.2. All bonds issued under the provisions of this chapter shall be negotiable instruments, except when registered in the name of a registered owner.

8454.3. Prior to the issuance of any of its bonds, the authority, pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure, may commence an action in the Superior Court of the State of California in and for the County of Los Angeles to determine the right to issue the bonds and their validity.

Article 8. Acquisition, Construction, and Completion of Project

8460. Whenever in the judgment of the authority it is advisable that any project be acquired, constructed, or completed, in whole or in part, it shall cause a report thereon to be made by such officer of the authority as it may designate, which shall include all of the following:

(a) An estimate of the probable cost of the acquisition, construction and completion, including all engineering, legal, administrative, and incidental expenses, during construction.

(b) An estimate of the probable sources of income and the amount thereof, including an estimate of the amount required to be raised for such project by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials or labor to be contributed from other sources in aid of such acquisition, construction, or completion.

(c) An estimate of the cost of maintenance and future operation upon completion, including the cost of all repairs, administrative and overhead charges.

The report shall be made after consultation with such interested nonprofit corporation as may, under agreement with the authority, become the lessee or manager of the project and charged with the operation thereof after its completion. The expense of the preparation of such report shall be paid by the authority out of any funds available, including the proceeds of revenue bonds thereafter issued.

8460.1. If the report is approved by the authority, the authority may adopt a resolution declaring that the public interest and necessity demand the acquisition, construction or completion of the project, authorizing such acquisition, construction, or completion, and may thereupon authorize the issuance of revenue bonds for the purpose of obtaining funds in an amount estimated by the authority to be sufficient for such purpose.

8460.2. The authority shall have full charge of the acquisition, construction, and completion of all projects authorized by it and may proceed with such work forthwith in the manner authorized by this article. The authority, through its own personnel and experts, may design the improvements to be built under the authority of this chapter or any portions thereof, either by its own employees or by or through contract with any state agency, public corporation, firm, or person, and prepare or cause to be prepared plans, specifications, strain sheets and working details for all work to be done under this chapter.

8460.3. The authority may acquire all the real property necessary for any project on such terms and conditions as it deems advisable.

8460.4. Except as otherwise provided in Section 8461, all construction work and all repair work on existing structures, the cost of which repair work exceeds two thousand five hundred dollars (\$2,500), shall be done by contract let as provided in this article. Any contract not let as provided in this article is void.

8460.5. The authority shall cause an advertisement for bids for the performance of the work to be published for at least 10 consecutive times in a daily newspaper, or for at least 2 consecutive times in a weekly newspaper, of general circulation published in the county.

8460.6. All bidders shall be afforded an opportunity to examine the plans, specifications, strain sheets and working details.

8460.7. The authority shall award the contract to the lowest responsible bidder, and the person to whom the contract is awarded shall perform the work in accordance with the plans, specifications, strain sheets and working details unless the contract is modified by a vote of two-thirds of the authority.

8460.8. The person to whom the contract is awarded shall execute a bond to be approved by the authority for the faithful performance of the contract.

8460.9. Whenever the authority enters into a contract for any work or repairs, the contract shall not be altered or changed in any manner except by order adopted by a vote of two-thirds of the authority, and the consent of the contractor.

If any change or alteration of the contract is ordered, it shall be specified in writing and the cost agreed upon between the authority and the contractor.

If the cost of the work is reduced by reason of any modification of the contract, compensation shall be made to the authority therefor.

8461. When any part of the work is to be done or performed by any public body or public corporation 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 United States or to any other public body or public corporation to be expended by it in the acquisition, construction or completion of the project. Construction

contracts entered into by the authority or by any public body or public corporation for its benefit shall not be subject to the provisions of the State Contract Act (Chapter 3 (commencing with Section 14250), Part 5, Division 3, Title 2, of this code) unless the authority so elects. If the authority so elects, the provisions of the State Contract Act shall then be applicable to construction contracts (for construction and repair work), and the provisions of Sections 8460.4 to 8460.9, inclusive, of this article, shall be inapplicable thereto. The provisions of Chapter 3 (commencing with Section 4200), Division 5 of Title 1 of this code are hereby expressly made applicable to any project under this chapter.

8461.1. Title to all property acquired by the authority shall be in the name of the authority. Subject to agreement with the nonprofit corporation under the terms of this chapter, title to the revenues and income from such property shall be in the name of the authority and, subject to any such agreement, 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 and interest on any bonds issued pursuant to this chapter shall be subject to the trusts created in favor of the bondholders. The management, operation, and control of all improvements acquired, constructed or completed by the authority shall be vested in the authority subject to such contracts as it may execute with any nonprofit corporation as in this chapter provided.

8461.2. So long as any bonds issued pursuant to this chapter are outstanding and unpaid, the operation, maintenance, control, repair, reconstruction, alteration and improvements of any project acquired, constructed, or completed under the provisions of this chapter shall be vested in the authority, subject, however, to the provisions of any contract between the authority and a nonprofit corporation entered into under the provisions of this chapter. After all the outstanding bonds of the authority shall have been paid, the authority, subject to the provisions of any contract between the authority and a nonprofit corporation as in this act provided, and subject to the provisions of Section 8480.3, shall expend all revenues and the income thereof and all sums realized under the provisions of Section 8446.5 hereof in the operation, maintenance, control, repair, reconstruction, alteration and improvement of any project acquired, constructed or completed under the provisions of this chapter, and the construction, maintenance and improvement of additional properties and facilities within all areas under jurisdiction of a world trade center as defined in Sections 8435.2 and 8435.3.

8461.3. The authority may use for the payment of the acquisition and construction or completion of any project any funds made available to the authority to be expended for the accomplishing of the purposes set forth in this chapter, and the proceeds of revenue bonds issued and sold by the authority.

8461.4. The authority may insure against any accident to or destruction of any project or any part thereof. Any money collected on such insurance, if and as may be agreed upon by the authority in the indenture covering the issuance of the bonds, shall be used for the purpose of repairing or rebuilding the project damaged, injured or destroyed, or for the retirement of any revenue bonds issued in connection therewith which may be outstanding unredeemed.

8461.5. The authority may insure against loss of revenues from any cause whatsoever. Any money collected on such insurance, if and as may be agreed upon by the authority in the indenture covering the issuance of the bonds, shall be used solely for the payment of bonds and the interest thereon.

8461.6. The authority may insure against public liability or property damage. It may provide in the proceedings authorizing the issuance of any revenue bonds for the carrying of such or any other insurance, in such amount and of such character as may be specified, and for the payment of the premiums thereon.

Article 9. Rates, Fees, and Charges

8465. Subject to such contractual provisions as may be entered into with a nonprofit managing or lessee corporation, the authority shall fix the rentals, fees, and other charges for all services and facilities furnished from the improvements acquired, constructed, or completed pursuant to this chapter, for the use thereof by any persons utilizing such improvements.

8465.1. Subject to such contractual obligations as may be entered into by the authority and the holders of the revenue bonds issued under this chapter, the authority may change rentals, fees, and charges, from time to time, as conditions warrant.

8465.2. All rentals, fees, and charges shall be at all times fixed to yield, together with any reserve fund set up for such purpose, not less than an annual revenue equal to annual administrative, operating, maintenance, repair, and insurance costs and all redemption payments and interest charges on the revenue bonds at any time issued and outstanding pursuant to this chapter, as the same become due, and such additional sums for any sinking fund, reserve fund or other special fund as may be provided for the further security of such bonds or as a depreciation charge or other charge in connection with the improvements acquired, constructed or purchased by the authority under this chapter.

8465.3. The bond redemption and interest payments, and any sinking fund, reserve fund or other special fund therefor or established in connection with such improvements, shall constitute a first, direct and exclusive charge and lien on all such rentals, fees, and charges, and other revenues and interest thereon (subject to payment of administrative, operating,

maintenance, repair, and insurance costs if not otherwise provided) received from the use and operation of the improvement, project or projects (or combination of projects, as may be provided in the bond indenture) for the acquisition, construction or completion of which such revenue bonds were issued, or received from the use or operation of other projects or improvements or facilities whose revenues the authority may agree to subject to such a charge and lien, and all such rentals, fees and charges and other revenues, together with interest thereon and subject to payment of such costs, shall constitute a trust fund for the security and payment of such bonds and shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding and unpaid. If, however, a contract has been entered into between the authority and a lessee nonprofit corporation, as authorized by this chapter, the authority may determine to fix only the total minimum net amount which it will require to be paid to it each year, and authorize the corporation to fix subrental fees and charges, subject to such control over the fixing thereof as is reserved to the authority pursuant to Section 8445.6.

8465.4. The authority may provide that the rentals, fees and charges established are minimum rentals, fees and charges and subject to increase in accordance only with the terms of the indenture under which the revenue bonds are issued. The manager or lessee nonprofit corporation, in fixing subrentals, fees and charges, as authorized by agreement with the authority, shall fix such amounts at a sufficient level to enable it to fulfill its contractual obligations to the authority and at the same time to pay such part of its administrative, operating, maintenance, and other expenses required by agreement as are not provided from other sources.

This article does not prevent the use of a reserve or special fund for the purpose for which it is established.

8465.5. No lease to any nonprofit corporation for the purpose of providing for the management of any project or projects shall be for more than 50 years.

8465.6. Every contract entered into by the authority for the use of any project or part thereof acquired, constructed, or completed from the proceeds of the sale of revenue bonds shall incorporate by reference the provisions of any indenture pursuant to which the bonds have been issued. Every such contract or lease, or subcontract or sublease, shall also refer to the provisions of this chapter with respect to the obligation of the authority to fix, or require the fixing, of rentals, fees and charges to meet the payments provided for in this chapter and in the proceedings for the issuance of revenue bonds, and all payments required to be made to the authority or to the manager lessee of the authority under such contract shall be subject to increase if and when the authority is required to increase rentals, fees, or other charges to meet its obligations hereunder and under any indenture providing for the issuance of bonds.

Article 10. Reimbursement Rights of Bondholders

8470. In each city, county, district, or political subdivision in which property of the authority is situated, the assessor shall assess, and the board of equalization shall equalize the assessment of, the property of the authority in the manner provided in Division 1 (commencing with Section 101) of the Revenue and Taxation Code or other law or ordinance which would be applicable if the property were not exempt from taxation. The assessor shall compute and certify to the authority an amount equal to the tax or assessment or both which would be payable if the property were not exempt from taxation less the tax or assessment or both levied on any possessory interest in said property. The authority shall pay such amount into the general fund of the city, county, district, or political subdivision. Such part of any amount so paid to a county, city, district, or political subdivision which represents the tax or assessment which would accrue to another public agency for which such county, city, district, or political subdivision collects taxes or assessments shall be paid by the latter into the general fund of the public agency. All amounts received pursuant to this section shall be expended for state purposes.

Article 11. Other Rights of Bondholders

8475. The holder of any bond issued pursuant to this chapter may by mandamus or other appropriate proceeding require and compel the performance of any of the duties imposed upon the authority or upon any state department, official, or employee, or assumed by any thereof, their officers, agents or employees, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction, and insurance of any project, or the collection, deposit, investment, application, and disbursement of rents, fees, charges, and all other revenues derived from the operation and use of any project, or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds under this chapter. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds issued pursuant to this chapter.

8475.1. While any revenue bonds issued by the authority remain outstanding, the powers, duties and existence of the authority, shall not be diminished or impaired in any manner that will adversely affect the interests and rights of the holders of the bonds.

Article 12. Contributions and Cooperation

8480. The authority may accept contributions or appropriations from the United States, the state, or any department

or agency of either thereof, or from any public body or corporation, or from any private firm, person, or corporation.

8480.1. The authority may enter into any contract, arrangement, or agreement with any other public agency and may cooperate with any other public agency for the development of the world trade center or the performance of work or services in connection therewith

8480.2. Any public or private nonprofit corporation of this state may cooperate and enter into contracts, joint, or otherwise, with the authority for the acquisition, construction, completion, maintenance, operation and repair, in whole or in part, of any project for the construction or improvement of the facilities of the world trade center.

8480.3. The City of Los Angeles, or any other public corporation or private nonprofit corporation, may upon the request of the authority advance or contribute money, land, rights-of-way, labor, materials and other property toward the expense of building, acquiring and maintaining the buildings and facilities of the world trade center referred to in this chapter, and for preliminary surveys and preparation of plans and estimates of cost therefor and other preliminary expenses. Appropriations for such purposes may be made from any funds available. Any public corporation may also issue general obligation bonds for any of such purposes, and all proceedings for the authorization, issue and sale of bonds shall be had under the law governing the issue and sale of bonds for public improvements by the public corporation. Money or property so advanced or contributed may be immediately transferred or delivered to the authority to be used for the purpose for which such advance or contribution was made. The authority may enter into a binding agreement with any public corporation or private nonprofit corporation to repay any money or the value of any land, rights-of-way, labor, materials or other property advanced or contributed toward the expense of acquiring or constructing any property, buildings and facilities acquired, constructed or completed as provided for in this chapter. Repayment of part or all thereof may be made subordinate to any obligations issued by the authority for the acquisition, construction, or completion of any such property, buildings and facilities, or projects therefor

8480.4. Notwithstanding any other provisions of this chapter, and notwithstanding that all bonds issued pursuant to this chapter for the acquisition or construction of any property, buildings and facilities, or projects therefor, have been fully redeemed and paid, the authority may continue to collect revenues for the use of such property, buildings and facilities, or projects therefor, for the purpose of reimbursing the state for any expenditures which may have been made by it under appropriations or otherwise in connection with the property, buildings and facilities, or projects therefor, and which therefore have not been repaid, and for the purpose of repay-

ment to any public corporation (including the City of Los Angeles) or private nonprofit corporation, of any amount remaining unpaid which the authority shall have agreed to repay for land, money, rights-of-way, labor, and materials or other property advanced or contributed for the acquisition, construction or completion of any such property, buildings and facilities, or projects therefor.

8480.5. For the purpose of further aiding and cooperating in the planning, undertaking, acquisition, construction, completion or operation and maintenance of the projects authorized under this chapter, any public corporation may upon such terms, with or without consideration, as it may determine do any of the following:

(a) Dedicate, sell, convey or lease any of its property to the authority.

(b) Cause parks, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with the projects of the authority.

(c) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places in which it is otherwise empowered to undertake.

(d) Plan or replan, zone or rezone any part of such corporation; make exceptions from building regulations and ordinances.

(e) Enter into agreements (which may extend over any period, notwithstanding any provisions or rule of law to the contrary) with the authority respecting action to be taken by such public corporation pursuant to any of the powers granted by this chapter.

(f) Do any and all things necessary or convenient to aid and cooperate in the planning, undertaking, acquisition, construction, completion, operation or maintenance of the projects of the authority.

8480.6. The authority may cooperate and contract with the United States under the War Mobilization and Reconversion Act of 1944, approved October 3, 1944, and all acts amendatory thereof or supplementary thereto, or any other act of Congress heretofore and hereafter enacted authorizing or permitting such cooperation.

8480.7. The authority may contract loans and borrow money through the sale of bonds authorized in this chapter, or of the same character as those herein authorized, from the United States or any of its departments, agencies, or instrumentalities, upon such conditions and terms as may be agreed to, and such bonds shall be subject to the provisions of this chapter.

Article 13. Funds

8485. The proceeds from the sale of all bonds authorized under the provisions of this chapter shall be paid to the State Treasurer as custodian of a special trust fund, which fund is

created by Section 8485.1, to be held for the account of the authority.

8485.1. There is hereby created in the State Treasury a construction fund for each project for which bonds are issued, to be known under the name designated therefor by the authority. Such construction fund shall at all times be kept separate and apart from all other funds and shall be held by the State Treasurer as a special fund for the account of the authority. The moneys in the construction fund shall be held subject to the right of the authority to recover them, on claims presented by it, whereupon the moneys shall be paid out and disbursed solely for the acquisition and construction of projects pursuant to the provisions of this chapter, including surveys, preparation of plans and specifications, and for the payment of all other costs and expenses prior to and during construction, including the acquisition of necessary rights-of-way, easements, lands and other property of every kind and description and appurtenances thereto, and the payment of all expenses, engineering, legal and administrative costs, as provided by the authority in the proceedings for the issuance of such bonds. The State Controller shall keep an accurate account of all money deposited in and withdrawn from the construction fund.

8485.2. Moneys in the construction fund shall be deposited as time or demand deposits in such depository or depositories as may be authorized by law to receive deposits of state funds.

8485.3. If any surplus shall exist in any construction fund after the payment in full of all costs of acquisition, construction and completion of the project for which the revenue bonds were issued, the surplus 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 8485.1, but subject to any agreement which may be made by the authority, in any indenture for the issuance of the revenue bonds with respect to the application of such surplus.

8485.4. The authority may provide for the payment of interest becoming due and payable on the revenue bonds prior to and during the period of actual construction of the project for which the bonds are issued, and for the period specified in the indenture for the issuance of the bonds, which period shall not exceed two years, after the completion of construction, and the payment of all costs and expenses of administration, operation, maintenance, repairs, and insurance during the same period 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.

8485.5. Moneys in a construction fund held by the State Treasurer and 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 state moneys; subject to such limitations as may be provided in the proceedings au-

thorizing 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.

8485.6. All revenues, when received by the authority from the operation of a project (or from the lessee thereof) acquired or constructed or completed by the authority, shall be paid over by the authority to the State Treasurer as custodian thereof or to any fiscal agent or depository thereof.

8485.7. The revenues paid over by the authority to the State Treasurer shall be held by the State Treasurer in a special fund or funds as may be required by proceedings for the issuance of bonds or by any applicable bond indenture and applied exclusively for the account of the authority. Such special fund or funds shall be known under the name designated therefor by the authority. The moneys in the revenue fund or funds shall be deposited by the State Treasurer in time or demand deposits in such depository or depositories as may be authorized by law to receive deposit of state funds, to the credit of the appropriate revenue fund, or may be invested in such bonds or obligations as are by law legal investments for state moneys, subject to such limitations and restrictions as may be provided in the applicable indenture under which bonds of the authority have been issued and are outstanding. Any income or interest received upon such deposits or investments shall be added to the appropriate revenue fund and inure to the benefit of the authority. The moneys in the revenue fund or funds held by the State Treasurer shall be held and disbursed for the payment of the principal of and interest on bonds issued by the authority when such principal and interest become due, and for the creation of any reserve fund or other special fund and also for the payment of all costs and expenses to the authority not otherwise provided for the administration, operation, maintenance, repair, and insurance costs of the project or projects and other costs and expenses of the authority, all to the extent provided by the applicable proceedings for the issuance of bonds or the applicable indenture. The State Controller shall keep an accurate account of all money deposited in and withdrawn from the revenue funds.

8485.8. The proceeds of the sale of the bonds and any revenues of the authority shall be kept separate and distinct from all funds in the State Treasury and no moneys in the construction fund or the revenue fund may be loaned or in any way used other than pursuant to the provisions of this chapter.

8485.9. The administrative expense of the authority may be paid from any moneys made available for the purpose and may, as needed, be paid from construction and revenue funds upon such allocation as the authority shall determine, subject only to provisions in applicable proceedings for the issuance of bonds or in an applicable bond indenture.

8486. The Treasurer shall cooperate with the authority in utilizing a trustee or fiscal agent selected by the authority whenever possible and in accordance with law, in connection

with the deposit of funds and other fiscal matters subject to his control.

8486.1. As in the case of other articles of this chapter, the provisions of this article shall be deemed to apply to the bonds and funds of the authority.

8486.2. All moneys received pursuant to this chapter shall be deposited in the Southern California World Trade Center Fund in the State Treasury, which fund is created as a special fund in the State Treasury. All other funds created or authorized by this chapter shall be a part of such fund.

All moneys at any time in such Southern California World Trade Center Fund are hereby appropriated for the purposes of this chapter; and are allocated for expenditure in accordance with the limitations imposed by this chapter by the respective authorities in the same proportion as the money received in connection with each such authority and the activities thereof, including the issuance of bonds thereby, bears to all moneys received under this chapter.

SEC. 2. Section 1.2 is added to Chapter 1508 of the Statutes of 1947, to read:

Sec. 1.2. Notwithstanding any other provision of this act, the Southern California World Trade Center Authority shall be governed by Chapter 5.7 (commencing with Section 8420), Division 1, Title 2 of the Government Code, and the provisions of this act, except Chapter 2.5 (commencing with Section 2.50), shall have no application to such authority.

CHAPTER 302

An act to amend Section 980 of the Military and Veterans Code, relating to the qualifications as a "veteran" within the meaning of said section.

[Approved by Governor May 18, 1965. Filed with
Secretary of State May 18, 1965.]

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

SECTION 1. Section 980 of the Military and Veterans Code is amended to read:

980. As used in this chapter, "veteran" means any citizen of the United States who served in the active military, naval, or air service of the United States on or after April 6, 1917, and prior to November 12, 1918, and received an honorable discharge therefrom or was released from active duty under honorable conditions and who was, at the time of his entry into active duty, a native of or a bona fide resident of this state, or who, if a minor at such time, entered active duty while in the State of California and had lived in this state for six months immediately preceding his entry into active duty; or any person who served in the active military, naval,

or air service of the United States for a period of not less than 90 consecutive days or was discharged from the service due to a service-connected disability within such 90-day period, any portion of which was on or after December 7, 1941, and prior to January 1, 1947, and received an honorable discharge therefrom or was released from active duty under honorable conditions and who was at the time of his entry into active duty a native of or bona fide resident of this state, or who, if a minor at such time, entered active duty while in the State of California and had lived in this state for six months immediately preceding his entry into active duty; or any person who served in the active military, naval or air service of the United States for a period of not less than 90 consecutive days or was discharged from the service due to a service-connected disability within such 90-day period, any portion of which was on or after June 27, 1950, and prior to February 1, 1955, or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States, and received an honorable discharge therefrom or was released from active duty under honorable conditions and who was at the time of his entry into active duty a native of or a bona fide resident of this state or who, if a minor at such time, entered active duty while in the State of California and had lived in this state for six months immediately preceding his entry into active duty.

This chapter does not include:

(a) A person who was separated from such forces under other than honorable conditions.

(b) A person who was separated from such forces on account of alienage.

(c) A person who performed no military duty whatever or refused to wear the uniform.

(d) A person who has received from another state a bonus, compensation, or benefit, the prerequisite of which is service in such forces, which service is the basis for the claim of benefits under this chapter.

(e) A person who served only in an auxiliary or reserve component of the armed forces whose service therein did not exempt him from the operation of the Selective Training and Service Act of 1940.

(f) A person whose service with the armed forces was due to temporary active duty orders for the sole purpose of training duty, processing or a physical examination.

CHAPTER 303

An act to amend Sections 18092, 18586.1, and 18601 of the Revenue and Taxation Code, relating to personal income taxes.

[Approved by Governor May 18, 1965 Filed with
Secretary of State May 18, 1965]

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

SECTION 1. Section 18092 of the Revenue and Taxation Code is amended to read:

18092. (a) For purposes of this article, the term "adjusted sales price" means the amount realized, reduced by the aggregate of the expenses for work performed on the old residence in order to assist in its sale

(b) The reduction provided in subsection (a) applies only to expenses—

(1) For work performed during the 90-day period ending on the day on which the contract to sell the old residence is entered into;

(2) Which are paid on or before the 30th day after the date of the sale of the old residence; and

(3) Which are—

(A) Not allowable as deductions in computing taxable income under Section 17073(a) (defining taxable income); and

(B) Not taken into account in computing the amount realized from the sale of the old residence.

(c) The reduction provided in subsection (a) applies to expenses for work performed in any taxable year (whether beginning before, on, or after January 1, 1961, but only in the case of a sale or exchange of an old residence which occurs after December 31, 1960.

SEC. 2. Section 18586.1 of said code is amended to read:

18586.1. (a) If the taxpayer omits from gross income an amount properly includible therein which is in excess of 25 percent of the amount of gross income stated in the return, a notice of a proposed deficiency assessment may be mailed to the taxpayer within six years after the return was filed.

(b) For purposes of this section—

(1) In the case of a trade or business, the term "gross income" means the total of the amounts received or accrued from the sale of goods or services (if such amounts are required to be shown on the return) prior to diminution by the cost of such sales or service; and

(2) In determining the amount omitted from gross income, there shall not be taken into account any amount which is omitted from gross income stated in the return if such amount is disclosed in the return, or in a statement attached to the return, in a manner adequate to apprise the Franchise Tax Board of the nature and amount of such item.

SEC. 3. Section 18601 of said code is amended to read:

18601. Any amount of tax in excess of that disclosed by the return, due to a mathematical error, notice of which has been mailed to the taxpayer, is not a deficiency assessment. The taxpayer has no right of protest or appeal based on such notice; however, the amount of tax erroneously omitted in the return may be assessed and collected in the manner provided in this part as in the case of deficiency assessments.

CHAPTER 304

An act to amend Section 11150 of the Penal Code, relating to the Department of Corrections.

[Approved by Governor May 18, 1965. Filed with
Secretary of State May 18, 1965.]

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

SECTION 1. Section 11150 of the Penal Code is amended to read:

11150. Prior to the release of a person convicted of arson from an institution under the jurisdiction of the Department of Corrections, the Director of Corrections shall notify the State Fire Marshal and the State Bureau of Criminal Identification and Investigation in writing. The notice shall state the name of the person to be released, the county in which he was convicted and, if known, the county in which he will reside.

CHAPTER 305

An act to amend Sections 10133.1, 10133.2, and 10145 of, and to add Section 10514.8 to, the Business and Professions Code, relating to the regulation of real estate and mineral, oil and gas licensees.

[Approved by Governor May 18, 1965. Filed with
Secretary of State May 18, 1965.]

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

SECTION 1. Section 10133.1 of the Business and Professions Code is amended to read:

10133.1. The provisions of subdivision (d) of Section 10131, subdivision (e) of Section 10131, Section 10131.1 and of Articles 5, 6, and 7 of this chapter do not apply to the following:

(a) Any person or employee thereof doing business under any law of this state, any other state, or of the United States relating to banks, trust companies, savings and loan associa-

tions, industrial loan companies, pension trusts, credit unions or insurance companies; or, except the provisions of subdivisions (d) and (e) of Section 10131 and of Section 10131.1, any person whose business is that of acting as an authorized representative, agent or loan correspondent of any of the foregoing or when making loans qualified for sale to any of the foregoing insofar as such business is concerned.

(b) Any person making a loan guaranteed or insured by an agency of the federal government or for which a commitment to so guarantee or insure has been made by such agency.

(c) Any nonprofit cooperative association organized under Chapter 4 (commencing with Section 1190) of Division 6 of the Agricultural Code, in loaning or advancing money in connection with any activity mentioned therein.

(d) Any corporation, association, syndicate, joint stock company or partnership engaged exclusively in the business of marketing agricultural, horticultural, viticultural, dairy, livestock, poultry or bee products on a cooperative nonprofit basis, in loaning or advancing money to the members thereof or in connection with any such business.

(e) Any corporation securing money or credit from any federal intermediate credit bank organized and existing pursuant to the provisions of an act of Congress entitled the "Agricultural Credits Act of 1923," in loaning or advancing money or credit so secured.

(f) Any person licensed to practice law in this state, not actively and principally engaged in the business of negotiating loans secured by real property, when such person renders services in the course of his practice as an attorney at law, and the disbursements of such person, whether paid by the borrower or other person, are not charges or costs and expenses regulated by or subject to the limitations of Article 7 of this chapter, provided, such fees and disbursements shall not be shared, directly or indirectly, with the person negotiating the loan or the lender.

(g) Any person licensed as a personal property broker when acting under the authority of such license.

(h) Any cemetery authority as defined by Section 7018 of the Health and Safety Code which is authorized to do business in this state or its authorized agent.

(i) Any person who makes collection of payments for lenders or on notes of owners in connection with loans secured directly or collaterally by liens on real property and (a) who is not actively engaged in the business of negotiating loans secured by real property or (b) who is not acting as a principal or agent in the sale or exchange of promissory notes secured directly or collaterally by liens on real property.

SEC. 2. Section 10133.2 of said code is amended to read:

10133.2 The provisions of Sections 10131, 10131.1, 10131.2, and 10132 do not apply to any stenographer, bookkeeper, receptionist, telephone operator, or other clerical help in carrying out their functions as such.

SEC. 3. Section 10145 of said code is amended to read:

10145. A real estate licensee who accepts funds from others in connection with any transaction subject to this part who does not immediately place such funds into a neutral escrow depository or into the hands of his principal shall place such funds into a trust fund account maintained by him in some bank or recognized depository and shall retain all such funds in the account until such time as he has made a disbursement of the funds in accordance with instructions from the principal or principals in the transaction; provided that a real estate broker when acting as a principal pursuant to Section 10131.1 or Article 6 (commencing with Section 10237) of this part shall place all purchase funds for real property sales contracts or promissory notes secured directly or collaterally by liens on real property being sold by him in a neutral escrow depository unless delivery of the note or contract is made simultaneously with the receipt of the funds. A separate record shall be maintained of all moneys received subject to this section and shall further indicate the disposition thereof.

As used in this section "neutral escrow" means an escrow business conducted by a person licensed under Division 6 (commencing with Section 17000) of the Financial Code or by any person described by subdivision (a) of Section 17006 and subdivision (c) of Section 17006 of said code.

SEC. 4. Section 10514.8 is added to said code, to read:

10514.8. A mineral, oil and gas licensee who accepts funds from others in connection with any transaction subject to this part who does not immediately place such funds into a neutral escrow depository or into the hands of his principal shall place such funds into a trust fund account maintained by him in some bank or recognized depository and shall retain all such funds in the account until such time as he has made a disbursement of the funds in accordance with instructions from the principal or principals in the transaction. A separate record shall be maintained of all moneys received subject to this section and shall further indicate the disposition thereof.

As used in this section "neutral escrow" means an escrow business conducted by a person licensed under Division 6 (commencing with Section 17000) of the Financial Code or by any person described by subdivision (a) of Section 17006 and subdivision (c) of Section 17006 of said code.

CHAPTER 306

*An act to amend Section 24004 of the Vehicle Code,
relating to operation of vehicles.*

[Approved by Governor May 18, 1965. Filed with
Secretary of State May 18, 1965.]

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

SECTION 1. Section 24004 of the Vehicle Code is amended to read:

24004 No person shall operate any vehicle or combination of vehicles after notice by a traffic officer that the vehicle is in an unsafe condition or is not equipped as required by this code, except as may be necessary to return the vehicle or combination of vehicles to the residence or place of business of the owner or driver or to a garage, until the vehicle and its equipment have been made to conform with the requirements of this code.

The provisions of this section shall not apply to an employee who does not know that such notice has been issued, and in such event the provisions of Section 40001 shall be applicable.

CHAPTER 307*An act to add Section 61623.5 to the Government Code,
relating to abatement of fire hazards.*

[Approved by Governor May 18, 1965. Filed with
Secretary of State May 18, 1965.]

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

SECTION 1. Section 61623.5 is added to the Government Code, to read:

61623.5. In any district authorized to provide fire protection services, the district board may clear or order the clearing of land or remove or order the removal of dry grass, stubble, brush, rubbish, litter, or other flammable material, if, in its judgment, the flammable material endangers the public safety by creating a fire hazard.

The provisions of Part 5 (commencing with Section 14875), Division 12, of the Health and Safety Code are made applicable to the community service districts which perform fire control or protection service and are organized and existing pursuant to this chapter, including, but not limited to, the provisions with respect to the assessment of property owners for the expense of abatement, and the procedure set forth therein shall apply to dry grass, stubble, brush, rubbish, litter or other flammable material which endangers the public safety by creating a fire hazard.

In the application of the provisions of Part 5 (commencing with Section 14875), Division 12 of the Health and Safety Code, to proceedings under this chapter, the terms "board of supervisors," or "board" when used in said Part 5, shall mean the district board acting under this chapter; and the officers designated in Section 14890, of said Part 5, shall mean the employees of the community services district designated by the district board.

CHAPTER 308

An act to amend Section 22502 of the Vehicle Code, relating to curb parking.

[Approved by Governor May 18, 1965. Filed with
Secretary of State May 18, 1965.]

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

SECTION 1. Section 22502 of the Vehicle Code is amended to read:

22502. Except as otherwise provided in this chapter every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be stopped or parked with the right-hand wheels of such vehicle parallel with and within 18 inches of the right-hand curb, except that motorcycles shall be parked with at least one wheel or fender touching the right-hand curb. Where no curbs or barriers bound any roadway, right-hand parallel parking is required unless otherwise indicated. This section does not apply to a commercial vehicle when loading or unloading merchandise or passengers.

CHAPTER 309

An act to amend Sections 540 and 542 of the Code of Civil Procedure, relating to attachments.

[Approved by Governor May 18, 1965. Filed with
Secretary of State May 18, 1965.]

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

SECTION 1. Section 540 of the Code of Civil Procedure is amended to read:

540. The writ must be directed to the sheriff, or a constable, or marshal of any county in which property of such defendant may be, and must require him to attach and safely keep all the property of such defendant within his county not exempt from execution, specifically excluding one-half of the earnings of such defendant received for his personal services rendered at any time within 30 days next preceding the levy of attachment, or so much of the property of such defendant

as may be sufficient to satisfy the plaintiff's demand against such defendant, the amount of which must be stated in conformity with the complaint, unless such defendant give him security by the undertaking of at least two sufficient sureties, which must first be approved by a judge of the court issuing the writ, or if said writ of attachment is issued to another county then by a judge of a court, having jurisdiction in cases involving the amount specified in the writ, in the county where the levy shall have been, or is about to be, made, or deposit a sum of money with the sheriff, constable, or marshal in an amount sufficient to satisfy such demand against such defendant, besides costs, or in an amount equal to the value of the property of such defendant which has been or is about to be attached, in which case to take such undertaking or sum of money in lieu of the property which has been or is about to be attached.

In the event that the action is against more than one defendant, any defendant whose property has been or is about to be attached in the action may give the sheriff, constable or marshal such undertaking which must first be approved by the judge as hereinabove provided, or deposit such sum of money, and the sheriff, constable, or marshal shall take the same in lieu of such property. Such undertaking, or the deposit of such sum of money, shall not subject such defendant to, or make him answerable for, any demand against any other defendant, nor shall the sheriff, constable, or marshal thereby be prevented from attaching or be obliged to release from attachment, any property of any other defendant; provided, however, that such defendant, at the time of giving such undertaking to, or depositing such sum of money with the sheriff, constable, or marshal shall file with the sheriff, constable, or marshal a statement, duly verified by his oath, wherein such defendant shall state the character of his title to the attached property and the manner in which he acquired such title, and aver and declare that the other defendant or defendants, in the action in which said undertaking was given or such sum of money was deposited, has or have not any interest or claim of any nature whatsoever in or to said property.

Several writs may be issued upon the same affidavit and undertaking simultaneously or from time to time within 60 days after the filing of the affidavit and undertaking, to the sheriffs, constables, or marshals of any county or counties, whether or not any writ previously issued has been returned.

SEC. 2. Section 542 of said code is amended to read:

542. The sheriff, constable, or marshal, to whom the writ is directed and delivered, must, upon receipt of instructions in writing, signed by the plaintiff or his attorney of record, and containing a description of the property, and in the case of real property or growing crops the name of the record owner of the real property to be attached, or upon which the crops are growing, execute the same without delay, and if the

undertaking mentioned in Section 540 of this code be not given, as follows:

1. Real property, standing upon the records of the county in the name of the defendant, must be attached, by recording with the recorder of the county a copy of the writ, together with a description of the property attached, and a notice that it is attached, and by serving an occupant of the property, if there is one upon the property at the time service is attempted, with a similar copy of the writ, description and notice, or if there is no occupant then on the property, then, by posting the same in a conspicuous place on the property attached. Service upon the occupant may be made by leaving said copy of the writ, description and notice with the occupant personally, or, in his absence, with any person, of suitable age and discretion, found upon the property at the time service thereof is attempted and who is either an employee or agent of such occupant or a member of his family or household. Where the property described in the notice consists of more than one distinct lot, parcel or governmental subdivision and any of such lots, parcels, or governmental subdivisions lie with relation to any of the others so as to form one or more continuous, unbroken tracts, one service or posting need be made as to each such continuous, unbroken tract.

1a. Growing crops (which, until severed, shall be deemed personal property not capable of manual delivery), growing upon real property standing upon the records of the county in the name of the defendant, must be attached by recording with the recorder of the county a copy of the writ, together with a description of the growing crops to be attached, and of the real property upon which the same are growing, and a notice that such growing crops are attached in pursuance of the writ, and by serving an occupant of the real property, if there is one upon the real property at the time service is attempted, with a similar copy of the writ, description and notice, or if there is no occupant then on the real property, then, by posting the same in a conspicuous place on the real property. Service upon the occupant may be made by leaving said copy of the writ, description and notice with the occupant personally, or, in his absence, with any person, of suitable age and discretion, found upon the real property at the time service thereof is attempted and who is either an employee or agent of such occupant or a member of his family or household. Where the real property described in the notice consists of more than one distinct lot, parcel or governmental subdivision, and any of such lots, parcels or governmental subdivisions lie with relation to any of the others so as to form one or more continuous unbroken tracts, one service or posting need be made as to each such continuous unbroken tract.

Whenever growing crops have been attached under the provisions of this subdivision, which will greatly deteriorate in value, unless properly cultivated, cared for, harvested, packed or sold, the court issuing such writ, upon application of the

person in whose favor the writ runs, and after due notice to the owner of said property, may direct the sheriff to take possession of said property and to cultivate, care for and preserve the same and, when necessary, harvest, pack and sell such property. Any sale of such property shall be made in the same manner that property is sold on execution and the proceeds must be retained by the sheriff to be applied to the satisfaction of any judgment which may be recovered in the action in which said writ is issued. The court shall order said applicant to pay such expenses in advance if the court may deem it proper, or may direct that the whole or any part of such expenses be paid from the proceeds of any sale of such property.

2. Real property, or any interest therein, belonging to the defendant, and held by any other person, or standing on the records of the county in the name of any other person, must be attached in the same manner as is real property standing upon the records of the county in the name of the defendant by the provisions of subdivision 1 of this section and the notice of attachment shall state that the real property therein described, and any interest of the defendant therein held by or standing on the records of the county in the name of such other person (naming him), are attached. In addition, a similar copy of the writ, description and notice shall be delivered to such other person, or his agent, if known and within the county, or left at the residence of either, if within the county. The recorder must index such attachment when recorded, in the names, both of the defendant and of the person by whom the property is held or in whose name it stands of record.

2a. Growing crops (which, until severance, shall be deemed personal property not capable of manual delivery), or any interest therein, belonging to the defendant, and growing upon real property held by any other person or standing upon the records of the county in the name of any other person, must be attached in the same manner as growing crops growing upon real property standing upon the records of the county in the name of the defendant are attached by the provisions of subdivision 1a of this section, and the notice of attachment shall state that the crops therein described or any interest of the defendant therein, held by, or standing upon the records of the county in the name of, such other person (naming him), are attached in pursuance of the writ. In addition, a similar copy of the writ, description and notice shall be delivered to such other person, or his agent, if known and within the county, or left at the residence of either, if known and within the county. The recorder must index such attachment when recorded, in the names of both the defendant and of the person by whom the real property is held, or in whose name it stands on the record.

Whenever growing crops have been attached under the provisions of this subdivision, which will greatly deteriorate in

value unless properly cultivated, cared for, harvested, packed or sold, the court issuing such writ, upon application of the person in whose favor the writ runs, and with or without notice as the court directs to the owner of said property, may direct the sheriff to take possession of said property and to cultivate, care for and preserve the same and, when necessary, harvest, pack and sell such property. Any sale of such property shall be made in the same manner that property is sold under execution and the proceeds must be retained by the sheriff to be applied to the satisfaction of any judgment which may be recovered in the action in which said writ is issued. The court shall order said applicant to pay such expenses in advance if the court may deem it proper, or may direct that the whole or any part of such expenses be paid from the proceeds of any sale of such property.

3. Personal property, capable of manual delivery, in the possession of the defendant, must be attached by taking it into custody. Whenever a levy under attachment or execution shall be made on personal property, other than money, belonging to a going concern, then the officer making the levy must, if the defendant consents, place a keeper in charge of said property levied upon, at plaintiff's expense, for at least two days, and said keeper's fees must be prepaid by the levying creditor. During said period defendant may continue to operate in the ordinary course of business at his own expense provided all sales are for cash and the full proceeds are given to the keeper for the purposes of the levy unless otherwise authorized by the creditor. After the expiration of said two days the sheriff, constable, or marshal shall take said property into his immediate possession unless other disposition is made by the court or the parties to the action.

4. In cases where the sheriff, constable, or marshal is instructed to take into possession personal property capable of manual delivery, whether the same is to be placed in a warehouse or in custody of a keeper, the sheriff, constable or marshal shall require, as a prerequisite to the taking of such property, that in addition to written instructions the plaintiff or his attorney of record deposit with the sheriff, constable or marshal, a sum of money sufficient to pay the expenses of taking and keeping safely said property for a period not to exceed 15 days. In the event that a further detention of said property is required, the sheriff, constable or marshal must, from time to time, make written demand upon the plaintiff or his attorney for further deposits to cover estimated expenses for periods not to exceed five days each. Such demand must be served as provided in Section 1011 of this code, or by depositing such notice in the post office in a sealed envelope, as first-class registered mail, postage prepaid, addressed to the person on whom it is served at his last known office or place of residence. In the event that the money so demanded is not paid, the sheriff, constable or marshal shall release the property to the person or persons from whom the same was

taken. There shall be no liability upon the part of the sheriff, constable or marshal to take or hold personal property unless the provisions of this section shall have been fully complied with. There shall be no liability upon the part of the sheriff, constable or marshal, either to the plaintiff or the defendant for loss by fire, theft, injury or damage of any kind to personal property capable of manual delivery while in the possession of the sheriff, constable or marshal either in a warehouse or in the custody of a keeper or en route to or from a warehouse unless the sheriff, constable or marshal shall be negligent in his care or handling of the property.

5. Debts and credits and other personal property not capable of manual delivery must be attached by leaving with the persons owing such debts, or having in his possession, or under his control, such credits and other personal property, or with his agent or, in the case of a corporation, with the president of the corporation, vice president, secretary, assistant secretary, cashier, or managing agent thereof, a copy of the writ, and, if the demand as stated in the writ does not exceed three hundred dollars (\$300) exclusive of interest, attorney's fees and costs, a copy of the complaint in the action from which the writ issued, and, in every case, a notice that the debts owing by him to the defendant, or the credits and other personal property in his possession, or under his control, belonging to the defendant, are attached in pursuance of such writ; provided, that debts owing to defendant arising from personal services rendered at any time within 30 days next preceding the levy of attachment such attachment is subject to the provisions of Section 690.11 of the Code of Civil Procedure; provided, however, that debts owing to the defendant by any of the following financial institutions: (a) banks; (b) savings and loan associations; (c) title insurance companies or underwritten title companies (as defined in Section 12402 of the Insurance Code); (d) industrial loan companies (as defined in Section 18003 of the Financial Code), maintaining branch offices, or credits or other personal property whether or not the same is capable of manual delivery, belonging to the defendant and in the possession of or under the control of such financial institution must be attached by leaving a copy of the writ and the notice, together with a copy of the complaint if required hereunder, with the manager or other officer of such financial institution at the office or branch thereof at which the account evidencing such indebtedness of the defendant is carried, or at which such financial institution has credits or other personal property belonging to the defendant in its possession or under its control; and no attachment shall be effective as to any debt owing by such financial institution if the account evidencing such indebtedness is carried at an office or branch thereof not so served, or as to any credits or other personal property in its possession or under its control at any office or branch thereof not so served. Whenever wages have been attached under the provisions of this subdivision,

the notice described above shall state the provisions of Section 690.11 of this code, and shall state that the debtor, to avail himself of an exemption of more than one-half of his wages earned the preceding 30 days, must file an affidavit with the levying officer as provided in Section 690.26 of this code.

6. Checks, drafts, money orders and other orders for the withdrawal of money from a banking corporation or association, which are in the possession of and payable to the defendant or judgment debtor on demand, must be attached by taking the same into custody, and the sheriff, constable, or marshal, to whom the writ is directed and delivered, shall promptly thereafter endorse the same and present, or cause the same to be presented, for payment. The sheriff, constable, or marshal shall endorse such check, draft, money order or other order for the withdrawal of money by writing the name of the defendant or judgment debtor thereon and the name and official title of the officer making the levy with the statement that such endorsement is made pursuant to levy of writ of attachment or execution and giving the title of court and cause in which such writ was issued, and such endorsement shall be sufficient endorsement and no banking corporation or association on which said check, draft, money order or other order for the withdrawal of money is drawn shall incur any liability to any person, firm or corporation by reason of paying to such officer such check, draft, money order or other order for withdrawal of money by reason of such endorsement, nor shall the officer making the levy incur any liability by reason of his endorsing and presenting for and obtaining payment of such check, draft, money order or other order for the payment of money; provided, however, that the funds or credit resulting from the payment of such check, draft, money order or other order for withdrawal of money shall be held by said officer subject to the levy of said writ of attachment or execution. If it appear from the face of such check, draft, money order or other order for the withdrawal of money that the same has been tendered to the defendant or judgment debtor in satisfaction of a claim or demand and that endorsement thereof shall be considered a release and satisfaction by defendant or judgment debtor of such claim or demand, then, in such event, the officer making the levy shall not endorse said check, draft, money order or other order for the withdrawal of money unless the defendant or judgment debtor shall first endorse the same to the officer making the levy; provided, however, that if said defendant shall not endorse said check, draft, money order or other order for withdrawal of money to the officer making the levy, said officer may thereafter hold such check, draft, money order or other order for the withdrawal of money subject to such levy and shall incur no liability to the defendant or judgment debtor or to any other person, firm or corporation for delay in presentment of the same for payment.

CHAPTER 310

An act to amend Section 10500 of the Vehicle Code, relating to reports of stolen vehicles.

[Approved by Governor May 18, 1965. Filed with
Secretary of State May 18, 1965.]

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

SECTION 1. Section 10500 of the Vehicle Code is amended to read:

10500. Every peace officer upon receiving a report based on reliable information that any vehicle registered under this code has been stolen or that license plates for any vehicle have been lost or stolen shall, immediately after receiving such information, report the theft or loss to the Department of the California Highway Patrol. The officer upon receiving information of the recovery of any vehicle or plates, which he has previously reported as stolen or lost, shall immediately report the fact of the recovery to said department.

CHAPTER 311

An act to amend Sections 28741, 28773, 28810, 28811, 28817, 29202, and 29223 of, and to repeal Section 28819 of, the Public Utilities Code, relating to the San Francisco Bay Area Rapid Transit District.

[Approved by Governor May 18, 1965. Filed with
Secretary of State May 18, 1965.]

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

SECTION 1. Section 28741 of the Public Utilities Code is amended to read:

28741. Each director shall be paid the sum of fifty dollars (\$50) for each district meeting that he attends, whether a full board meeting or a meeting of a committee of the board, but he shall not be paid more than two hundred fifty dollars (\$250) in any one calendar month, nor shall he be paid for more than one meeting which he attends on the same day. Each director shall be allowed such necessary traveling and personal expenses incurred in the performance of his duties as may be authorized by the board of directors.

SEC. 2. Section 28773 of said code is amended to read:

28773. The board of directors 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. In the case of public hearings, including those pursuant to Sections 29039 to 29046, inclusive, authority

may be so delegated to a referee, who need not be an officer of the district.

SEC. 3. Section 28810 of said code is amended to read:

28810. The officers of the district shall consist of the members of the board of directors; a president and a vice president of the board, each of whom shall be a member of the board; a secretary, a general manager, a general counsel, a treasurer, a controller, and such other or subordinate officers, assistants, and deputies as the board may deem necessary and provide for by ordinance or resolution.

The general counsel shall be a person admitted to practice law in the Supreme Court of California and shall have been actively engaged in the practice of law for not less than ten (10) years next preceding his appointment.

The person appointed controller shall have been actively engaged in the practice of accounting for not less than seven (7) years next preceding his appointment.

SEC. 4. Section 28811 of said code is amended to read:

28811. The secretary, general manager, general counsel, treasurer, and controller shall be appointed by and may be removed by the affirmative votes of a majority of the members of the board of directors. All other officers and employees shall be appointed by the general manager and shall serve at his pleasure, subject to the provisions of this part relating to personnel.

SEC. 5. Section 28817 of said code is amended to read:

28817. The treasurer shall be the custodian of the funds of the district and shall make payments only upon warrants duly and regularly signed by the general manager. He shall keep an account of all receipts and disbursements. With the approval of the board, the treasurer and general manager may designate alternates to act for them.

SEC. 6. Section 28819 of said code is repealed.

SEC. 7. Section 29202 of said code is amended to read:

29202. The published notice of sale shall describe the bonds and set forth the terms and conditions of sale.

SEC. 8. Section 29223 of said code is amended to read:

29223. The treasurer shall keep a record of bonds, notes, or other evidences of indebtedness redeemed, and report the redemption to the board. At the end of each month in which there has been a redemption, a report thereof shall be made accompanied by the bonds, notes, or other evidence of indebtedness which have been taken up and canceled or by a certificate of their destruction by any bank or trust company appointed by the board as fiscal agent or paying agent for such bonds, notes, or other evidences of indebtedness and authorized to destroy bonds, notes, or coupons, or other evidence of indebtedness upon payment thereof.

CHAPTER 312

An act to amend Section 22827 of, and to add Section 16391.1 to, the Government Code, relating to state contributions for employee benefits.

[Approved by Governor May 18, 1965. Filed with
Secretary of State May 18, 1965.]

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

SECTION 1. Section 22827 of the Government Code is amended to read:

22827. The contributions of each employee and annuitant shall be withheld from the monthly salary or retirement allowance payable to him.

The state's contributions as provided by Sections 22828 and 22829 for any month shall be charged to the same appropriations used for payment of salaries and wages from which the employee premium contributions for such month are deducted.

The contributions of the state required on account of each annuitant shall be payable from such funds as may be appropriated for that purpose. The portion of such contributions constituting state contributions for administrative expense and contingency reserve account purposes shall be deposited in the State Employees' Contingency Reserve Fund.

SEC. 2. Section 16391.1 is added to said code, to read:

16391.1. The Controller may transfer to the State Pay Roll 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 Pay Roll Revolving Fund to the State Employees' Retirement Fund and the Old Age and Survivors' Insurance Revolving Fund the amounts of contributions so certified.

CHAPTER 313

An act to add Section 681.5 to the Harbors and Navigation Code, relating to amphibious vehicles.

[Approved by Governor May 18, 1965. Filed with
Secretary of State May 18, 1965.]

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

SECTION 1. Section 681.5 is added to the Harbors and Navigation Code, to read:

681.5. The Division of Small Craft Harbors shall not issue a certificate of ownership for any "amphibious vehicle" for

which a certificate of ownership may be issued by the Department of Motor Vehicles.

For the purposes of this section, an "amphibious vehicle" is a device by which any person or property may be propelled, moved, or drawn both upon water and upon a highway on land.

CHAPTER 314

An act to amend Section 25105 of the Vehicle Code, relating to motor vehicle lamps.

[Approved by Governor May 18, 1965. Filed with
Secretary of State May 18, 1965.]

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

SECTION 1. Section 25105 of the Vehicle Code is amended to read:

25105. (a) Any motor vehicle may be equipped with running board or door-mounted courtesy lamps. The bulbs in the lamps shall not exceed six standard candlepower and shall emit either a green or white light without glare. The beams of the lamps shall not be visible to the front or rear of the vehicle.

(b) Any motor vehicle may be equipped with inside door-mounted red lamps or red reflectors visible to the rear of the vehicle when the doors are open. The bulbs in the lamps shall not exceed six standard candlepower.

CHAPTER 315

An act to amend Section 24606 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor May 18, 1965. Filed with
Secretary of State May 18, 1965.]

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

SECTION 1. Section 24606 of the Vehicle Code is amended to read:

24606. (a) Any motor vehicle may be equipped with one or more backup lamps either separately or in combination with another lamp. A backup lamp shall be so directed as to project a white or amber light illuminating the highway to the rear of the vehicle for a distance not to exceed 75 feet. A backup lamp may project incidental red, amber, or white light through reflectors or lenses that are adjacent, close to, or a part of the lamp assembly.

(b) No backup lamp shall exceed a diameter of 6 inches or an area of 28 square inches measured across the lens or face thereof nor shall it be lighted on any vehicle moving forward or otherwise except when the vehicle is about to be or is backing on a highway.

CHAPTER 316

An act to amend Section 16480 and to repeal Section 16481 of the Vehicle Code, relating to termination of proof of ability to respond in damages.

[Approved by Governor May 18, 1965 Filed with
Secretary of State May 18, 1965]

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

SECTION 1. Section 16480 of the Vehicle Code is amended to read:

16480. (a) The department shall upon request or may at its own discretion cancel any bond or any certificate of insurance, or the department shall direct the return to the person entitled thereto of any money or securities deposited pursuant to this code as proof of ability to respond in damages, or the department shall waive the requirement of filing proof of ability to respond in damages in any of the following events:

(1) When the person is no longer required to maintain such proof under the provisions of this code.

(2) At any time after three years from the date the proof was required the department may upon its own discretion, or upon the request of the person required to furnish the proof, release the requirement of proof provided the records of the department establish that the person, during the preceding three-year period, has not been convicted of any offense authorizing or requiring the suspension or revocation of a license by the department, and has not suffered suspension or revocation of license upon order of the department or a court arising from a conviction of a violation of the law.

(3) Upon the death of the person on whose behalf such proof was filed.

(4) The permanent incapacity of such person to operate a motor vehicle if such person surrenders for cancellation his driver's license and, if suspended under the provisions of Section 16370, the registration cards and license plates issued for all motor vehicles registered in his name to the department.

(b) The department shall not release proof filed by the bond of individual sureties as set forth in Section 16434, or if given in the manner prescribed by Section 16435, if any action for damages upon a liability referred to in this code is then pending or if any judgment upon any such liability is outstanding and unsatisfied. An affidavit of the applicant of

the nonexistence of such facts shall be prima facie evidence thereof.

SEC. 2. Section 16481 of said code is repealed.

CHAPTER 317

An act to amend Sections 16027, 16053, and 16082 of the Vehicle Code, relating to security following accident.

[Approved by Governor May 18, 1965. Filed with
Secretary of State May 18, 1965.]

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

SECTION 1. Section 16027 of the Vehicle Code is amended to read:

16027. (a) Whenever all judgments or settled claims referred to in this chapter have been discharged, or when exemption from the security requirement has been established under Article 3 of this chapter subsequent to the deposit of security, or a period of one year has elapsed following the accident or following the deposit of security under subdivision (c) of Section 16053 and no action at law involving any of the claims was instituted and is pending, any security remaining on deposit shall be refunded to the person making the deposit or to a person designated by him. Notice of an action at law instituted and pending within such one-year period that is filed with the department later than 30 days after the expiration of such one-year period shall not prevent the refund of such security.

(b) In the event that the deposit or any balance thereof is determined by the department to be refundable under the provisions of this section but remains unclaimed by the depositor or any other person entitled thereto for a period of five years following the date of such determination, the unclaimed deposit shall then be transferred to the Motor Vehicle Fund.

SEC. 2. Section 16053 of said code is amended to read:

16053. Exemption may be established by filing evidence satisfactory to the department:

(a) That the driver has been released from liability by all other persons injured or damaged in the accident. A covenant not to sue shall relieve the parties thereto as to each other from the security requirements of this chapter. The department may accept, for the purposes of this chapter only, evidence of a release from liability executed by a natural guardian or legal guardian on behalf of a minor without the approval of any court or judge.

(b) That all judgments that may arise out of damages or injuries sustained in the accident have been rendered in favor of the driver or have been satisfied by him.

(c) That a duly acknowledged settlement agreement with respect to all damages or injuries arising out of the accident has been executed by the driver.

Whenever within a three-year period after the filing of a duly acknowledged settlement agreement the department receives notice of a default in any payment under such an agreement, provided that such amount in default is in excess of one hundred dollars (\$100), the department shall forthwith suspend the driving privilege of the person defaulting and the privilege shall not be restored until either:

(1) Such driver deposits and thereafter maintains security as required in Article 2 (commencing at Section 16020) or in such amount as the department may then determine.

(2) One year has elapsed following the date when such security was required and the conditions for reinstatement have been satisfied as set forth in Section 16082.

SEC. 3. Section 16082 of said code is amended to read:

16082. (a) The privilege of driving a motor vehicle suspended as provided in Section 16080 shall remain suspended until:

(1) The person complies with the requirements of Section 16050, or

(2) The person deposits or there is deposited on his behalf the security required under this article.

(3) The driving privilege is suspended under the authority of Section 16370 as the result of a judgment arising out of the same cause of action for which security was required in the suspension authorized under Section 16080.

(b) Whenever the suspension provided in Section 16080 or Section 16053 has remained in effect for a period of one year from the date of accident or from the date security was required on the default of a duly acknowledged settlement agreement, the privilege of driving a motor vehicle and all licenses evidencing such privilege shall remain so suspended until:

(1) Proof of ability to respond in damages has been filed with the department in the manner prescribed by Section 16430. The department shall waive the requirement for proof of ability to respond in damages and upon request shall cancel any bond or certificate of insurance, or shall direct the return to the person entitled thereto of any money or securities deposited as proof of financial responsibility, at any time as specified in Sections 16480 and 16481; and

(2) There is no evidence on file with the department that during such one-year period an action at law arising out of the accident or upon the agreement has been instituted and is pending. Notice of an action at law instituted and pending within such one-year period that is filed with the department later than 30 days after the expiration of such one-year period shall not require the department to take any action upon such late notice. In the event that an action at law was filed as referred to herein, the department may, after five years from the

date that eligibility for the termination of the suspension would have otherwise been established, terminate any action taken under Chapter 1 (commencing with Section 16000) of Division 7 of this code

CHAPTER 318

An act to validate the withdrawal of certain territory from highway lighting and highway lighting maintenance districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 18, 1965. Filed with
Secretary of State May 18, 1965.]

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

SECTION 1. Notwithstanding any other provision of law, all proceedings taken by the City Council of the City of Duarte in the County of Los Angeles between December 13, 1964, and December 23, 1964, to withdraw certain of its incorporated territory from the Los Angeles County Lighting Maintenance District No. 1744 (Brycedale), established pursuant to Chapter 26 (commencing with Section 5820), Part 3, Division 7 of the Streets and Highways Code, and the Broadland Lighting District, established pursuant to the Highway Lighting District Act (Part 4 (commencing with Section 19000), Division 14, Streets and Highways Code), are hereby validated and the withdrawal of the territory from said districts is declared to be completely effective; provided that any existing contracts with the Southern California Edison Company are modified or canceled by April 1, 1965, so as to relieve said districts of any obligation thereunder with respect to any of the withdrawn territory.

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 City Council of the City of Duarte in December took all the appropriate steps to withdraw certain of its incorporated territory from a highway lighting district and a highway lighting maintenance district, except that, inadvertently, it failed to have the Board of Supervisors of the County of Los Angeles modify or cancel certain contracts with the Southern California Edison Company executed on behalf of the two districts under which the districts are obligated to maintain certain lighting facilities, which modification or cancellation is required by law. The Southern California Edison Company is agreeable to such modification or cancellation. Along with the above withdrawal of territory, the city formed a new city-wide lighting district which will levy a tax on the territory withdrawn. Unless, the withdrawal is immediately validated

and made effective, as provided in the act, the territory involved will be subject to taxation for lighting by both the city and the districts. It is therefore necessary that this act go into immediate effect.

CHAPTER 319

An act to amend Section 11709 of the Vehicle Code, relating to vehicle dealers.

[Approved by Governor May 18, 1965 Filed with
Secretary of State May 18 1965]

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

SECTION 1. Section 11709 of the Vehicle Code is amended to read:

11709. A dealer's established place of business and such other sites or locations as may be operated and maintained by such dealers in conjunction with their established place of business shall have posted in a conspicuous place in each and every location the certificate and license issued by the department and shall have erected or posted thereon such signs or devices providing information relating to the dealer's name, the location and address of such dealer's established place of business to enable any person doing business with such dealer to identify him properly. Every such sign erected or posted on an established place of business, shall have an area of not less than two square feet per side displayed, and shall contain lettering of sufficient size to enable the sign to be read from a distance of at least 50 feet.

Notwithstanding the provisions of Section 11704 and this section, a dealer may display vehicles at a fair, exposition or similar exhibit without securing a branch license providing no actual sales are made at such events, and that such display does not exceed 30 days.

CHAPTER 320

An act to amend Sections 23333, 23734a, 23772, 24356, 24358, 24611, 24834, 25563, 25901, and 25901a of, and to repeal Section 24409 (as added by Chapter 311, Statutes of 1963) of, the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations, and Massachusetts trusts.

[Approved by Governor May 19, 1965 Filed with
Secretary of State May 19, 1965]

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

SECTION 1. Section 23333 of the Revenue and Taxation Code is amended to read:

23333 A taxpayer subject to Section 23186 shall, if it dissolves or withdraws prior to the date the rate is determined

under Section 23186, pay a tax under Section 23332 at the maximum rate prescribed by said Section 23186; if the rate is subsequently determined to be less than the maximum prescribed by Section 23186, a refund shall, within thirty (30) days of such determination, be made as prescribed by Article 1 of Chapter 22; that part of the tax thus determined which is in excess of 5.5 percent shall be collected as a demand for second installment under Article 3 of Chapter 19.

SEC. 2. Section 23734a of said code is amended to read:

23734a. If a publishing business carried on by an organization during an income year beginning before January 1, 1954, is, without regard to this sentence, an unrelated trade or business, but before the beginning of the third succeeding income year the business is carried on by it (or by a successor who acquired such business in a liquidation which would constitute a tax-free exchange under Section 24502) in such manner that the conduct thereof is substantially related to the exercise or performance by such organization (or such successor) of its educational or other purpose or function described in Section 23701d, such publishing business shall not be considered, for the income year, as an unrelated trade or business.

SEC. 3. Section 23772 of said code is amended to read:

23772. Every organization exempt under Article 1 except:

- (a) A religious organization exempt under Section 23701d;
- (b) An educational organization exempt under Section 23701d, if such organization normally maintains a regular faculty and curriculum and normally has a regularly organized body of pupils or students in attendance at the place where its educational activities are regularly carried on; or
- (c) A charitable organization, or an organization for the prevention of cruelty to children or animals, exempt under Section 23701d, if such organization is supported, in whole or in part, by funds contributed by the United States or any state or political subdivision thereof, or is primarily supported by contributions of the general public; or
- (d) An organization exempt under Section 23701d, if such organization is operated, supervised, or controlled by or in connection with a religious organization described in subsection (a); or
- (e) An organization exempt solely under Section 23701b; shall file an annual return with the Franchise Tax Board on or before the 15th day of the fifth full calendar month following the close of the income year setting forth—

- (1) Its gross receipts for the year,
- (2) Its expenses attributable to such income and incurred within the year,
- (3) Its disbursements within the year for the purpose for which it is exempt,
- (4) Its accumulation of income within the year,
- (5) Its aggregate accumulations of income at the beginning of the year,

(6) Its disbursements out of principal in the current and prior years for the purposes for which it is exempt,

(7) A balance sheet showing its assets, liabilities and net worth as of the beginning of such year, and

(8) Such other information as the Franchise Tax Board may by regulation prescribe.

(f) Any organization exempt from taxes under Article 1 (commencing at Section 23701) of Chapter 4 of this part shall pay the minimum tax provided for by Section 23153 for any year or years for which it fails to file, on or before the due date, the annual return required by this section.

SEC. 4. Section 24356 of said code is amended to read:

24356. (a) In the case of Section 24356 property, the term "reasonable allowance" as used in Section 24349(a) may, at the election of the taxpayer, include an allowance, for the first income year for which a deduction is allowable under Sections 24349 through 24354 to the taxpayer with respect to such property, of 20 percent of the cost of such property.

(b) If in any one income year the cost of Section 24349 property with respect to which the taxpayer may elect an allowance under subsection (a) for such income year exceeds ten thousand dollars (\$10,000), then subsection (a) shall apply with respect to those items selected by the taxpayer, but only to the extent of an aggregate cost of ten thousand dollars (\$10,000).

(c)(1) The election under this section for any income year shall be made within the time prescribed by law (including extensions thereof) for filing the return for such income year. The election shall be made in such manner as the Franchise Tax Board may by regulations prescribe.

(2) Any election made under this section may not be revoked except with the consent of the Franchise Tax Board.

(d)(1) For purposes of this section, the term "Section 24356 property" means tangible personal property—

(A) Of a character subject to the allowance for depreciation under Sections 24349 through 24354,

(B) Acquired by purchase after December 31, 1958, for use in a trade or business, and

(C) With a useful life (determined at the time of such acquisition) of six years or more.

(2) For purposes of paragraph (1), the term "purchase" means any acquisition of property, but only if—

(A) The property is not acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under Sections 24427 through 24429 (but, in applying Sections 24428 and 24429 for purposes of this section, paragraph (d) of Section 24429 shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants);

(B) The property is not acquired by one member of an affiliated group from another member of the same affiliated group, and

(C) The basis of the property in the hands of the person acquiring it is not determined in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired.

(3) For purposes of this section, the cost of property does not include so much of the basis of such property as is determined by reference to the basis of other property held at any time by the person acquiring such property.

(4) For purposes of subsection (b) of this section—

(A) All members of an affiliated group shall be treated as one taxpayer, and

(B) The Franchise Tax Board shall apportion the dollar limitation contained in such subsection (b) among the members of such affiliated group in such manner as it shall by regulations prescribe.

(5) For purposes of paragraphs (2) and (4), the term “affiliated group” has the meaning assigned to it by Section 1504 of the Internal Revenue Code of 1954, except that, for such purposes, the phrase “more than 50 percent” shall be substituted for the phrase “at least 80 percent” each place it appears in Section 1504(a) of the Internal Revenue Code of 1954

(6) In applying Section 24353, the adjustment under Section 24916(b)(1) resulting by reason of an election made under this section with respect to any Section 24356 property shall be made before any other deduction allowed by Section 24349(a) is computed.

(e) The Franchise Tax Board shall prescribe such regulations as may be necessary to carry out the purposes of this section.

SEC. 5. Section 24358 of said code is amended to read:

24358. In the case of a bank or corporation, the total deductions under Section 24357 for any income year shall not exceed 5 percent of the taxpayer's net income computed without regard to—

(a) Sections 24357, 24358 or 24359, inclusive;

(b) Article 2 (commencing at Section 24401) of Chapter 7 (except Sections 24407 to 24409, inclusive).

SEC. 6. Section 24611 of said code is amended to read:

24611. The amount of any unused deductions or contributions in excess of the deductible amounts for income years to which this article does not apply which under Sections 17324 to 17324.17, inclusive, of the Personal Income Tax Law of 1954 would be allowable as deductions in later years had such Sections 17324 to 17324.17, inclusive, of the Personal Income Tax Law of 1954 remained in effect, shall be allowable as deductions in income years to which this part applies as if such Sections 17324 to 17324.17, inclusive, of the Personal Income Tax Law of 1954 were continued in effect for such years. However, the deduction under the preceding sentence shall not exceed an amount which, when added to the deduction allowable under Sections 24601 to 24608, inclusive, for contributions

made in income years to which this article applies, is not greater than the amount which would be deductible under Sections 24601 to 24608, inclusive, if the contributions which give rise to the deduction under the preceding sentence were made in an income year to which this article applies.

SEC. 7. Section 24834 of said code is amended to read:

24834. For purposes of this section and Section 24833—

(a) The term “gross income from the property” means, in the case of a property other than an oil or gas well, the gross income from mining.

(b) The term “mining” includes not merely the extraction of the ores or minerals from the ground but also the treatment processes considered as mining described in paragraph (d) (and the treatment processes necessary or incidental thereto), and so much of the transportation of ores or minerals (whether or not by common carrier) from the point of extraction from the ground to the plants or mills in which such treatment processes are applied thereto as is not in excess of 50 miles unless the Franchise Tax Board finds that the physical and other requirements are such that the ore or mineral must be transported a greater distance to such plants or mills.

(c) The term “extraction of the ores or minerals from the ground” includes the extraction by mine owners or operators of ores or minerals from the waste or residue of prior mining. The preceding sentence shall not apply to any such extraction of the mineral or ore by a purchaser of such waste or residue or of the rights to extract ores or minerals therefrom.

(d) The following treatment processes where applied by the mine owner or operator shall be considered as mining to the extent they are applied to the ore or mineral in respect of which it is entitled to a deduction for depletion under Section 24833, 24834 and 24835:

(1) In the case of coal—cleaning, breaking, sizing, dust alaying, treating to prevent freezing, and loading for shipment;

(2) In the case of sulfur recovered by the Frasch process—cleaning, pumping to vats, cooling, breaking, and loading for shipment;

(3) In the case of iron ore, bauxite, ball and sagger clay, rock asphalt, and ores or minerals which are customarily sold in the form of a crude mineral product—sorting, concentrating, sintering, and substantially equivalent processes to bring to shipping grade and form, and loading for shipment;

(4) In the case of lead, zinc, copper, gold, silver, uranium, or fluorspar ores, potash, and ores or minerals which are not customarily sold in the form of the crude mineral product—crushing, grinding, and beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic), cyanidation, leaching, crystallization, precipitation (but not including electrolytic deposition, roasting, thermal or electric smelting, or refining), or by substantially equivalent processes or combination of processes used in the separation or extraction of

the product or products from the ore or the mineral or minerals from other material from the mine or other natural deposit;

(5) The pulverization of talc, the burning of magnesite, the sintering and nodulizing of phosphate rock, and the furnacing of quicksilver ores;

(6) In the case of calcium carbonates and other minerals when used in making cement—all processes (other than pre-heating of the kiln feed) applied prior to the introduction of the kiln feed into the kiln, but not including any subsequent process;

(7) In the case of clay used, or sold for use, in the manufacture of building or paving brick, drainage and roofing tile, sewer pipe, flowerpots and kindred products—crushing, grinding, and separating the mineral from waste, but not including any subsequent process; and

(8) Any other treatment process provided for by regulations prescribed by the Franchise Tax Board which, with respect to the particular ore or mineral, is not inconsistent with the preceding provisions of this paragraph.

(e) Unless such processes are otherwise provided for in subdivision (d) (or are necessary or incidental to processes so provided for), the following treatment processes shall not be considered as “mining”: electrolytic deposition, roasting, calcining, thermal or electric smelting, refining, polishing, fine pulverization, blending with other materials, treatment effecting a chemical change, thermal action, and molding or shaping.

SEC. 8. Section 25563 of said code is amended to read:

25563. If the amount of estimated tax with respect to which a declaration is required under Article 2.5 of this chapter does not exceed one hundred dollars (\$100), or twenty-five dollars (\$25) in the case of a corporation described in subsection (a) of Section 23153, the entire amount of the estimated tax shall be due and payable on or before the 15th day of the 6th month of the income year. If the amount of estimated tax exceeds one hundred dollars (\$100), or twenty-five dollars (\$25) in the case of a corporation described in subsection (a) of Section 23153, the amount payable on or before the 15th day of the 6th month of the income year shall be—

(a) For the calendar year 1965 or income years beginning in that calendar year, one hundred dollars (\$100) or 20 percent of the amount of the estimated tax (or twenty-five dollars (\$25) or 20 percent of the estimated tax in the case of a corporation described in subdivision (a) of Section 23153), whichever is greater;

(b) For the calendar year 1966 or income years beginning in that calendar year, one hundred dollars (\$100) or 35 percent of the amount of the estimated tax (or twenty-five dollars (\$25) or 35 percent of the estimated tax in the case of a

corporation described in subdivision (a) of Section 23153), whichever is greater;

(c) For income years beginning on or after January 1, 1967, one hundred dollars (\$100) or 50 percent of the amount of the estimated tax (or twenty-five dollars (\$25) or 50 percent of the estimated tax in the case of a corporation described in subdivision (a) of Section 23153), whichever is greater.

SEC. 9. Section 25901 of said code is amended to read:

25901. If the tax imposed by this part, whether determined by the Franchise Tax Board or the taxpayer, or any portion of the tax is not paid on or before the date prescribed for its payment, interest shall be assessed, collected and paid in the same manner as the tax upon such unpaid amount at the rate of 6 percent per year from the date prescribed for its payment until it is paid.

SEC. 10. Section 25901a of said code is amended to read:

25901a. If the time for the payment of the tax is extended interest thereon shall be assessed, collected and paid in the same manner as the tax at the rate of 6 percent per year from the date upon which such payment should have been made if no extension had been granted until the date the tax is paid.

SEC. 11. Section 24409 (as added by Chapter 311, Statutes of 1963) is repealed.

CHAPTER 321

An act to amend Sections 24452, 24454, 24486, and 24670 of, and to add Section 24952 to, the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations, and Massachusetts trusts.

[Approved by Governor May 19, 1965 Filed with
Secretary of State May 19, 1965]

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

SECTION 1. Section 24452 of the Revenue and Taxation Code is amended to read:

24452. (a) For purposes of Sections 24451 through 24453 the amount of any distribution shall be—the amount of money received, plus whichever of the following is the lesser:

(1) The fair market value of the other property received; or
(2) The adjusted basis (in the hands of the distributing bank or corporation immediately before the distribution) of the other property received, increased in the amount of gain to the distributing bank or corporation which is recognized under Sections 24482 or 24483 or Section 17417 of Part 10.

(b) The amount of any distribution determined under subsection (b) shall be reduced (but not below zero) by—

(1) The amount of any liability of the bank or corporation assumed by the shareholder in connection with the distribution; and

(2) The amount of any liability to which the property received by the shareholder is subject immediately before, and immediately after, the distribution.

(c) For purposes of Sections 24451 through 24454, fair market value shall be determined as of the date of the distribution.

SEC. 2. Section 24454 of said code is amended to read:

24454. The basis of property received in a distribution to which Section 24451 applies shall be—whichever of the following is the lesser:

(a) The fair market value of such property; or

(b) The adjusted basis (in the hands of the distributing bank or corporation immediately before the distribution) of such property, increased in the amount of gain to the distributing bank or corporation which is recognized under Section 24482 or 24483 or Section 17417 of Part 10.

SEC. 3. Section 24486 of said code is amended to read:

24486. In making the adjustments to the earnings and profits of a corporation under Section 24484 or 24485, proper adjustment shall be made for—

(a) The amount of any liability to which the property distributed is subject;

(b) The amount of any liability of the corporation assumed by a shareholder in connection with the distribution; and

(c) Any gain to the corporation recognized under Section 24482 or 24483 or Section 17417 of Part 10.

SEC. 4. Section 24670 of said code is amended to read:

24670. (a) If an installment obligation is satisfied at other than its face value or distributed, transmitted, sold, or otherwise disposed of, gain or loss shall result to the extent of the difference between the basis of the obligation and—

(1) The amount realized, in the case of satisfaction at other than face value or a sale or exchange; or

(2) The fair market value of the obligation at the time of distribution, transmission, or disposition, in the case of the distribution, transmission, or disposition otherwise than by sale or exchange.

Any gain or loss so resulting shall be considered as resulting from the sale or exchange of the property in respect of which the installment obligation was received.

(b) The basis of an installment obligation shall be the excess of the face value of the obligation over an amount equal to the income which would be returnable were the obligation satisfied in full.

(c) (1) If—

(A) An installment obligation is distributed by one corporation to another corporation in the course of a liquidation, except in the case of a distribution to which Section 24504(b)(2) applies; and

(B) Under Section 24502 (relating to complete liquidations of subsidiaries) no gain or loss with respect to the re-

ceipt of such obligation is recognized in the case of the recipient corporation;
then except as provided in subparagraph (a) no gain or loss with respect to the distribution of such obligation shall be recognized in the case of the distributing corporation. If the basis of the property of the liquidating corporation in the hands of the distributee is determined under Section 24504(b) (2) then the preceding sentence shall not apply to the extent that under subdivision (a) gain to the distributing corporation would be considered as gain to which Section 17417 of Part 10 applies.

(2) If—

(A) An installment obligation is distributed by a corporation in the course of a liquidation; and

(B) Under Sections 24512, 24513 and 24514 (relating to gain or loss on sales or exchanges in connection with certain liquidations) no gain or loss would have been recognized to the corporation if the corporation had sold or exchanged such installment obligation on the day of such distribution; then no gain or loss shall be recognized to such corporation by reason of such distribution. The preceding sentence shall not apply to the extent that under subdivision (a) gain to the distributing corporation would be considered as gain to which Section 17417 of Part 10 applies.

(d) In the case of a disposition of an installment obligation by any person other than a life insurance company (as defined in Section 801(a) of the Internal Revenue Code of 1954) to such an insurance company, no provision of this part providing for the nonrecognition of gain shall apply with respect to any gain resulting under subsection (a). If a corporation which is a life insurance company for the income year was (for the preceding income year) a corporation which was not a life insurance company, such corporation shall, for purposes of this subsection and subsection (a), be treated as having transferred to a life insurance company, on the last day of the preceding income year, all installment obligations which it held on such last day.

SEC. 5. Section 24952 is added to said code, to read:

24952. (a) If—

(1) A sale of real property gives rise to indebtedness to the seller which is secured by the real property sold, and

(2) The seller of such property reacquires such property in partial or full satisfaction of such indebtedness, then, except as provided in subdivisions (b) and (d), no gain or loss shall result to the seller from such reacquisition, and no debt shall become worthless or partially worthless as a result of such reacquisition.

(b) (1) In the case of a reacquisition of real property to which subdivision (a) applies, gain shall result from such reacquisition to the extent that—

(a) The amount of money and the fair market value of other property (other than obligations of the purchaser) re-

ceived, prior to such reacquisition, with respect to the sale of such property, exceeds

(b) The amount of the gain on the sale of such property included in the measure of tax or returned as income for periods prior to such reacquisition.

(2) The amount of gain determined under paragraph (1) resulting from a reacquisition during any income year beginning after December 31, 1964, shall not exceed the amount by which the price at which the real property was sold exceeded its adjusted basis, reduced by the sum of—

(a) The amount of the gain on the sale of such property included in the measure of tax or returned as income for periods prior to the reacquisition of such property, and

(b) The amount of money and the fair market value of other property (other than obligations of the purchaser received with respect to the sale of such property) paid or transferred by the seller in connection with the reacquisition of such property.

For purposes of this paragraph, the price at which real property is sold is the gross sales price reduced by the selling commissions, legal fees, and other expenses incident to the sale of such property which are properly taken into account in determining gain or loss on such sale

(3) Except as provided in this section, the gain determined under this subdivision resulting from a reacquisition to which subdivision (a) applies shall be recognized, notwithstanding any other provision of this part.

(c) If subdivision (a) applies to the reacquisition of any real property, the basis of such property upon such reacquisition shall be the adjusted basis of the indebtedness to the seller secured by such property (determined as of the date of reacquisition), increased by the sum of—

(1) The amount of the gain determined under subdivision (b) resulting from such reacquisition, and

(2) The amount described in subdivision (b) (2) (b).

If any indebtedness to the seller secured by such property is not discharged upon the reacquisition of such property, the basis of such indebtedness shall be zero.

(d) If, prior to a reacquisition of real property to which subdivision (a) applies, the seller has treated indebtedness secured by such property as having become worthless or partially worthless—

(1) Such seller shall be considered as receiving, upon the reacquisition of such property, an amount equal to the amount of such indebtedness treated by him as having become worthless, and

(2) The adjusted basis of such indebtedness shall be increased (as of the date of reacquisition) by an amount equal to the amount so considered as received by such seller.

CHAPTER 322

An act to amend Sections 17255, 17512, 17735, 17746, 18090.2, and 18212 of the Revenue and Taxation Code, relating to personal income taxes.

[Approved by Governor May 19, 1965. Filed with
Secretary of State May 19, 1965.]

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

SECTION 1. Section 17255 of the Revenue and Taxation Code is amended to read:

17255. Except as provided in subdivision (c) the deduction under Sections 17253 and 17254 shall not exceed;

(a) One thousand two hundred fifty dollars (\$1,250) if the taxpayer is single and not the head of a household (as defined in Section 17042) or is married but files a separate return; or

(b) Two thousand five hundred dollars (\$2,500) if the taxpayer files a joint return with his spouse under Section 18402, or is the head of a household (as defined in Section 17042).

(c) (1) Subject to the provisions of paragraph (2), the deduction under this section shall not exceed—

(A) Fifteen thousand dollars (\$15,000), if the taxpayer has attained the age of 65 before the close of the taxable year and is disabled, or if his spouse has attained the age of 65 before the close of the taxable year and is disabled and if his spouse does not make a separate return for the taxable year, or

(B) Thirty thousand dollars (\$30,000), if both the taxpayer and his spouse have attained the age 65 before the close of the taxable year and are disabled and if the taxpayer files a joint return with his spouse under Section 18402.

(2) For purposes of paragraph (1)—

(A) Amounts paid by the taxpayer during the taxable year for medical care, other than amounts paid for—

(i) His medical care, if he has attained the age of 65 before the close of the taxable year and is disabled, or

(ii) The medical care of his spouse, if his spouse has attained the age of 65 before the close of the taxable year and is disabled, shall be taken into account only to the extent that such amounts do not exceed the maximum limitation provided in subdivisions (a) and (b) which would (but for the provisions of this subdivision) apply to the taxpayer for the taxable year;

(B) If the taxpayer has attained the age of 65 before the close of the taxable year and is disabled, amounts paid by him during the taxable year for his medical care shall be taken into account only to the extent that such amounts do not exceed fifteen thousand dollars (\$15,000); and

(C) If the spouse of the taxpayer has attained the age of 65 before the close of the taxable year and is disabled, amounts paid by the taxpayer during the taxable year for the medical

care of his spouse shall be taken into account only to the extent that such amounts do not exceed fifteen thousand dollars (\$15,000).

(3) For purposes of paragraph (1), an individual shall be considered to be disabled if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered to be disabled unless he furnishes proof of the existence thereof in such form and manner as the Franchise Tax Board may require.

(4) For purposes of paragraph (1), the determination as to whether the taxpayer or his spouse is disabled shall be made as of the close of the taxable year of the taxpayer, except that if his spouse dies during such taxable year such determination shall be made with respect to his spouse as of the time of such death.

SEC. 2. Section 17512 of said code is amended to read:

17512. (a) (1) If an annuity contract is purchased—

(A) (i) For an employee by an employer described in Section 23701d of this code which is exempt from tax under Section 23701 of this code, or

(ii) For an employee (other than an employee described in clause (A) (i)), who performs services for an educational institution (as defined in Section 17150(c)), by an employer which is a state, a political subdivision of a state, or an agency or instrumentality of any one or more of the foregoing;

(B) Such annuity contract is not subject to Section 17511, and

(C) The employee's rights under the contract are nonforfeitable, except for failure to pay future premiums, then amounts contributed by such employer for such annuity contract on or after such rights become nonforfeitable shall be excluded from the gross income of the employee for the taxable year to the extent that the aggregate of such amounts does not exceed the exclusion allowance for such taxable year. The employee shall include in his gross income the amounts received under such contract for the year received as provided in Sections 17101 to 17108, inclusive.

(2) For purposes of this section, the exclusion allowance for any employee for the taxable year is an amount equal to the excess, if any, of—

(A) The amount determined by multiplying (i) 20 percent of his includable compensation, by (ii) the number of years of service, over

(B) The aggregate of the amounts contributed by the employer for annuity contracts and excludable from the gross income of the employee for any prior taxable year

(3) For purposes of this section, the term "includable compensation" means, in the case of any employee, the amount of compensation which is received from the employer described in paragraph (a)(1)(A), and which is includable in gross

income (computed without regard to Section 17139(d)) for the most recent period (ending not later than the close of the taxable year) which under paragraph (4) may be counted as one year of service. Such term does not include any amount contributed by the employer for any annuity contract to which this section applies.

(4) In determining the number of years of service for purposes of this section, there shall be included—

(A) One year for each full year during which the individual was a full-time employee of the organization purchasing the annuity for him, and

(B) A fraction of a year (determined in accordance with regulations prescribed by the Franchise Tax Board) for each full year during which such individual was a part-time employee of such organization and for each part of a year during which such individual was a full-time or part-time employee of such organization.

In no case shall the number of years of service be less than one.

(5) If for any taxable year of the employee this section applies to two or more annuity contracts purchased by the employer, such contracts shall be treated as one contract.

(6) For purposes of this section if rights of the employee under an annuity contract described in subparagraphs (A) and (B) of paragraph (1) change from forfeitable to nonforfeitable rights, then the amount (determined without regard to this subsection) includable in gross income by reason of such change shall be treated as an amount contributed by the employer for such annuity contract as of the time such rights become nonforfeitable.

(b) If an annuity contract purchased by an employer for an employee is not subject to Section 17511 and the employee's rights under the contract are nonforfeitable, except for failure to pay future premiums, the amount contributed by the employer for such annuity contract on or after such rights become nonforfeitable shall be included in the gross income of the employee in the year in which the amount is contributed. The employee shall include in his gross income the amounts received under such contract for the year received as provided in Sections 17101 to 17108, inclusive.

(c) Notwithstanding the first sentence of subsection (b), if rights of an employee under an annuity contract purchased by an employer which is exempt from tax under Section 17631 or if subject to tax under this part would be exempt under Section 17631 or by an employer which claims the special deduction allowed by Sections 24404 to 24406, inclusive, of this code change from forfeitable to nonforfeitable rights, the value of such contract on the date of such change (to the extent attributable to amounts contributed by the employer after December 31, 1960) shall, except as provided in subsection (a), be included in the gross income of the employee in the year of such change.

SEC. 3. Section 17735 of said code is amended to read:

17735. An estate or trust shall be allowed the deduction for depreciation and depletion only to the extent not allowable to beneficiaries under Sections 17211.5 and 17681(b).

SEC. 4. Section 17746 of said code is amended to read:

17746. Amounts allowable, under Section 13988 or 13988.1 of this code, as a deduction in determining the net amount subject to inheritance tax shall not be allowed as a deduction in computing the taxable income of the estate, unless there is filed, within the time and in the manner and form prescribed by the Franchise Tax Board, a statement that the amounts have not been allowed as deductions under Section 13988 or 13988.1 and a waiver of the right to have such amounts allowed at any time as deductions under Section 13988 or 13988.1. This section shall not apply with respect to deductions allowed under Article 7 (relating to income in respect of decedents).

SEC. 5. Section 18090.2 of said code is amended to read:

18090.2. (a) For purposes of Sections 18082 through 18086, if real property (not including stock in trade or other property held primarily for sale) held for productive use in trade or business or for investment is (as the result of its seizure, requisition, or condemnation, or threat or imminence thereof) compulsorily or involuntarily converted, property of a like kind to be held either for productive use in trade or business or for investment shall be treated as property similar or related in service or use to the property so converted.

(b) (1) Subsection (a) shall not apply to the purchase of stock in the acquisition of control of a corporation described in Section 18083.

(2) Subsection (a) shall apply with respect to the compulsory or involuntary conversion of any real property only if the disposition of the converted property (within the meaning of Section 18082(b)) occurs after December 31, 1960.

SEC. 6. Section 18212 of said code is amended 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 (a), 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.

CHAPTER 323

An act to amend Section 24304 of the Government Code, relating to consolidation of county offices.

[Approved by Governor May 19, 1965. Filed with
Secretary of State May 19, 1965.]

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

SECTION 1. Section 24304 of the Government Code is amended to read:

24304. Notwithstanding the provisions of Section 24300, in counties of the 13th to 57th classes, inclusive, the board of supervisors by ordinance may consolidate the duties of certain of the county offices in one or more of these combinations:

- (a) Sheriff and tax collector.
- (b) Auditor and recorder.
- (c) County clerk, auditor, and recorder.
- (d) County clerk and public administrator.
- (e) County clerk and recorder.
- (f) County clerk and auditor.
- (g) Treasurer and tax collector.
- (h) Treasurer and recorder.
- (i) Treasurer and assessor.
- (j) Treasurer, assessor, and tax collector.
- (k) Assessor and tax collector.
- (l) Treasurer and public administrator.
- (m) Public administrator and coroner.
- (n) District attorney and public administrator.
- (o) District attorney and coroner.
- (p) Sheriff and coroner.
- (q) Sheriff and public administrator.
- (r) County agricultural commissioner and county sealer of weights and measures.
- (s) County clerk and tax collector.
- (t) Treasurer, tax collector, and recorder.
- (u) Sheriff, tax collector, and coroner.

CHAPTER 324

An act to amend Section 27706 of the Government Code, relating to public defenders.

[Approved by Governor May 19, 1965 Filed with
Secretary of State May 19, 1965.]

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

SECTION 1. Section 27706 of the Government Code is amended, to read:

27706. The public defender shall perform the following duties:

(a) Upon request of the defendant or upon order of the court, he shall defend, without expense to the defendant, any person who is not financially able to employ counsel and who is charged with the commission of any contempt or offense triable in the superior, municipal or justice courts at all stages of the proceedings, including the preliminary examination. The public defender shall, upon request, give counsel and advice to such person about any charge against him upon which the public defender is conducting the defense, and shall prosecute all appeals to a higher court or courts of any person who has been convicted, where, in his opinion, the appeal will or might reasonably be expected to result in the reversal or modification of the judgment of conviction.

(b) Upon request, he shall prosecute actions for the collection of wages and other demands of any person who is not financially able to employ counsel, where the sum involved does not exceed one hundred dollars (\$100), and where, in the judgment of the public defender, the claim urged is valid and enforceable in the courts.

(c) Upon request, he shall defend any person who is not financially able to employ counsel in any civil litigation in which, in the judgment of the public defender, the person is being persecuted or unjustly harassed.

(d) Upon order of the court, he shall represent any person who is not financially able to employ counsel in proceedings under Chapter 4 (commencing with Section 5400) of Part 1 of Division 6 and under Chapter 1 (commencing with Section 5000) of Part 1 of Division 6 of the Welfare and Institutions Code.

(e) Upon order of the court, he shall represent any person who is entitled to be represented by counsel but is not financially able to employ counsel in proceedings under Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code when such proceedings are concerned with a person alleged to be or who has been found to be within the description of Sections 601 or 602 of the Welfare and Institutions Code.

CHAPTER 325

An act to amend Section 555 of the Business and Professions Code, relating to the duties of the State Department of Public Health.

[Approved by Governor May 19, 1965 Filed with
Secretary of State May 19, 1965.]

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

SECTION 1. Section 555 of the Business and Professions Code is amended to read:

555. The State Department of Public Health shall:

- (a) Enforce the provisions of this article.
- (b) Promulgate rules and regulations necessary to carry out properly the provisions of this article.
- (c) Print and publish any further advice and information concerning the dangers of ophthalmia neonatorum and the necessity for prompt and effective treatment thereof, as it deems necessary.
- (d) Furnish without cost copies of this article to all physicians, midwives and such other persons as may be lawfully engaged in the practice of obstetrics or assisting at childbirths.
- (e) Keep a proper record of any and all cases of ophthalmia neonatorum filed in its office in pursuance of this article, and as may come to its attention in any way, and such records shall constitute a part of the biennial report to the Governor and the Legislature.
- (f) Report any and all violations of this article as may come to its attention to the district attorney of the county wherein any violation of any provision of this article has been committed, for the purpose of prosecution.

CHAPTER 326

An act to add Section 13003 to the Public Resources Code, relating to resort improvement districts.

[Approved by Governor May 19, 1965 Filed with
Secretary of State May 19, 1965]

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

SECTION 1. Section 13003 is added to the Public Resources Code, to read:

13003. No additional districts shall be created or organized under this division after the effective date of this section.

SEC. 2. The Legislature declares that the enactment of this act is to implement the recommendations contained in Volume 6, Number 22, of the Report of the Assembly Interim Com-

mittee on Municipal and County Government to the Assembly at the 1965 Regular Session of the Legislature.

CHAPTER 327

An act to amend Section 2983.5 of the Civil Code, relating to automobile installment sales contracts.

[Approved by Governor May 19, 1965. Filed with
Secretary of State May 19, 1965.]

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

SECTION 1. Section 2983.5 of the Civil Code is amended to read:

2983.5. No right of action or defense arising out of a conditional sale contract which the buyer has against the seller, and which would be cut off by assignment, shall be cut off by assignment to any third party whether or not he acquires the contract in good faith and for value unless the assignee gives notice of the assignment to the buyer as provided in this section and within 15 days of the mailing of notice receives no written notice of the facts giving rise to the claim or defense of the buyer. A notice of assignment shall be in writing addressed to the buyer at the address shown on the contract and shall identify the contract and inform the buyer that he must, within 15 days of the date of mailing of the notice, notify the assignee in writing of any facts giving rise to a claim or defense which he may have. The notice of assignment shall state the name of the seller and buyer, a description of the motor vehicle, the contract balance and the number and amount of the installments. Nothing contained in this section shall be construed as modifying or restricting rights, equities or defenses afforded under Section 1459 of this code or Section 368 of the Code of Civil Procedure with respect to transactions regulated by this chapter.

CHAPTER 328

An act to add Section 8409.5 to the Elections Code, relating to county central committees.

[Approved by Governor May 19, 1965. Filed with
Secretary of State May 19, 1965.]

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

SECTION 1. Section 8409.5 is added to the Elections Code, to read:

8409.5. Whenever a candidate for election to a county central committee dies on or before the day of election, and a sufficient number of ballots are marked as being voted for him

to entitle him to election if he had lived until after the election, a vacancy exists on the county central committee, which shall be filled by the committee in the same manner as other vacancies are filled.

CHAPTER 329

An act to add Section 270.6 to, and to amend Section 272 of, the Labor Code, relating to the security of wages.

[Approved by Governor May 19, 1965. Filed with
Secretary of State May 19, 1965.]

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

SECTION 1. Section 270.6 is added to the Labor Code, to read:

270.6. No person or agent or officer thereof, without a permanent and fixed place of business or residence in this state who uses or employs any person in the door-to-door selling of any merchandise, or in any similar itinerant activity, or in any telephone solicitation, shall fail or neglect before commencing work in any period for which any single payment of wages is made or for four calendar weeks, whichever is longer,

(a) To have on hand or on deposit with a bank or trust company in the county where such business is conducted, or if there is no bank or trust company in the county, then in the bank or trust company nearest such operations, cash or readily salable securities of a market value sufficient to pay the wages of every person employed in connection with such operations for such period, or

(b) To deposit with the Labor Commissioner the bond of a surety company authorized to do business within the state, acceptable to him, conditioned upon the payment of all wages found to be due and unpaid in connection with such operations under any provision of this code, or

(c) To deposit with the Labor Commissioner a time certificate of deposit indicating that the person, agent or officer subject to the provisions of this section has deposited with a bank or trust company cash payable to the order of the Labor Commissioner sufficient to pay the wages of every person employed in connection with such operations for such period.

The cash and securities on deposit hereinbefore referred to shall not be commingled with other deposits, securities, or property of the employer and shall be held in trust and shall not be used for any other purpose than paying the wages due employees. Such moneys so held in trust shall not be subject to garnishment, attachment or execution by any other creditor of the employer.

Any person, or agent or officer thereof, who violates this section is guilty of a misdemeanor.

SEC. 2. Section 272 of said code is amended to read:

272. Every person, agent, or officer thereof engaged in the businesses specified in Section 270, 270.5, 270.6, or 271, shall keep conspicuously posted upon the premises where persons are employed, a notice specifying the name and address of the bank or trust company where the required cash or readily salable securities are on deposit, or the name of the surety or sureties on the bond deposited pursuant to Section 270.5 or 270.6. Failure to keep the notice conspicuously posted is prima facie evidence of a violation of Section 270, 270.5, 270.6, or 271.

CHAPTER 330

An act to amend Sections 4501 and 4502 of the Penal Code, relating to prisoners.

[Approved by Governor May 19, 1965. Filed with
Secretary of State May 19, 1965.]

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

SECTION 1. Section 4501 of the Penal Code is amended to read:

4501. Every person confined in a state prison of this state except one undergoing a life sentence who commits an assault upon the person of another with a deadly weapon or instrument, or by any means of force likely to produce great bodily injury, shall be guilty of a felony and shall be imprisoned in the state prison not less than three years.

SEC. 2. Section 4502 of said code is amended to read:

4502. Every person confined in a state prison or who, while being conveyed to or from any state prison or while at any prison road camp, prison forestry camp, or other prison camps or prison farms or while being conveyed to or from any such place or while under the custody of prison officials, officers or employees, possesses or carries upon his person or has under his custody or control any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sandbag, or metal knuckles or any explosive substance or any dirk or dagger or sharp instrument, or any pistol, revolver or other firearm, is guilty of a felony and shall be punishable by imprisonment in a state prison for a term not less than three years.

CHAPTER 331

An act to add Section 92.4 to the Streets and Highways Code, relating to property acquired for freeways.

[Approved by Governor May 19, 1965. Filed with
Secretary of State May 19, 1965.]

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

SECTION 1. Section 92.4 is added to the Streets and Highways Code, to read:

92.4. Where a city street or county road abuts upon real property acquired by the state for freeway purposes, the department may contribute toward the cost of construction of the half of such street or road that directly fronts or abuts upon such property if such street or road was established but not yet constructed at the time when the location of such freeway was established by the Highway Commission.

CHAPTER 332

An act to amend Section 32177 of, and to repeal Sections 30368 and 32407 of, the Revenue and Taxation Code, relating to the taxation of alcoholic beverages and cigarettes.

[Approved by Governor May 19, 1965. Filed with
Secretary of State May 19, 1965.]

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

SECTION 1. Section 32177 of the Revenue and Taxation Code is amended to read:

32177. No tax shall be imposed upon the sale of beer by licensed beer manufacturers or beer wholesalers to the following listed instrumentalities of the armed forces of the United States organized under Army, Air Force, Navy, Marine Corps or Coast Guard regulations and located upon territory within the geographical boundaries of the state:

(a) Army, Air Force, Navy, Marine Corps and Coast Guard exchanges.

(b) Officers', noncommissioned officers', and enlisted men's clubs or messes.

If any manufacturer or wholesaler has paid the tax on beer thereafter sold to an instrumentality of the armed forces so located, the taxpayer may claim and shall be allowed credit with respect to the tax so paid in any report filed or assessment paid under this part

SEC. 2. Section 30368 of said code is repealed.

SEC. 3. Section 32407 of said code is repealed.

CHAPTER 333

*An act to amend Section 21712 of the Vehicle Code,
relating to unlawful riding on vehicles.*

[Approved by Governor May 19, 1965. Filed with
Secretary of State May 19, 1965.]

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

SECTION 1. Section 21712 of the Vehicle Code is amended to read:

21712. (a) No person shall ride, and no person driving a motor vehicle shall knowingly permit any person to ride on any vehicle or upon any portion thereof not designed or intended for the use of passengers.

This subdivision does not apply to an employee engaged in the necessary discharge of his duty or to persons riding completely within or upon vehicle bodies in space intended for any load on the vehicle.

(b) No person shall drive a motor vehicle upon a highway which is towing a trailer coach containing any passenger.

CHAPTER 334

An act to maintain the Revenue and Taxation Code by amending Section 17255 thereof, and by repealing Section 24409, as amended and renumbered by Chapter 311 of the Statutes of 1963, thereof, relating to state taxation.

[Approved by Governor May 19, 1965. Filed with
Secretary of State May 19, 1965.]

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

SECTION 1. Section 17255 of the Revenue and Taxation Code is amended to read:

17255. Except as provided in subdivision (c) the deduction under Sections 17253 and 17254 shall not exceed;

(a) One thousand two hundred fifty dollars (\$1,250) if the taxpayer is single and not the head of a household (as defined in Section 17042) or is married but files a separate return; or

(b) Two thousand five hundred dollars (\$2,500) if the taxpayer files a joint return with his spouse under Section 18402, or is the head of a household (as defined in Section 17042) or a surviving spouse.

(c) (1) Subject to the provisions of paragraph (2), the deduction under this section shall not exceed—

(A) Fifteen thousand dollars (\$15,000), if the taxpayer has attained the age of 65 before the close of the taxable year and is disabled, or if his spouse has attained the age of 65 before

the close of the taxable year and is disabled and if his spouse does not make a separate return for the taxable year, or

(B) Thirty thousand dollars (\$30,000), if both the taxpayer and his spouse have attained the age 65 before the close of the taxable year and are disabled and if the taxpayer files a joint return with his spouse under Section 18402.

(2) For purposes of paragraph (1)—

(A) Amounts paid by the taxpayer during the taxable year for medical care, other than amounts paid for—

(i) His medical care, if he has attained the age of 65 before the close of the taxable year and is disabled, or

(ii) The medical care of his spouse, if his spouse has attained the age of 65 before the close of the taxable year and is disabled, shall be taken into account only to the extent that such amounts do not exceed the maximum limitation provided in subdivisions (a) and (b) which would (but for the provisions of this subdivision) apply to the taxpayer for the taxable year;

(B) If the taxpayer has attained the age of 65 before the close of the taxable year and is disabled, amounts paid by him during the taxable year for his medical care shall be taken into account only to the extent that such amounts do not exceed fifteen thousand dollars (\$15,000); and

(C) If the spouse of the taxpayer has attained the age of 65 before the close of the taxable year and is disabled, amounts paid by the taxpayer during the taxable year for the medical care of his spouse shall be taken into account only to the extent that such amounts do not exceed fifteen thousand dollars (\$15,000).

(3) For purposes of paragraph (1), an individual shall be considered to be disabled if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration. An individual shall not be considered to be disabled unless he furnishes proof of the existence thereof in such form and manner as the Franchise Tax Board may require.

(4) For purposes of paragraph (1), the determination as to whether the taxpayer or his spouse is disabled shall be made as of the close of the taxable year of the taxpayer, except that if his spouse dies during such taxable year such determination shall be made with respect to his spouse as of the time of such death.

SEC. 2. Section 24409 of said code, as amended and renumbered by Chapter 311, Statutes of 1963, is repealed.

CHAPTER 335

*An act to amend Sections 26701 and 26703 of the
Vehicle Code, relating to safety glass.*

[Approved by Governor May 19, 1965. Filed with
Secretary of State May 19, 1965.]

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

SECTION 1. Section 26701 of the Vehicle Code is amended to read:

26701. (a) No person shall sell or operate any motor vehicle, except a motorcycle, manufactured after January 1, 1936, unless it is equipped with safety glass of a type approved by the department, wherever glass or glazing materials are used in partitions, doors, windows, windshields, or wind deflectors.

(b) No person shall sell or offer for sale any camper which was first manufactured after January 1, 1966, nor shall any person operate a motor vehicle equipped with such a camper, unless it is equipped with safety glass of a type approved by the department wherever glass or glazing materials are used in outside windows and doors.

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

26703. No person shall replace any glass or glazing materials used in partitions, doors, windows, windshields, or wind deflectors in any motor vehicle, or in the outside windows or doors of any camper, with any material other than safety glass of a type approved by the department.

CHAPTER 336

*An act to amend Section 904 of the Welfare and Institutions
Code, relating to the juvenile courts.*

[Approved by Governor May 19, 1965. Filed with
Secretary of State May 19, 1965.]

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

SECTION 1. Section 904 of the Welfare and Institutions Code is amended to read:

904. The monthly or daily charge, not to exceed cost, for care, support, and maintenance of minor persons placed or detained in or committed to a county institution by order of a juvenile court shall be determined by the board of supervisors of the county in which the institution is located.

CHAPTER 337

An act to amend Section 6762 of the Business and Professions Code, relating to professional engineers.

[Approved by Governor May 19, 1965. Filed with
Secretary of State May 19, 1965.]

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

SECTION 1. Section 6762 of the Business and Professions Code is amended to read:

6762. Any applicant who has passed the examination and has otherwise qualified hereunder as a professional engineer, upon payment of the registration fee fixed by this chapter, shall have a certificate of registration issued to him as a professional engineer in the particular branch for which he is found qualified.

Certificates of registration for professional engineers shall bear the signatures or the facsimile signatures of the president and the secretary and shall be issued under the seal of the board.

CHAPTER 338

An act to amend Section 1 of, and to add Section 2 to, Chapter 521 of the Statutes of 1963, relating to a grant to the San Luis Obispo County Flood Control and Water Conservation District for recreation in connection with the Lopez Dam and Reservoir.

[Approved by Governor May 21, 1965. Filed with
Secretary of State May 21, 1965.]

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

SECTION 1. Section 1 of Chapter 521 of the Statutes of 1963 is amended to read:

Section 1. Except as hereinafter provided, the Department of Water Resources is hereby authorized to make a grant to the San Luis Obispo County Flood Control and Water Conservation District, pursuant to paragraph (2) of subdivision (c) of Section 12880 of the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding the amount of three million two hundred eighty-five thousand dollars (\$3,285,000), for recreational functions in connection with the construction of the Lopez Dam and Reservoir on the Arroyo Grande Creek in San Luis Obispo County.

No further legislative approval shall be required with respect to the grant authorized to be made to the district by this

act; but such grant shall not be made to the district until the district can actually demonstrate the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and the financial feasibility of the project.

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

Sec. 2. The maximum amount authorized under Section 1 of this act shall be in addition to any grant made to the district by the department pursuant to paragraph (3) of subdivision (c) of Section 12880 of the Water Code for initial water supply and sanitary facilities.

CHAPTER 339

An act to amend Section 989 of the Military and Veterans Code, relating to noninsurable losses to property being purchased under the veterans' farm and home purchase program, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 21, 1965. Filed with Secretary of State May 21, 1965.]

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

SECTION 1. Section 989 of the Military and Veterans Code is amended to read:

989. Out of moneys appropriated for the purpose of carrying out the provisions of this article, the department may indemnify any purchaser, upon his application and under such policies as the department may, from time to time, prescribe, for the costs of repairing damage to buildings, fences, or other permanent improvements on the property being purchased from the department, caused by earthquake, surface waters, floodwaters, waves, tide or tidal wave, high water, or overflow of streams or bodies of water, all whether driven by wind or not, or whether caused by or attributable to earthquake, if such damage is not covered by the insurance required of the purchaser pursuant to Section 987.2.

The department shall be the sole judge of the need and desirability of making such repairs.

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 storms and floods during December 1964 and January 1965 have caused severe damage to homes and farms in the areas affected that are being purchased under the Veterans' Farm and Home Purchase Act of 1943 and which could not be

insured against such hazards. This law will assist such purchasers in repairing, restoring or replacing their property; and in order that it may do so at the earliest time possible, it is essential that it go into effect without delay.

CHAPTER 340

An act to add Section 13878.5 to the Health and Safety Code, relating to fire protection district names.

[Approved by Governor May 21, 1965. Filed with
Secretary of State May 21, 1965.]

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

SECTION 1. Section 13878.5 is added to the Health and Safety Code, to read:

13878.5. The district board may propose a change in the name of the district to the board of supervisors. The change in the name of the district shall be effective upon the adoption by the board of supervisors of a resolution approving the change in the name of the district.

CHAPTER 341

An act to add Section 21416 to the Public Utilities Code, relating to aircraft.

[Approved by Governor May 21, 1965. Filed with
Secretary of State May 21, 1965.]

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

SECTION 1. Section 21416 is added to the Public Utilities Code, to read:

21416. On all commercial aircraft which transport passengers for compensation or hire the door which separates the pilot compartment from the passenger compartment shall be kept locked at all times the aircraft is in a flight over this state during which passengers are being transported except:

(a) During takeoff and landing of the airplane when such door is the means of access to a required passenger emergency exit.

(b) At such times as it may be necessary to provide access to the flight crew or passenger compartments for the crew members in the performance of their duties, or to provide access for other persons authorized admission to the flight crew compartment.

The pilot of the aircraft shall be guilty of a misdemeanor if the door is not so locked.

It shall be unlawful for any person, except a member of the crew, to have in his possession in the passenger compartment at any time the aircraft is in a flight over this state during which passengers are being transported a key or other device for opening such door from the passenger side of the door.

CHAPTER 342

An act to repeal Section 7201.1 of the Revenue and Taxation Code, relating to uniform local sales and use taxes, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 21, 1965. Filed with
Secretary of State May 21, 1965.]

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

SECTION 1. Section 7201.1 of the Revenue and Taxation Code is repealed.

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

In order to enable county and city governments to obtain needed revenues for their functions and programs from sales and use taxes and to relieve the burden for such revenues on property owners, it is necessary that this act take effect immediately.

CHAPTER 343

An act to amend Sections 2022 and 2032 of the Penal Code, relating to prisons.

[Approved by Governor May 21, 1965. Filed with
Secretary of State May 21, 1965.]

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

SECTION 1. Section 2022 of the Penal Code is amended to read:

2022. The primary purpose of the California State Prison at San Quentin shall be to provide confinement, industrial and other training, treatment, and care to persons confined therein.

SEC. 2. Section 2032 of said code is amended to read:

2032. The primary purpose of the California State Prison at Folsom shall be to provide confinement, industrial and other training, treatment, and care to persons confined therein.

CHAPTER 344

An act to amend Section 2071 of the Harbors and Navigation Code, relating to San Francisco Port Authority.

[Approved by Governor May 21, 1965 Filed with
Secretary of State May 21, 1965]

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

SECTION 1. Section 2071 of the Harbors and Navigation Code is amended to read:

2071. The authority may lease or use all or any portion of the following property for any of the purposes set forth in Section 3000: Seawall lots numbered 300, 301, 302, 303, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 322-1, 323, 324, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 348, 351, and all or any portion of the State property lying within the following perimeter.

Beginning at the point of intersection of the westerly line of Illinois Street with the northerly line of Eldorado Street, said point of beginning being located on the Line of Jurisdiction of the San Francisco Port Authority; thence following the Line of Jurisdiction of the San Francisco Port Authority as follows: southerly along the westerly line of Illinois Street to a point on the line of ordinary high tide as established by the Board of Tideland Commissioners, between Butte, now Nineteenth Street and Napa, now Twentieth Street, in 1868; thence easterly, southerly and westerly along said high water mark to the westerly line of Illinois Street; thence southerly along the westerly line of Illinois Street to the center line of Twenty-fifth Street; thence easterly along the center line of Twenty-fifth Street to the easterly line of Massachusetts Street; thence southerly along the easterly line of Massachusetts Street to the center line of Twenty-sixth Street; thence westerly along the center line of Twenty-sixth Street to the westerly line of Maryland Street; thence southerly along the westerly line of Maryland Street to the northerly line of Army Street; thence westerly along the northerly line of Army Street to the westerly line of Michigan Street; thence southerly along the westerly line of Michigan Street to the northerly line of Marin Street; thence westerly along the northerly line of Marin Street to the westerly line of Illinois Street; thence southerly along the westerly line of Illinois Street to the northerly line of Tulare Street; thence westerly and northwesterly along the northerly line of Tulare Street to the northerly line of Marin Street; thence westerly along the northerly line of Marin Street to the center of Texas Street; thence southerly along the center of Texas Street produced to the southerly line of Islais Street produced westerly; thence easterly along the southerly line of Islais Street to the southwesterly line of Arthur Avenue; thence southeasterly along the southwesterly line of Arthur Avenue to the westerly

line of Ingalls Street; thence southerly along the westerly line of Ingalls Street to the line of ordinary high tide of 1868, as established by the Board of Tideland Commissioners; thence southerly along the said line of ordinary high tide of 1868 to the northerly line of the State Patent to the South San Francisco Homestead and Railroad Association; thence easterly along said northerly line of the State Patent to the easterly line of Earl Street; thence northerly along the easterly line of Earl Street and its extension to the bulkhead line of 1948; thence leaving the said Line of Jurisdiction and continuing as follows: northwesterly along said bulkhead line of 1948, as revised in January 1961, to the point of intersection of said bulkhead line with the northerly line of Eldorado Street extended easterly; thence westerly along the northerly line of Eldorado Street extended, to the point of beginning. Together with that certain parcel of real property described as follows: Commencing at the intersection of the southwesterly line of Yosemite Avenue with the southeasterly line of Fitch Street; running thence northwesterly along the southwesterly line of Yosemite Avenue to the line of ordinary high tide, as established by the Board of Tideland Commissioners; thence northerly and easterly along said line of ordinary high tide to the southerly line of the State Patent to the South San Francisco Homestead and Railroad Association; thence easterly along said southerly line of the State Patent to the southeasterly line of Fitch Street; thence southwesterly along the southeasterly line of Fitch Street to the place of commencement.

CHAPTER 345

An act to amend Section 17922 of the Health and Safety Code, relating to housing.

[Approved by Governor May 21, 1965. Filed with Secretary of State May 21, 1965.]

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

SECTION 1. Section 17922 of the Health and Safety Code, is amended to read:

17922. The rules and regulations adopted, amended, or repealed from time to time pursuant to this chapter shall include provisions imposing requirements reasonably consistent with recognized and accepted standards contained in the Uniform Housing Code, 1964 edition, the Uniform Building Code, 1964 edition, as adopted by the International Conference of Building Officials, the Uniform Plumbing Code, 1964 edition, as adopted by the Western Plumbing Officials Association, the minimum painting standards for home construction loans adopted by the Federal Housing Administration and the Department of Veterans Affairs, and the National Electrical

Code, 1962 edition, as adopted by the National Fire Protection Association. The department shall adopt such other rules and regulations as it deems necessary to carry out the provisions of this part. In promulgating rules and regulations the department shall consider any amendments to the uniform codes referred to in this section. In promulgating rules and regulations the department shall also consider, among other things, geographic, topographic and climatic conditions.

Local use zone requirements, local fire zones, building setback, side and rear yard requirements, and property line requirements are hereby specifically and entirely reserved to the local jurisdictions notwithstanding any requirements found or set forth in this part.

CHAPTER 346

An act to repeal Article 6 (commencing with Section 58160) of Chapter 1, Division 1, Title 6 of the Government Code, and to add Part 3 (commencing with Section 24000), to Division 12 of the Elections Code, relating to elections in special districts.

[Approved by Governor May 22, 1965. Filed with Secretary of State May 22, 1965.]

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

SECTION 1. Article 6 (commencing with Section 58160), of Chapter 1 of Division 1 of Title 6 of the Government Code is repealed.

SEC. 2. Part 3 (commencing with Section 24000) is added to Division 12 of the Elections Code, to read:

PART 3. DISTRICT ELECTIONS

CHAPTER 1. GENERAL

24000. This part may be cited as the District Election Law.

24001. It is the purpose of this chapter to set a mandatory procedure for a district election at which members of the governing board of the district are to be selected.

24002. As used in this part:

- (a) "District" means a tax or assessment district.
- (b) "Board" means, unless specified otherwise, the board of directors of a district or equivalent board or body.
- (c) "Governing body" means the board of directors of a district or equivalent board or body.
- (d) "Principal act" means the law providing for the creation of a particular district or type of district.

CHAPTER 2. ELECTION PROCEDURE

24020. All elections in a district, held for the purpose of selecting members of the governing board of the district, shall be called and conducted and the results canvassed, returned, and declared pursuant to this part unless otherwise provided in the principal act of the district.

24021. The governing body shall establish a convenient number of election precincts in the district and define the precinct boundaries.

24022. If the governing body deems it for the best interests of the district and the convenience of the voters, it may at any time, but not less than 30 days before the election, change the boundaries of an election precinct. When made the change shall be entered on the board minutes.

24023. By order made more than 10 days before the election the governing body shall designate a convenient place within each precinct as the polling place.

24024. Where the principal act requires the election of a governing body, an election shall be held in the district on the same day as the state general election unless otherwise provided in the principal act. Such election shall be known as the general district election.

24024.5. In the event any district election is consolidated with a statewide election, the district election shall be conducted in accordance with the procedure prescribed for the statewide election.

24025. At the general district election a successor shall be chosen to each officer whose term is about to expire and any matter requiring a vote of the people of the district shall be submitted to the electors.

24026. The elective officers of a district are those prescribed by the principal act. The person receiving the highest number of votes for each office to be filled at the election shall be elected.

24027. Not less than 54 days before the election any 10 or more qualified electors, as determined by the principal act, may file with the governing body a petition requesting that the names of specified persons be placed on the ballot as candidates for the office named in the petition. Only the names proposed by such petition shall be printed on the ballot, but sufficient blank spaces shall be provided in which electors may write other names.

24028. If the principal act does not provide for a governing body, the supervising authority is, ex officio, the governing body.

24029. Qualifications of electors shall be determined by the principal act.

24030. Thirty days prior to any district election, by resolution entered on its minutes, the governing body shall:

(a) Appoint for each precinct an election board of at least one inspector and two judges selected from the precinct electors.

(b) State the election time, the hours during which the polls will be open, and the purpose of the election.

(c) Prescribe the manner of voting and the form of ballot.

24031. Within 10 days after the adoption of the resolution the secretary of the governing body shall cause copies of the resolution to be posted in three public places in each election precinct. The posting of the resolution is sufficient notice of the election called.

24032. If the governing body fails to appoint a board of election in any precinct or if the appointed members do not attend at the opening of the polls, the precinct voters present at such time may appoint the board or supply the place of any absent member.

24033. In all particulars not provided for in this part and the principal act, the election shall be held pursuant to the general election laws of the state.

24034. The inspector is chairman of the election board. If during the progress of the election any judge ceases to act the inspector may appoint a substitute.

24035. Any election board member may administer and certify oaths required to be administered during the progress of the election.

24036. Before opening the polls each member shall take and subscribe an oath to perform faithfully the duties imposed upon him by law. Any precinct elector may administer and certify such oath.

24037. When the polls are closed, each precinct election board shall canvass the votes at the polling place and make up and certify the returns as nearly as practicable in accordance with the general election laws of the state. Such certificate shall immediately be delivered to the secretary of the governing body.

24038. The governing body shall canvass the returns at its first regular meeting after the returns are available.

24039. The governing board shall make the canvass in public by opening the returns, determining the vote for each candidate, and declaring the election result.

CHAPTER 347

An act to amend Section 1372 of the Financial Code, relating to permissible investments for various entities.

[Approved by Governor May 22, 1965. Filed with Secretary of State May 22, 1965.]

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

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

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

The funds of the State Employees' Retirement System, Legislators' Retirement System, and State Teachers' Retirement System may be invested in an amount not exceeding 20 percent of the assets of each of the respective systems as a whole and not by separate funds within each system, in securities, other than corporation shares, whether or not such securities are herein expressly authorized and whether or not they qualify hereunder, in which in the informed opinion of the board or officer charged with the investment of funds of such systems respectively it is prudent to invest retirement funds.

The funds of any retirement system established pursuant to the County Employees' Retirement Law of 1937 may be invested in an amount not exceeding 20 percent of the assets of such system, in securities other than corporation shares, whether or not such securities are herein expressly authorized, and whether or not they qualify hereunder, in which in the

informed opinion of the Board of Retirement it is prudent to invest retirement funds.

The funds of any school district retirement plan may be invested in an amount not exceeding 20 percent of the assets of such system, in securities other than corporation shares, whether or not such securities are herein expressly authorized, and whether or not they qualify hereunder, in which in the informed opinion of the district retirement board it is prudent to invest retirement funds.

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

CHAPTER 348

An act to repeal Sections 14103, 14107, and 14255, and to amend Sections 13906, 14001, 14055 and 14363 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor May 22, 1965 Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 13906 of the Education Code is amended to read:

13906. Upon written request therefor by any member to the Retirement Board, he shall be paid the accumulated annuity deposits based on salaries earned prior to July 1, 1944, in the Annuity Deposit Fund standing to the credit of his individual account. Such deposits so withdrawn may not thereafter be redeposited in the Annuity Deposit Fund, but if such accumulated annuity deposits were withdrawn by a member upon termination of employment, the amount so withdrawn may be redeposited in the Annuity Deposit Fund at any time within one year of the reentry of the person into membership in the retirement system.

Any moneys remaining in the Annuity Deposit Fund to the credit of a member's individual account shall accumulate with interest. Upon the retirement of the member for service or disability, such moneys shall be used to provide an additional annuity for the member in whatever amount they will provide at that time, as provided in Sections 14355 and 14369. In the event that a member dies prior to retirement, any moneys standing to the credit of his individual account in the Annuity Deposit Fund shall be paid to his nominated beneficiary or to his estate.

SEC. 2. Section 14001 of said code is amended to read:

14001. The following persons are excluded from membership in the retirement system:

(a) Any person who shows to the satisfaction of the board, that he will be unable, by reason of the nature of his services, to become eligible to benefits thereunder.

(b) Persons employed in a status which is requisite for membership, but who are members of a county retirement system. A member who is excluded by this subdivision shall not be considered to have terminated his membership or right to a retirement allowance based on time served as a member unless he withdraws his contributions as provided in Section 14151.

(c) Persons serving as exchange teachers from outside of this state.

(d) Persons employed on a substitute basis, who are not already members when they become employed and who render less than 100 complete days of service during the school year. If, at the end of a pay period, a substitute teacher has rendered 100 or more complete days of substitute service in that school year and subsequently renders one or more complete days of such service in that school year, he shall become a member on the first day of the pay period during which such additional service was rendered.

(e) Persons not already members who are employed on a part-time basis and who will render less than 24 hours of service per pay period, or on a daily basis and who will serve less than four days per pay period.

(f) Persons not already members who are employed as instructors of adult education classes which have a duration of less than one school semester, or less than one school quarter of 12 weeks if the district operates its adult education program on that basis.

(g) Persons not already members who are employed as part-time teachers and who are concurrently employed in full-time positions as members of another retirement system, other than a local system or a system administered and supported by the United States government, supported wholly or in part by public funds.

For the purposes of this section a pay period may not be less than four weeks or more than one calendar month.

(h) Persons not already members employed in the public schools only as an instructor in classes organized under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, or Section 1503.1 or Section 4012 of the Welfare and Institutions Code.

(i) Persons not already members who are employed for less than full time in positions requiring health and development credentials, or a standard credential in designated services for health.

Sec. 3. Section 14055 of said code is amended to read :

14055. The member shall receive credit for time served in a night school or in the adult education program, in the proportion that such time bears to the minimum full-time service required for credit for one year of service, according to Section 13861, unless such service is in the category of overtime service as defined in Section 13833.

Sec. 4. Section 14103 of said code is repealed.

SEC. 5. Section 14107 of said code is repealed.

SEC. 6. Section 14255 of said code is repealed.

SEC. 7. Section 14363 of said code is amended to read:

14363. Before the warrant for his first retirement allowance is mailed, any member who retires may elect to receive the actuarial equivalent as of the date of retirement, of the retirement allowance payable to him in a reduced retirement allowance, payable throughout life with the provision that:

Option 1. If he dies before he has received in payments provided by his total contributions (which for the purposes of this section, shall include only his accumulated annuity contributions, his accumulated annuity deposits, his accumulated shelter contributions and his Permanent Fund contributions based on service after June 30, 1944, and interest credited thereon), the amount of such total contributions as it was at the time of his retirement, the balance of such total contributions shall be paid to his estate or to such person as he has nominated by written designation duly executed and filed with the board; or

Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he has nominated by written designation duly executed and filed with the board at the time of his election; or

Option 3. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of, and paid to such person as he has nominated by written designation duly executed and filed with the board at the time of his election.

An election made under this section may be revoked or changed by him at any time prior to the mailing of the warrant for his first retirement allowance.

CHAPTER 349

An act to add Section 72.5 to, and to amend Sections 72, 73, and 75 of, the San Diego Unified Port District Act (Chapter 67, Statutes of 1962, First Extraordinary Session), relating to personnel.

[Approved by Governor May 22, 1965 Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 72.5 is added to the San Diego Unified Port District Act (Chapter 67, Statutes of 1962, First Extraordinary Session), to read:

Sec. 72.5. Unclassified and Classified Services.

(a) Employment in the district shall be divided into the unclassified and classified service.

(b) The unclassified service shall include:

(1) All officers of the district.

(2) All department and division heads.

(3) The principal assistant or deputy of all officers and department and division heads.

(4) All assistant and deputy attorneys.

(c) The board shall establish a classified civil service which shall include all positions not specifically included in the unclassified service; provided, however, any incumbents in the positions included in the unclassified service presently in the classified service shall remain in the classified service until the respective positions are vacated by the incumbents.

(d) Officers and employees appointed by the board may be removed from office by the affirmative vote of five members of the board.

(e) All persons in the classified service shall be appointed by and may be removed by the port director subject to the civil service rules and regulations of the district.

SEC. 2. Section 72 of said act is amended to read:

Sec. 72. The officers of the district shall be:

- (a) An auditor,
- (b) A port director.
- (c) An attorney.
- (d) A clerk.
- (e) A treasurer.
- (f) A chief engineer.

The auditor, port director, and attorney shall be appointed by the board. The auditor and attorney shall appoint such deputies or assistants as may be authorized by the board. All other officers and employees shall be appointed by the port director. All officers appointed by the port director must be confirmed by the board.

SEC. 3. Section 73 of said act is amended to read:

Sec. 73. The salaries of the officers and employees shall be fixed by the board by ordinance. All officers and employees shall give such bond as is prescribed by the board; the premium on all bonds on officers and employees shall be paid by the district.

SEC. 4. Section 75 of said act is amended to read:

Sec. 75. The board may adopt civil service rules and regulations in accordance with the following provisions:

(a) The civil service rules and regulations shall provide:

(1) For the qualifications and examination of all applicants for employment and for the employment of persons on probation.

(2) For the registration of persons, other than unskilled laborers, in the classified civil service, in accordance with their general average standing upon examination.

(3) For promotions on the basis of ascertained merit and seniority in service and examination, and for competitive examinations for promotions.

(4) For the reassignment of persons injured in the service of the district who were at the time of injury actually engaged in the discharge of the duties of their positions.

(5) For leaves of absence.

(6) For the transfer from one position to a similar position of the same class.

(7) For the reinstatement to the list of eligibles on recommendation of the port director, of persons who have become separated from the service or have been reduced in rank, other than persons who have been removed for cause.

(8) For the keeping of service records of all employees in the civil service, and for their use as one of the bases for promotions or layoffs through stoppage or lack of work.

(9) For the procedure for the removal, discharge or suspension of employees; for the investigation by the board of the grounds thereof, and for the reinstatement or restoration to duty of persons found to have been removed, discharged or suspended for insufficient grounds or for reasons which are not sustained by investigation.

(10) Generally for any other purpose which may be necessary or appropriate to carry out the objects and purposes of the civil service system and the rules herein specifically authorized.

(b) The following persons may be exempted by the board, by ordinance, from the civil service:

(1) Persons employed to render professional, scientific, technical or expert service of a temporary or exceptional character.

(2) Persons employed on the construction of district works, improvements, buildings or structures.

(3) Persons receiving a salary not exceeding fifty dollars (\$50) a month.

Any exemption so made may be terminated at any time by resolution of the board.

CHAPTER 350

An act to amend Section 61103 of the Government Code, relating to formation of community services districts.

[Approved by Governor May 22, 1965 Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 61103 of the Government Code is amended to read:

61103. The petition for formation shall be signed by at least 10 percent of the registered voters within the proposed district.

CHAPTER 351

An act to amend Sections 4916 and 4925 of the Revenue and Taxation Code, relating to refund of property tax overpayments.

[Approved by Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 4916 of the Revenue and Taxation Code is amended to read:

4916. If the amount paid exceeds the amount due on the property intended, the applicant is entitled to a refund of the excess in the same manner as an overcollection of tax is refunded; provided, however, that if the refund is made within 90 days after the date of payment it may be made by the tax collector.

SEC. 2. Section 4925 of said code is amended to read:

4925. If the amount paid by the redemptioner exceeds the amount necessary to redeem the property intended or more than the amount required to be paid for the use of the property pursuant to Chapter 3 of Part 7 of this division the applicant is entitled to a refund of the excess which shall be paid in the same manner as an overcollection of tax is refunded; provided, however, that if the refund is made within 90 days after the date of payment it may be made by the redemption officer.

CHAPTER 352

*An act to add Section 1097 to the Civil Code,
relating to the sale of real property.*

[Approved by Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 1097 is added to the Civil Code, to read:

1097. No vendor or lessor of a single family residential property shall contract for or exact any fee in excess of ten dollars (\$10) for the act of signing and delivering a document in connection with the transfer, cancellation or reconveyance of any title or instrument at the time the buyer or lessee exercises an option to buy, or completes performance of the contract for the sale of, the property.

The provisions of this section shall apply prospectively only

CHAPTER 353

An act to add Section 9194.5 to the Government Code, relating to Sergeants at Arms of the Senate and Assembly

[Approved by Governor May 22, 1965 Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 9194.5 is added to the Government Code, to read:

9194.5. The Sergeant at Arms and Assistant Sergeants at Arms of each house shall have the powers of peace officers in all parts of the state in carrying out their duties, and shall not be liable to civil action for their acts in carrying out the orders of a Member of the Legislature presiding over any legislative proceeding, including sessions of the Legislature or either house thereof and hearings of legislative committees, or in carrying out the orders of a member to have any person removed from the office of such member, if such Sergeant at Arms or Assistant Sergeant at Arms acts without malice and in the reasonable belief that the member has the authority to issue the order.

CHAPTER 354

An act to add Section 556.1 to the Insurance Code, relating to insurance claims

[Approved by Governor May 22, 1965 Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 556 1 is added to the Insurance Code, to read:

556.1. Every insurer upon each form printed, reproduced or furnished by it to others to be used for the purpose of notice to it of accident, injury, death, fire or other loss or to constitute proof of claim, release of claim or substantiation of claim under any insurance contract issued by it, except under a policy in which the principal or primary insurance is life, disability, or life and disability, shall cause to be printed or displayed verbatim thereon, or on a rider attached thereto, in comparative prominence with other content, spacing and format thereof, the provisions of Section 556. Such reproduced provisions of Section 556 shall be preceded by the words: "For your protection California law requires the following to appear on this form" or other explanatory words of similar meaning.

SEC. 2. Section 1 of this act shall become operative on January 1, 1966.

CHAPTER 355

*An act to amend Section 9561 of the Vehicle Code,
relating to delinquent fees.*

[Approved by Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 9561 of the Vehicle Code is amended to read:

9561. No penalty fee shall be assessed for the delinquent payment of a vehicle registration fee when subsequent to the date on which the fee and penalty became due the vehicle is repossessed on behalf of any legal owner if the vehicle registration fee is paid within 30 days of taking possession, if a transfer of registration to a new owner is applied for during that time and if the legal owner as shown on the records of the department has not been given written notice by the department that the penalty has accrued prior to the date the vehicle is repossessed.

CHAPTER 356

*An act to amend Sections 30321.5 and 37203 of the Water
Code, relating to county and California water districts.*

[Approved by Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 30321.5 of the Water Code is amended to read:

30321.5. The county clerk shall immediately cause to be filed with the Secretary of State, the county assessor, and the State Board of Equalization a certificate listing;

(a) The name of the district.

(b) The date of the order declaring the district formed.

(c) The county or counties in which the district is located, and a map or plat indicating the boundaries established for the district as required by Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code.

If the order declaring the district formed contains all of the information required to be in the certificate, the county clerk may cause a copy of the order to be filed in lieu of the certificate.

SEC. 2. Section 37203 of said code is amended to read:

37203. On or before December 31st of any year the board may by resolution elect to proceed under this part for the levy, collection and enforcement of assessments, and thereafter

until termination of such election the provisions of this part and no other shall apply. The board by resolution may at any time on or before December 31st of any year terminate its election to proceed under this part, and thereafter the provisions of this part shall no longer apply. On or before January 1st following the adoption of either of said resolutions, a certified copy thereof shall be filed with the auditor, assessor, tax collector and treasurer of each county within which a district is located and with the State Board of Equalization. There shall also be filed with the county assessor and the State Board of Equalization a map or plat indicating the boundaries of the district as required by Chapter 8 (commencing with Section 54900), Part 1, Division 2, Title 5 of the Government Code.

CHAPTER 357

An act to amend Sections 35479 and 36411 of, and to add Sections 35410, 35410.1, 35410.2, 36428, 36429, 36430, 36431 and 36432 to, the Water Code, relating to California water districts.

[Approved by Governor May 22, 1965 Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 35479 of the Water Code is amended to read:

35479. The district may elect, if it is using the alternative provisions for levy, collection and enforcement of district assessments by the county as provided in Part 7.5 hereof, to have the county levy and collect standby charges. If the district so elects, it shall certify to the county auditor of each county in which the district is located and the county assessor in each county in which the district is located on or before the fourth Monday in August of each year in which a standby charge is to be levied and collected for the fiscal year commencing on that July 1, the following information for purposes of such levy, assessment and collection:

(a) The amount of the acreage standby charge levied by the district, both by acre and total amount estimated to be collected for the entire district;

(b) The assessee parcels and assessee names for each parcel of land in the district against whom a standby charge is being levied and the acreage assessed to such person according to the district records, and the total amount of the charge to be paid by each assessee parcel.

SEC. 2. Section 35410 is added to said code, to read:

35410. The board of a district whose corporate area, in whole or in part, is included within a metropolitan water district may in any fiscal year declare its intention to pay out of

its district funds the whole or a stated percentage of the amount of taxes to be derived from the area of such metropolitan water district within the district as such amount of taxes shall be fixed in the next succeeding fiscal year by resolution of the board of directors of such metropolitan water district. District receipts from any source, including assessments, acreage assessments and standby charges, may be used to pay said metropolitan tax. A district may provide for the levy, collection and enforcement of any district or improvement district assessment, acreage assessment or standby charge for the payment of said metropolitan water district tax in the same manner as other district or improvement district assessments and standby charges.

SEC. 3. Section 35410.1 is added to said code, to read:

35410.1. In addition to and as an alternative procedure to the levy and collection of assessments and standby charges, a district may fix and collect acreage assessments in an amount determined by the board for each acre of land and for parcels less than one acre within a district or improvement district. These acreage assessments shall be levied only for the payment of the whole or any part of a metropolitan water district tax. The resolution fixing the acreage assessment shall be adopted by the board only after adoption of a resolution setting forth the schedule of such acreage assessments proposed to be established and after notice and hearing in the form and manner prescribed by the board. The acreage assessment shall be levied, collected and enforced in the same manner as provided in Article 4 (commencing with Section 35470) of this chapter for standby charges.

SEC. 4. Section 35410.2 is added to said code, to read:

35410.2. If there is more than one tax code area for the levy of said metropolitan water district tax within a district, an improvement district may be formed in the manner provided in Chapter 4.9 (commencing at Section 36410), of Part 6 of this division for any or all of said tax code areas for the purpose of providing for the payment of the whole or part of the metropolitan water district tax attributable to any tax code area. After the hearing on the resolution of intention as provided in Section 36415, or as said hearing may be continued, the board may by resolution order the improvement district formed. Thereafter in any year the board may elect to pay, from receipts, assessments or standby charges or any combination thereof levied exclusively in said improvement district, the whole or a stated percentage of the metropolitan tax for the next succeeding fiscal year attributable to the area within said improvement district, provided, that it takes similar action with respect to all other said tax code areas.

SEC. 4.5. Section 36411 of said code is amended to read:

36411. Improvement districts consisting of contiguous or noncontiguous portions of the territory of a district may be formed within a district and bonds of the district may be

issued for such improvement districts as provided in this chapter.

SEC. 5. Section 36428 is added to said code, to read:

36428. After the formation of an improvement district additional lands contiguous or noncontiguous thereto may be included therein upon such terms and conditions as may be fixed by the board. If the board is of the opinion that territory should be added to an improvement district, the board shall adopt a resolution of intention which shall state:

(a) The intention of the board to add certain territory to Improvement District No. ___ of _____ District;

(b) That a map showing the exterior boundaries of the territory to be annexed, which map shall govern for all details as to the extent of the area to be annexed, is on file with the secretary of the district and is available for inspection by any person or persons interested;

(c) The terms and conditions of annexation, if any;

(d) The assessments for carrying out any purpose of said improvement district including the payment of principal of and interest on any bonds outstanding shall be levied exclusively upon the lands in said proposed improvement district including the territory annexed thereto;

(e) The time and place for hearing by the board on the question of the annexation of said territory to said improvement district and any other matter relating to any of the foregoing; and

(f) That at said time and place any persons interested including persons owning land within the area to be annexed to the improvement district may appear and be heard. Notice of said hearing shall be given in the same manner as provided in Section 36414.

SEC. 6. Section 36429 is added to said code, to read:

36429. At the time and place fixed or at any time and place to which the hearing is continued, the board shall hold the hearing provided for by said resolution of intention at which hearing any person interested, including all persons owning land in the district or in the territory to be annexed to the improvement district, may appear and be heard concerning any matters set forth in the resolution of intention or any matters material thereto.

SEC. 7. Section 36430 is added to said code, to read:

36430. At the hearing the board may adopt a resolution proposing modifications relating to any or all of the following:

(a) Modification of the boundaries of the territory to be annexed;

(b) The addition to the territory proposed to be annexed of lands of which in its opinion will be benefited by being annexed to said improvement district;

(c) The exclusion from the territory to be annexed of any lands described in the resolution of intention which in its opinion will not be benefited by being annexed to said improvement district; or

(d) The terms and conditions set forth in the resolution of intention or if none the board may adopt terms and conditions.

Said resolution proposing modification shall describe the proposed modifications and shall fix a time and place for a hearing by the board thereon. The board shall not order any modifications except after publication of the resolution proposing said modifications as provided in Section 36417.

SEC. 8. Section 36431 is added to said code, to read:

36431. At the conclusion of the hearing on the resolution of intention and of the hearing, if any, upon proposed modifications the board may by resolution order the territory annexed to said improvement district upon the terms and conditions set forth in said resolution of intention.

SEC. 9. Section 36432 is added to said code, to read:

36432. As an alternative procedure for the annexation of land to an improvement district, additional lands may be included within any improvement district by resolution of the board declaring the territory annexed after receipt by the board of written consent of the owners of all of the land to be annexed thereto which consent shall include the terms and conditions of annexation, if any.

CHAPTER 358

An act to amend Section 14675.5 of the Education Code and to amend Section 1372 of the Financial Code, relating to permissible investments for various entities.

[Approved by Governor May 22, 1965. Filed with Secretary of State May 22, 1965.]

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

SECTION 1. Section 14675.5 of the Education Code is amended to read:

14675.5. Notwithstanding anything in this code, a district retirement board may invest in an amount not exceeding 20 percent of the assets of such plan, in securities other than corporation shares, whether or not they are expressly authorized, and whether or not they qualify as investments for savings banks, in which in the informed opinion of the district retirement board it is prudent to invest retirement funds.

SEC. 2. Section 1372 of the Financial Code is amended to read:

1372. The provisions of this chapter govern the investment of funds by savings banks but wherever by any law of this state it is now provided that the moneys of any pension fund, retirement plan, trust fund, or the moneys of any special fund the investment of which is governed by law, or the funds of any political subdivision or public corporation may or shall be

invested in securities which are a legal investment for savings banks, then such law shall be deemed to authorize or require, as the case may be, that such moneys be invested in securities in which savings banks were authorized to invest their funds by the provisions of the Bank Act as it read prior to January 1, 1949, other than paragraph (f) of subdivision 5 of Section 61 of said act or in bonds, debentures, and notes legal for investment for savings banks in the State of New York or the State of Massachusetts as of the time the investment is made or in securities in which savings banks are authorized to invest their funds by the provisions of Sections 1350 to 1366, inclusive, of this chapter; provided, that the provisions of said sections limiting the amount which a savings bank may invest in securities to a specified percent of its paid-up capital and surplus, or savings deposits, shall not apply to investments authorized by the terms of this section, or in which savings banks are authorized to invest their funds by any other law of this state.

The funds of the State Employees' Retirement System, Legislators' Retirement System, and State Teachers' Retirement System may be invested in an amount not exceeding 20 percent of the assets of each of the respective systems as a whole and not by separate funds within each system, in securities, other than corporation shares, whether or not such securities are herein expressly authorized and whether or not they qualify hereunder, in which in the informed opinion of the board or officer charged with the investment of funds of such systems respectively it is prudent to invest retirement funds.

The funds of any retirement system established pursuant to the County Employees' Retirement Law of 1937 may be invested in an amount not exceeding 20 percent of the assets of such system, in securities other than corporation shares, whether or not such securities are herein expressly authorized, and whether or not they qualify hereunder, in which in the informed opinion of the Board of Retirement it is prudent to invest retirement funds.

The funds of any school district retirement plan may be invested in an amount not exceeding 20 percent of the assets of such system, in securities other than corporation shares, whether or not such securities are herein expressly authorized, and whether or not they qualify hereunder, in which in the informed opinion of the district retirement board it is prudent to invest retirement funds.

CHAPTER 359

An act to add Section 6465 to the Public Resources Code, relating to quiet title actions.

[Approved by Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 6465 is added to the Public Resources Code, to read:

6465. The complaint in any action pursuant to this chapter shall, on request, contain a plat of the property to which the action relates which shows the location of the property in relation to a monument in a survey of record.

CHAPTER 360

An act to add Section 12405.7 to, and amend Sections 12411 and 12412 of, the Insurance Code, relating to title insurance.

[Approved by Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 12405.7 is added to the Insurance Code, to read:

12405.7. In addition to other acts prohibited by this article, no controlled escrow company or title insurer or other person engaged in the business of selling or furnishing to the public, directly or indirectly, evidence to title to real property shall:

(a) Pay for or furnish or offer to pay for or furnish any part of the advertising or promotional material of the customer in connection with the sale or encumbrance of real property.

(b) Pay or offer to pay for any evidence of title or copy or contents thereof not produced or issued by such person or company if such evidence of title relates to a current real property transaction, except as provided in Section 12412.

SEC. 2. Section 12411 of the Insurance Code is amended to read:

12411. The commissioner may after a hearing suspend or revoke the certificate of authority of any title insurer or the license of any underwritten title company licensed pursuant to the provisions of Section 12396, which, after 10 days' written notice from the commissioner requiring it to comply with the provisions of this article willfully fails to do so.

SEC. 3. Section 12412 of the Insurance Code is amended to read:

12412. Nothing in this article prohibits the division of fees or charges between title insurers or between title insurers and underwritten title companies or between underwritten title companies, if such division does not constitute an unlawful rebate as defined by Section 12404.5 or prohibited by Section 12405.7; provided, that a title insurer shall specify on any title policy issued by it, either in a single amount or by itemization, the entire charge made to obtain such title policy, including the charges made by any underwritten title company for the title search, title examination, certificate or abstract of title upon the basis of which such title policy is issued. If so specified in a single amount, such charge shall be clearly described as the total charge for both the title insurance fee and the title search or examination, or abstract of title, as the case may be, of any underwritten title company. Notwithstanding the other provisions of this article no title insurer, no controlled escrow company and no underwritten title company shall pay any commission for the solicitation or negotiation of title policies, indorsements, guarantees and any other forms of title services.

CHAPTER 361

An act to add Section 12396 to, and to repeal Section 12396 of, the Insurance Code, relating to title insurance.

[Approved by Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 12396 of the Insurance Code is repealed.

SEC. 2. Section 12396 is added to said code, to read:

12396. (a) An underwritten title company as defined in Section 12402 of this code, may engage in the business of preparing title searches, title examinations, certificates or abstracts of title, upon the basis of which a title insurer regularly writes title policies, provided that:

(1) Depending upon the county or counties in which the company transacts business, it shall maintain required minimum capital and surplus or net worth as follows:

Aggregate number of documents recorded in the preceding cal- endar year in all counties where it is transacting any business.		Amount of required minimum capital and surplus or net worth
Number of documents		
Less than	10,000	\$20,000
10,000 to	50,000	30,000
50,000 to	100,000	60,000
100,000 to	500,000	100,000
500,000 to	1,000,000	150,000
1,000,000 or more		200,000

“Capital and surplus” or “net worth” is defined as the excess of assets over all liabilities and required reserves. It may carry as an asset the actual cost of its title plant provided the value ascribed to such asset shall not exceed the lesser of: (a) the actual cost thereof, or (b) 50 percent of the required minimum capital and surplus or net worth.

Notwithstanding the capital and surplus or net worth requirements set forth above, any person, corporation or business entity actively engaged in business as an underwritten title company on the operative date of this section shall meet the capital and surplus or net worth requirements set forth above on the following time schedule:

(i) Twenty percent of the amount set forth above within one year of the operative date of this section.

(ii) Forty percent of the amount set forth above within two years of the operative date of this section.

(iii) Sixty percent of the amount set forth above within three years of the operative date of this section.

(iv) Eighty percent of the amount set forth above within four years of the operative date of this section.

(v) One hundred percent of the amount set forth above within five years of the operative date of this section.

(2) Such an underwritten title company shall obtain from the commissioner a license to transact its business. Such license shall not be granted until the applicant conforms to the requirements of this section and all other provisions of this code specifically applicable to applicant. After issuance the holder shall continue to comply with the requirements as to its business set forth in this code, in the applicable rules and regulations of the commissioner and in the laws of this state.

Any person who possesses, or is required to possess, a license pursuant to this section shall be subject as if an insurer to the provisions of Article 8 (commencing with Section 820) of Chapter 1 of Part 2 of Division 1 of this code and shall be deemed organized for the purpose of transacting an insurance

business within the meaning of subdivision (h) of Section 25100 of the Corporations Code.

Such license may be obtained by filing an application on a form prescribed by the commissioner accompanied by a filing fee of one hundred dollars (\$100). Such license when issued shall be for an indefinite term and shall expire with the termination of the existence of the holder. Nonetheless, the holder commencing in 1967 shall be subject to the provisions of Section 705 as if it were an insurer and as if it held a certificate of authority, paying the ten dollars (\$10) renewal fee therein provided.

(3) Such an underwritten title company shall furnish an audit to the commissioner on the forms provided by the commissioner annually, either on a calendar year basis on or before March 31st or, if approved in writing by the commissioner in respect to any individual company, on a fiscal year basis on or before 90 days after the end of the fiscal year. The time for furnishing any such audit may be extended on written approval of the commissioner for a period, not to exceed 60 days. Such audits shall be private, except that a synopsis of the balance sheet on a form prescribed by the commissioner may be made available to the public.

The audits shall be made in accordance with generally accepted auditing standards by an independent certified public accountant or independent licensed public accountant approved by the commissioner specifically for the particular company. Approval of an auditor for a particular company shall not be deemed to be a licensing of the auditor nor approval of the auditor for any other company or any other purpose. Any such approval, or the renewal thereof, shall automatically expire on the 1st day of January in the fifth calendar year following the date of original or renewal approval. The fee for filing an application for such approval or the renewal thereof shall be ten dollars (\$10). The fee for approving the submitted audit shall be twenty-five dollars (\$25).

The commissioner may deny or revoke approval or renewal of approval of an auditor for any of the following reasons:

(i) Adverse result in any proceeding before the State Board of Accountancy affecting the auditor's license;

(ii) The auditor has an affiliation with the underwritten title company or any of its officers or directors which would prevent his reports on the company from being reasonably objective;

(iii) The auditor has suffered conviction of any misdemeanor or felony based on his activities as an accountant; or

(iv) Judgment adverse to the auditor in any civil action finding him guilty of fraud, deceit or misrepresentation in the practice of his profession.

Any company which fails to file any audit or other report on or before the date it is due shall pay to the commissioner a penalty fee of one hundred dollars (\$100) and on failure to

pay such or any other fee required by this section shall forfeit the privilege of accepting new business until the delinquency is corrected.

(b) Such an underwritten title company may engage in the escrow business and act as escrow agent provided that:

(1) All funds deposited with the company in connection with any escrow shall be deposited in a bank in a separate trust account, and such funds shall be the property of the person or persons entitled thereto under the provisions of the escrow and segregated escrow by escrow in the records of the company. Such funds shall not be subject to any debts of the company and shall be used only to fulfill the terms of the individual escrow under which the funds were accepted and none of such funds shall be used until all conditions of the escrow have been met.

Bona fide drafts executed by persons fully responsible financially may at the option of the company, be deemed the equivalent of funds already cleared into such bank deposit unless another law of this state prohibits such persons from tendering such drafts to escrow holders for the purpose of closing escrows.

Any interest received on funds deposited with the company in connection with any escrow which are deposited in a bank shall be paid over to the depositing party to the escrow and shall not be transferred to the account of the company.

(2) It shall maintain record of all receipts and disbursements of escrow funds.

(3) It shall deposit seven thousand five hundred dollars (\$7,500) for each county in which it operates in some form permitted by Section 12351 with the commissioner who shall forthwith make a special deposit thereof in the State Treasury and such deposit shall be subject to the provisions of Sections 12353, 12356, 12357, and 12358 and as long as there are no claims against the deposit all interest and dividends thereon shall be paid to the depositor. The assets in the deposit shall be subject to final sale, transfer and disposal of the proceeds thereof by the commissioner only on the order of a court of competent jurisdiction, and for the security and protection of persons having lawful claims against the depositor growing out of escrow transactions with it. Such deposit shall be maintained until two years after the company ceases to engage in the escrow business.

(4) It shall obtain and maintain a fidelity bond on file with the commissioner to cover all officers and employees of the company who participate in any escrow transaction that is handled by the company. Such bond shall be a blanket bond or, with the approval of the commissioner, may be a position or individual bond. The commissioner shall prescribe the amount of the bond which shall not exceed two hundred thousand dollars (\$200,000).

(c) The commissioner shall, whenever it appears necessary, examine the business and affairs of a company licensed under

this section. All such examinations shall be at the expense of the company.

(d) At any time that the commissioner determines, after notice and hearing, that a company licensed under this section has willfully failed to comply with any of the provisions of this section, the commissioner shall make his order prohibiting the company from conducting its business for a period of not more than one year.

Any company violating such an order is subject to seizure under Article 14 (commencing with Section 1010) of Chapter 1 of Part 2 of Division 1 of this code is guilty of a misdemeanor and may have its license revoked by the commissioner. Any person aiding and abetting any company in a violation of such an order is guilty of a misdemeanor.

The purpose of this section is to maintain the solvency of the companies subject to this section and to protect the public by preventing fraud and requiring fair dealing. In order to carry out such purposes the commissioner may make reasonable rules and regulations to govern the conduct of its business of companies subject to this section.

Such rules and regulations shall be adopted, amended or repealed in accordance with the procedure provided in Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 3. Any revenues derived from any increases in fees provided for in this act shall not be available for expenditure unless appropriated.

CHAPTER 362

An act to amend Section 17676 of the Education Code, relating to financial support of the public schools.

[Approved by Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 17676 of the Education Code is amended to read:

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 (1) 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 and;

(c) a majority of the votes cast in the district at the most recent such election were cast in favor of the reorganization proposed; or (2) the Superintendent of Public Instruction finds that

(a) the district is an elementary district lying within two or more high school districts;

(b) the total territory of the district, including each separate portion lying within two or more high school districts, was included within territory proposed for reorganization by one or more master plans or plans and recommendations developed under Chapter 9 or Chapter 10 of Division 5, for which each such master plan or plans and recommendations complied with the standards prescribed by Section 17672 or Section 17673;

(c) all of such master plans or plans and recommendations were voted upon at an election held within the territory involved during the preceding fiscal year;

(d) regardless of the outcome of such election, the unified districts would have been effective for all purposes on the same date if all of such elections had been successful; and

(e) a majority of the votes cast in the district in all separate proposals were cast in favor of the reorganization proposed.

SEC. 2. It is the intent of the Legislature that the amendments to Section 17676 of the Education Code made by this act shall be effective for the fiscal year 1965-1966 as though the same had been in effect and operation on and after July 1, 1965. The Superintendent of Public Instruction shall have the authority to take all necessary measures to effect such mid-fiscal year change including, but not necessarily limited to, the recomputation of foundation programs and State School Fund allowances and apportionments for districts affected.

CHAPTER 363

An act to add Section 29007.1 to the Education Code, relating to law schools.

[Approved by Governor May 22, 1965 Filed with
Secretary of State May 22, 1965]

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

SECTION 1. Section 29007.1 is added to the Education Code, to read:

29007.1. The provisions of subdivision (a) of Section 29007 shall not apply to any "degree" or "title" awarded by any school accredited pursuant to the provisions of subdivision (g) (1) and (2) of Section 6060 of the Business and Professions Code.

CHAPTER 364

An act to add Section 25210 to the Government Code, relating to the antipoverty program and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 22, 1965 Filed with
Secretary of State May 22, 1965]

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

SECTION 1. Section 25210 is added to the Government Code, to read:

25210. The board of supervisors may do and perform all acts necessary to enable the county to participate in the "Economic Opportunity Act of 1964" (P.L. 88-452; 78 Stat. 508), including the authorization of the expenditure by the county of whatever funds that may be required by the federal government as a condition to such participation.

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 Congress of the United States has enacted the "Economic Opportunity Act of 1964" (P.L. 88-452; 78 Stat. 508) in an effort to alleviate the effects of poverty in our country. The "Economic Opportunity Act of 1964," among other things, provides for cooperative action between federal and state agencies. In order that counties will be empowered as soon as possible to participate in the "Economic Opportunity Act of 1964," it is necessary that these provisions authorizing them to so participate take immediate effect.

CHAPTER 365

An act to add Section 3301 to the Labor Code, relating to workmen's compensation.

[Approved by Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 3301 is added to the Labor Code, to read:

3301. As used in this division, "employer" excludes any person while acting solely as the sponsor of a bowling team. This exclusion does not exclude any person from the application of this division who is otherwise an employer for the purposes of this division.

CHAPTER 366

An act to amend Section 17209.1 of the Financial Code, relating to escrow agents.

[Approved by the Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 17209.1 of the Financial Code is amended to read:

17209.1. Upon the receipt of a proper and complete application for license, and all required fees, the commissioner shall immediately examine and investigate all facts connected with the proposal, including but not limited to its stockholders, directors, officers and managers, proposed location, and estimated receipts and expenditures. Unless he finds that such license must be refused pursuant to this division, the commissioner shall, within forty-five (45) days of his receipt of the application, or within a lesser time in special instances as set forth elsewhere in this division, give written notice to each existing licensed escrow agent in this state concerning the application at hand. His notice shall state the name of the proposed licensee, the names and addresses of the proposed directors and owners, the name and address of the proposed person meeting the requirements of Section 17200.8, the proposed business location, and any other information which is, in his opinion, germane to the proposal.

CHAPTER 367

An act to add Section 2917.5 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor May 22, 1965 Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 2917.5 is added to the Revenue and Taxation Code, to read:

2917.5. Property seized may be redeemed by the owner thereof by the payment of taxes, penalties and costs at any time before such property is sold. Prior to the time the property is sold such payment may be made at the office of the tax collector or to the auctioneer at the place of sale as designated in the notice of sale. For purposes of this section, property is sold when the bid is accepted by the auctioneer.

CHAPTER 368

An act to amend Section 4016 of the Elections Code, relating to municipal special elections.

[Approved by Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 4016 of the Elections Code is amended to read:

4016. Any number of proposed ordinances may be voted upon at the same election, but the same subject matter shall not be voted upon twice within any 12-month period at a special election under the provisions of this article.

CHAPTER 369

An act to add Section 6072 to the Revenue and Taxation Code, relating to sales tax seller's permits.

[Approved by Governor May 22, 1965 Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 6072 is added to the Revenue and Taxation Code, to read:

6072. A permit shall be held only by persons actively engaging in or conducting a business as a seller of tangible personal property. Any person not so engaged shall forthwith

surrender his permit to the board for cancellation. The board may revoke the permit of a person found to be not actively engaged in or conducting a business as a seller of tangible personal property.

CHAPTER 370

An act to amend Section 155 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 155 of the Revenue and Taxation Code is amended to read:

155. The time fixed in this division for the performance of any act by the assessor, auditor, tax collector, or county board may be extended by the board or its secretary for not more than 30 days, or, in case of public calamity, 40 days. If an extension of time is granted, the secretary of the board shall give written notice thereof to the county auditor and to the officer or board to whom the extension is granted. The secretary shall inform the board at its next regular meeting of any action with respect to extensions taken by him. There shall be the same extension of time for any act of the board dependent on the act for which time was extended.

CHAPTER 371

An act to amend Sections 28, 29, 35, 35.2, 35.12, 35.4, 656, 746.3, and 2339 of the Agricultural Code; and to amend Sections 161, 201, 400, 403, 404, 12106, 19497, and 25370 of the Business and Professions Code; and to amend Section 1245.4 of the Code of Civil Procedure; and to amend Section 25315 of the Corporations Code; and to amend Sections 364, 365, 404, 454, 887.2, 9351, 9358, 9359, 9401, 9402, 9403, 9404, 15404, 15407, 15411, 15451, 15454, 15455, 15456, 15457, 15458, 15460, 15461, 15462, 15463, 15465, 15503, 16066, 17663.7, 18651, 18904, 18956, 19004, 19403, 19414, 19436, 19431, 19444, 19481, 19554, 19558, 19571, 19582, 19596, 19602, 19615, 19615.5, 19620, 19662, 23616, 23751, 24102, 25202, 25206, 25609, 25859, 26156, and 26501 of the Education Code; and to amend Section 3567 of the Elections Code, and to amend Sections 853, 1010, 1013, 1121, 1350, 1500, 5993, and 6702 of the Fish and Game Code; and to amend Sections 439, 450, 1156, 1173, 1174, 1454, 1455, 1480, 1481, 4001, 6501, 6902, 8194, 8526, 9103, 9108, 9109, 9110, 9744, 9763, 9764, 9767, 9790, 9791, 9792, 10244, 10340, 11000, 11005.2, 11007.5, 11007.7, 11010, 11010.5, 11011, 11011.5,

11013, 11014, 11080, 11081, 11091, 11156, 11253, 11256, 11257, 11258, 11263, 11275, 11290, 11291, 11293, 11330, 11331, 11332, 11410, 11415, 12224, 12225, 12420, 12425, 12465, 12470, 12515, 12516, 12517, 12543, 13901, 13903, 13926, 13951, 13953, 15253, 15254, 15275, 15277, 15278, 15279, 15300, 15490, 15504, 15621, 15624, 15752, 15809, 15815, 15816, 15860, 15862, 15863, 15864, 15865, 16302.2, 16305.1, 16305.4, 16421, 16422, 16501, 16506, 18006, 18707, 19258, 20209, 22501, 22551, 22552, 54127, and 54205 of; and to amend and renumber Sections 13010, 13011, 13072, 13073, 13075, 13290, 14006, 14100, 14102, 14105 of; and to add Part 5.5 (commencing with Section 14600) to Division 3 of Title 2 of, and Sections 13080, 13081, 13082, 13083 to; and to repeal Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of, Article 2 (commencing with Section 13100) of Chapter 2 of Part 3 of Division 3 of Title 2 of, and Article 4 (commencing with Section 13160) of Chapter 2 of Part 3 of Division 3 of Title 2 of, and Article 5 (commencing with Section 13196) of Chapter 2, of Part 3 of Division 3 of Title 2 of, and Article 6 (commencing with Section 13200) of Chapter 2 of Part 3 of Division 3 of Title 2 of, and Article 7 (commencing with Section 13230) of Chapter 2 of Part 3 of Division 3 of Title 2 of, and Article 8 (commencing with Section 13240) of Chapter 2 of Part 3 of Division 3 of Title 2 of, and Chapter 4 (commencing with Section 13370) of Part 3 of Division 3 of Title 2 of, and Chapter 6 (commencing with Section 13530) of Part 3 of Division 3 of Title 2 of, and Chapter 7 (commencing with Section 13722) of Part 3 of Division 3 of Title 2 of, and Chapter 9 (commencing with Section 13801) of Part 3 of Division 3 of Title 2 of the Government Code; and to amend Section 1167 of the Harbors and Navigation Code; and to amend Sections 11106, 11622, 11623, 11624, 11625, 11626, 11628, 18900, 25750, 25816, 28403, and 28452 of the Health and Safety Code; and to amend Sections 11792, 11871, 12973.7, and 12977 of the Insurance Code; and to amend Sections 117, 135, and 4755 of the Labor Code; and to amend Sections 178, 431, 437, 438, 996.18, 996.21, and 1086.2 of the Military and Veterans Code, and to amend Sections 2053, 2081.5, 2709, 2710, 2903, 2916, 5008, 5057, 6303, 11177.6, 11194 and 12074 of the Penal Code; and to amend Sections 511, 511.1, 511.2, 516, 4004, 4006, 4006.5, 4050, 4301, 4429, 4446, 4982, 5003, 5063, 5090, 5859, 8011, 8014.5, 8018, and 8834 of the Public Resources Code; and to amend Section 7931 of the Revenue and Taxation Code; and to amend Sections 312, 1531, 1601, 3075, 3126, 3127, 3128, 3129, and 3132 of the Unemployment Insurance Code, and to amend Sections 1654, 1807, 2112, 2405, and 5002 of the Vehicle Code; and to amend Sections 139, 346, 403, 406, 2863, 8656, 8657, 8659, 8660, 8676, and 8678 of the Water Code; and to amend Sections 165, 1752.6, 1752.8, 1752.9, 3302, 3305, 3341, 3371, 3372, 6503.1, 6503.2, 6503.3, 6503.4, 6564, 6659, and 7015 of the

Welfare and Institutions Code; and to amend Section 8 of the State Construction Program Bond Act of 1955 (Chapter 1709 of Statutes of 1955) and to amend Section 8 of the State Construction Program Bond Act of 1958 (Chapter 88, Statutes of 1958 (1st Ex. Sess.)), relating to the Department of General Services.

[Approved by Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 28 of the Agricultural Code is amended to read:

28. Any bureau, division, board or other agency of the department which is supported otherwise than by the appropriations from the General Fund in the State Treasury may be charged its proportionate share of the administrative expense of the department or may be charged a share computed to reasonably compensate for the administrative services rendered by the department; apportionment of such expenses shall be made and determined by the director, subject to the approval of the Director of General Services; but the proportionate or computed share so charged shall not exceed 5 percent of the collections made by the department for such bureau, division, board or other agency.

All moneys charged and received by the department for such proportionate or computed share as reimbursement for administrative expense shall be remitted to the State Treasury for credit to the current appropriation from the General Fund of the state for the support of the department, and said sum so remitted shall be available for expenditure for the support of said department.

SEC. 2. Section 29 of said code is amended to read:

29. A sum not to exceed twenty-five thousand dollars (\$25,000) may, upon approval of the Department of General Services, be withdrawn from the Department of Agriculture Fund to be used as a revolving fund by the department for the purposes for which the Department of Agriculture Fund may be used.

SEC. 3. Section 35 of said code is amended to read:

35. The department may, with the approval of the Department of General Services, purchase or otherwise acquire real property and may construct and equip buildings thereon and make improvements to such property, buildings, and equipment.

SEC. 35. Section 35.2 of said code is amended to read:

35.2. Any buildings or improvements constructed by the department under this article shall be primarily for the occupancy of commissions, divisions, bureaus, advisory boards, and services supported from the funds from which money is expended for the construction of buildings or improvements, and shall be subject to the administration and supervision of

the department in accordance with rules and regulations which may be established by the department and approved by the Department of General Services. Such rules and regulations shall be comparable to those for the administration and supervision of other state-owned buildings.

Any buildings or improvements provided by the department under the provisions of this article may contain space in excess of the requirements of the department and, until needed, may be leased or let by the department at such rental and upon such terms and conditions as may be approved by the Department of General Services, provided that rentals charged shall be sufficient to provide a reasonable return to the Department of Agriculture Fund or other fund subject to the jurisdiction of the director for any contributions made for the cost of the construction of such buildings or improvements until the entire amount contributed therefrom, together with a reasonable interest thereon, has been returned.

At least annually and oftener if the amounts collected should warrant, there shall be returned from said Building Fund to the Department of Agriculture Fund and to such other funds from which contributions were made to defray the cost of the buildings, equipment, and facilities, such amounts as are not necessary to meet the financial requirements of the Department of Agriculture Building Fund; the returnable amounts to be determined by the department, with the approval of the Department of General Services, and not to exceed the amount of the original contributions from the respective funds; provided, however, that interest may be paid on said contributions in the manner and amount determined by the department with the approval of the Director of General Services.

During the period of repayment, the department may contract with the Department of General Services to handle the rentals of any space over and above that required for the department and to furnish general supervision and maintenance in any buildings or improvements constructed under the provisions of this article.

SEC. 4. Section 35.12 of said code is amended to read:

35.12. When money from the Department of Agriculture Building Fund is used for investment purposes in the purchase of property and in the construction of buildings, and appurtenant facilities or in the purchase of property, or in the construction of buildings, and appurtenant facilities for the use of the Department of Agriculture, or for the use of the Department of Agriculture and other state agencies, the Director of Agriculture may do any and all things necessary to protect the investment including purchasing insurance against the loss of or damage to the property or the loss of use and occupancy of the property. Any transaction entered into by the Director of Agriculture under this section shall be subject to the approval of the Department of General Services.

SEC. 5. Section 35.4 of said code is amended to read:

35.4. When all funds have been reimbursed for contributions made for the construction and equipping of any buildings or facilities under the provisions of this article, the Department of General Services shall assume control of the operation and management of said buildings, improvements or facilities; provided, however, the Department of Agriculture shall have priority to occupy any space within said buildings before such space is leased or let to any other agency and at rental rates comparable to those charged to other state agencies for comparable facilities in other state-owned buildings.

SEC. 6. Section 656 of said code is amended to read:

656. No imitation milk product shall be used in any of the charitable or penal institutions that receive assistance from the state; provided, however, that whenever the state is informed in writing that government holdings of butter cannot be purchased or acquired by the state the Department of General Services may purchase for use in state institutions colored oleomargarine when requested to do so by the director of the department having control of any state institutions for which such product is intended.

SEC. 7. Section 746.3 of said code is amended to read:

746.3. (a) The fees prescribed in Sections 746, 746.1, and 746.2 of this chapter shall be paid to the director by handlers or producer-handlers, as the case may be, not later than the 30th day after the calendar months mentioned in said sections. All untested milk and cream purchased in bulk and not tested for milkfat content shall be deemed to weigh and test as follows: milk, eight and six-tenths (8 6) pounds per gallon, milkfat content four percent (4%); cream, eight (8) pounds per gallon, milkfat content thirty-two percent (32%); and any fractional or greater measurement shall be on the above basis.

(b) All moneys heretofore or hereafter collected by the director pursuant to this chapter shall be deposited in a bank or banks, or other depository, approved by the Director of General Services. Funds so collected shall be deposited and disbursed in conformity with appropriate rules and regulations prescribed by the director. The expenditure of such funds shall be exempt from the provisions of Section 603 of the Government Code. All such expenditures by the director shall be audited at least every two years by the Department of Finance and a copy of such audit shall be delivered within 30 days after the completion thereof to the Governor, the Director of Agriculture and the Controller. Any moneys in the State Treasury to the credit of the "State Dairy Products Trust Fund" shall be withdrawn and deposited in accordance with the provisions of this paragraph.

(c) All moneys collected by the director pursuant to this chapter are hereby appropriated to the Department of Agriculture to carry out the duties imposed upon the director and the board under the provisions of this chapter. The appropria-

tion herein made shall be exempted from the operation of Section 16304 of the Government Code. The moneys collected by the director pursuant to this chapter shall be disbursed by the director only for the necessary expenses incurred by the board and the director to carry out the purposes of this chapter, including the payment of refunds authorized hereunder. The director may disburse said funds in authorized activities related to particular dairy products without reference to the branches of the dairy industry from which said funds are derived.

(d) Moneys deposited by the director pursuant to this section, which the director determines are available for investment, may be invested or reinvested by the State Treasurer in any of the securities described in Article 1 (commencing with Section 16430), Chapter 3, Part 2, Division 4, Title 2 of the Government Code, or placed in a bank as provided in Chapter 4 (commencing with Section 16500), Part 2, Division 4, Title 2 of the Government Code, and handled in the same manner as money in the State Treasury. For such purposes such moneys may also be combined with funds determined by the director to be available for investment pursuant to Section 1300.17 of this code. Any increment received from such investment or reinvestment or deposit shall be remitted to the director for allocation. The State Treasurer may deduct from such remittance an amount equal to the reasonable costs incurred in carrying out the provisions of this section or may bill the director for the costs and the director shall pay the costs from moneys collected pursuant to this chapter.

(e) The director, after consultation with the board, shall prepare an annual budget setting forth in reasonable detail the proposed expenditures which he deems necessary for the performance by him and by the department of the duties imposed upon them by this chapter, and he shall prepare and submit to the board an annual statement, in reasonable detail, of his expenditures hereunder.

The director, by action prosecuted by him, may recover from handlers and producer-handlers all fees which, as prescribed herein, have been or should have been collected by them on milkfat of producers and on producer-handlers' own production and fees on milkfat which they purchased or possession or control of which was acquired by them, or which they produced and used for processing, and all penalties and interest which may have accrued thereon under the provisions of this chapter.

SEC. 8. Section 2339 of said code is amended to read:

2339. All such fees shall be deposited promptly by the zone agent in a bank or banks approved by the Director of General Services, and shall be accounted for forthwith to the Director of Agriculture. Each deposit shall be made in the name of the zone under which the funds are collected and shall be disbursed by the director, pursuant to rules and regulations prescribed by the director, and approved by the commission, only for the

expenditures incurred by the program committee in carrying out the specific purposes and provisions of the marketing program, including all necessary expenses incurred in the formulation, administration and enforcement of the program.

SEC. 9. Section 161 of the Business and Professions Code is amended to read:

161. The department, or any board in the department, may sell copies of any part of its respective public records, or compilations, extracts, or summaries of information contained in its public records, at a charge sufficient to pay the actual cost thereof. Such charge, and the conditions under which sales may be made, shall be determined by the director with the approval of the Department of General Services.

SEC. 10. Section 201 of said code is amended to read:

201. A charge for the estimated administrative expenses of the department, not to exceed the available balance in any appropriation for any one fiscal year, may be levied in advance on a pro rata share basis against any of the funds of any of the boards, bureaus, commissions, divisions, and agencies, at the discretion of the director and with the approval of the Department of General Services.

SEC. 11. Section 400 of said code is amended to read:

400 The Department of Professional and Vocational Standards may, with the approval of the Department of General Services, purchase or otherwise acquire real property and may construct and equip buildings and make improvements thereon for its use and the use of the boards and commissions comprising the department or subject to its jurisdiction and for the use of other departments, boards and agencies of the state, irrespective of the funds from which appropriations are made for their support.

SEC. 12. Section 403 of said code is amended to read:

403. Any building constructed by the Department of Professional and Vocational Standards under this chapter shall be subject to the supervision of the Department of Professional and Vocational Standards in accordance with rules and regulations established by the Department of Professional and Vocational Standards and the Department of General Services.

The Department of Professional and Vocational Standards may, with the approval of the Department of General Services, rent the space therein to any other department and to any board or agency for such rentals and upon such terms and conditions as the Department of Professional and Vocational Standards deems fit.

The costs of operation, maintenance, repairs, and other reasonable and necessary expenses shall be paid from rentals. Thereafter, from such net rentals there shall be returned to the General Fund of the state and to such other funds from which contributions were made to the cost of the facilities, amounts commensurate with the financial requirements of the various funds from which contributions were made; the returnable amounts to be determined by the Department of Pro-

fessional and Vocational Standards, with the approval of the Department of General Services, and not to exceed the amount of the original contributions from the respective funds; provided, however, that interest may be paid on the contributions in the manner and amount determined by the Department of Professional and Vocational Standards with the approval of the Director of General Services.

SEC. 13. Section 404 of said code is amended to read:

404. The Department of Professional and Vocational Standards and the Department of General Services may establish rules and regulations for the administration of any building constructed under this chapter.

SEC. 14. Section 12106 of said code is amended to read:

12106. The department shall, at least once annually and as often as requested by the Department of General Services or the executive officer of a state institution, test the scales, weights and measures used in checking the receipt and disbursement of supplies in any state institution, and shall report in writing its findings to the executive officer of the institution concerned.

SEC. 15. Section 19497 of said code is amended to read:

19497. Any person who is licensed to conduct a horseracing meeting at any place, track or inclosure which is leased by him from the state, shall not transfer any such property to any other person, whether licensed under this chapter or not, for the purpose of furnishing such other person a place, track or inclosure at which it may conduct a horseracing meeting, unless such transfer is first submitted to the Department of General Services and the department finds that its terms and provisions are just and reasonable and approves of it.

As used in this section, "transfer" includes any sublease, permit to use, license to use, and any other transaction or arrangement of any kind or nature whereby any right to the use or possession of property, or any part thereof, for the purpose of conducting a horseracing meeting is conferred upon any person.

The provisions of this section which are applicable to a person licensed under this chapter to conduct a horseracing meeting shall also apply to any person to whom a transfer is made by such a licensee in accordance with this section.

SEC. 16. Section 25370 of said code is amended to read:

25370. Upon a judgment in favor of the forfeiture, the alcoholic beverages or other property shall be ordered turned over to the Department of General Services for disposition as follows:

(a) Delivery to the Department of Alcoholic Beverage Control for use in the needs of the department as may be requested by it.

(b) Delivery to any other state department, board, commission, officer, hospital, or institution.

(c) Sale at public auction, and when alcoholic beverages are sold at public auction they shall be sold only to licensees authorized to sell them.

SEC. 17. Section 1245.4 of the Code of Civil Procedure is amended to read:

1245.4. Whenever in any proceeding brought under this title in which any municipal corporation is the plaintiff it is sought to condemn to public use any land or any remainder, reversion, easement or other estate therein, which land is shown upon any filed or recorded map as a "square" or other open space without any further words specifying the intentions of the owners thereof filing such map with respect thereto or the uses or purposes for which the same may have been abandoned or dedicated, and no deed, offer of dedication or other instrument appears of record in the office of the county recorder showing or indicating the uses or purposes for which the same may have been abandoned or dedicated and such map has been on file or on record for more than 50 years, the plaintiff may in said proceeding seek a judgment against the county in which the land is located and the inhabitants thereof and against the State of California and the people thereof, determining its title thereto, the uses or trusts, if any, under which it holds the same, and the purposes to which it may put the same. Authority is hereby granted in any such proceeding to sue the State of California and in any such proceeding service of process shall be made upon the Attorney General and the Director of General Services. In any such action the Attorney General shall represent the State of California in its sovereign and in its proprietary capacity and also the people of the State of California as the beneficiaries of any trust under which said land is, or is alleged to be, held. Any judgment rendered in such proceeding shall be conclusive upon the State of California and the people thereof and upon the county in which said land is located and the inhabitants thereof, if said county is made a party to said proceedings.

SEC. 18. Section 25315 of the Corporations Code is amended to read:

25315. The commissioner may, after four years from date of filing and with the approval of the Department of General Services, destroy all applications, permits, and certificates, together with the files and folders, as useless or obsolete.

SEC. 19. Section 364 of the Education Code is amended to read:

364. All printing or binding required by the Superintendent of Public Instruction or the State Board of Education, or by any educational institution, except the University of California, supported entirely out of state funds, and all school registers and blank forms prescribed by the Superintendent of Public Instruction for the use of officers charged with the administration of the laws relating to the public schools, including blank teachers' certificates, and diplomas of graduation from elementary schools in districts not governed

by city boards of education, shall be performed by the Department of General Services in the form and manner and at the prices of other state printing, and be paid for in like manner.

SEC. 20 Section 365 of said code is amended to read:

365. With the approval of the Department of General Services, the State Department of Education may fix the price for the sale of any bulletin or publication of the department, or any institution of the department.

SEC. 21. Section 404 of said code is amended to read:

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

SEC. 22. Section 454 of said code is amended to read:

454 (1) The California State Education Agency for Surplus Property in providing for the disposition of such property shall require the payment of such charges by the parties to whom property is transferred as the agency estimates will reimburse the agency for the average costs of procuring, storing, handling, and disposing of such property. All moneys received by the agency for charges under this section or its predecessor shall be paid into the State Treasury to the credit of the Educational Surplus Property Revolving Fund. The agency may reduce or eliminate charges on property found not to be usable for the purpose for which procured. Any moneys found by the agency to be in excess of the costs incurred in procuring, storing, handling and disposing of such property may, upon approval of the Department of General Services, be refunded to the parties from whom such moneys were received. Moneys refunded to the state agencies specified in subdivision (2) of this section shall be deposited in the State Treasury as provided in that subdivision.

(2) Notwithstanding any other provision of law, (a) the Department of Education, acting for state agencies supported principally from the General Fund, and (b) state agencies supported principally from a special fund of the State Treasury, shall deposit refunds received under subdivision (1) of this section to the credit of the state fund from which the state agency receives its principal support. The Department of General Services shall determine the fund from which the state agency receives its principal support.

Section 16303 of the Government Code shall not apply to refunds received under this section.

SEC. 23 Section 8872 of said code is amended to read:

8872. The members of the committee shall serve at the pleasure of the Governor, and shall serve without compensa-

tion, but shall be entitled to their expenses actually and necessarily incurred by them in the performance of their duties.

The expenses of the representatives of the board of regents, Trustees of the California State Colleges, and the Board of Education shall be paid by the agency which they represent. The expenses of the other members shall be paid by the Department of General Services.

SEC. 24. Section 9351 of said code is amended to read:

9351. The State Board of Education may:

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

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

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

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

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

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

SEC. 25. Section 9358 of said code is amended to read:

9358. The State Board of Education, before purchasing textbooks from any source other than the Department of General Services shall file with the department a statement showing:

(a) The price which will be paid for the books.

(b) The cause preventing its production by the department.

(c) Evidence that will support the fact that the publisher actually refused to lease copyright matter, if such refusal is assigned as a cause preventing the production of the book by the department.

(d) The particular advantages of the textbook proposed to be purchased as compared generally with other textbooks on the same subject.

SEC. 26. Section 9359 of said code is amended to read:

9359. Whenever the State Board of Education files a statement described in Section 9358 the State Printer may also file with the Department of General Services a statement showing the names of textbooks which he is able to publish, the cost of publishing them, the names of their authors, and, if they have been published previously, the names of their publishers.

SEC. 27. Section 9401 of said code is amended to read:

9401. Subject to the approval of the State Board of Education or a representative of the State Board of Education appointed to supervise the work, the Department of General Services shall have supervision of all the mechanical

work connected with the printing of such books as may be compiled and adopted. The Department of General Services, after printing and binding the books, shall deliver them to the Superintendent of Public Instruction.

SEC. 28. Section 9402 of said code is amended to read:

9402. The Department of General Services shall receive payment on the approval of the items of cost by the State Board of Education or its duly authorized agent.

SEC. 29. Section 9403 of said code is amended to read:

9403. The Department of General Services shall furnish one copy of a cost-finding report showing items of work and the materials and the exact cost of each item for each of the lot of books, to the State Board of Education.

SEC. 30. Section 9404 of said code is amended to read:

9404. The Department of General Services shall on the first day of each month furnish to the State Board of Education a detailed statement showing the name and number of books published by it during the preceding month, and the number in course of publication.

SEC. 31. Section 15404 of said code is amended to read:

15404. The plans and specifications for any school building as defined in Section 15452, together with estimates of cost, shall be submitted by the board to the Department of General Services for approval.

SEC. 32. Section 15407 of said code is amended to read:

15407. The governing board of a school district shall, before letting any contract for the construction of a school building as defined in Section 15452 according to such plans and specifications, file a set of the plans and specifications with the Department of General Services accompanied by a fee in the amount fixed by Section 15457.

SEC. 33. Section 15411 of said code is amended to read:

15411. The governing board of any school district shall, upon completion of any school building let pursuant to Sections 15451 to 15465, inclusive, file with the Department of General Services on ozalid type reproducible duplicate set of architect plans for the new school building plant.

SEC. 34. Section 15451 of said code is amended to read:

15451. The Department of General Services under the police power of the state shall supervise the construction of any school building or, if the estimated cost exceeds ten thousand dollars (\$10,000), the reconstruction or alteration of or addition to any school building, for the protection of life and property. Nothing in this section shall be construed to allow a school district to perform work with its own forces in excess of the limitations set forth in Sections 15951 and 15957 of this chapter.

SEC. 35. Section 15454 of said code is amended to read:

15454. The Department of General Services shall pass upon and approve or reject all plans for the construction or alteration of any school building. To enable it to do so, the governing board of each school district and any other school authority

before adopting any plans for a school building shall submit the plans to the Department of General Services for approval, and shall pay the fees prescribed in this article (commencing at Section 15451).

SEC. 36. Section 15455 of said code is amended to read:

15455. Before letting any contract for any construction or alteration of any school building, the written approval of the plans, as to safety of design and construction, by the Department of General Services, shall be first had and obtained.

SEC. 37. Section 15456 of said code is amended to read:

15456. In each case the application for approval of the plans shall be accompanied by the plans and full, complete, and accurate specifications, and structural design computations, and estimates of cost, which shall comply in every respect with any and all requirements prescribed by the Department of General Services.

SEC. 38. Section 15457 of said code is amended to read:

15457. The application shall be accompanied by a filing fee in amounts as determined by the Department of General Services based on the estimated cost and according to the following schedule:

(a) For the first seven hundred fifty thousand dollars (\$750,000), a fee of not more than one-half of 1 percent of the estimated cost.

(b) For all costs in excess of seven hundred fifty thousand dollars (\$750,000), a fee of not more than one-fourth of 1 percent.

The minimum fee in any case shall be fifty dollars (\$50). If the actual cost exceeds the estimated cost by more than 10 percent, a further fee shall be paid to the Department of General Services, based on the above schedule and computed on the amount by which the actual cost exceeds the amount of the estimated cost.

SEC. 39. Section 15458 of said code is amended to read:

15458. All fees shall be paid into the State Treasury and credited to the Division of Architecture Public Building Fund, which fund is continued in existence, and are available without regard to fiscal years for the use of the Department of General Services, subject to approval of the Department of Finance, in carrying out the provisions of this article (commencing at Section 15451).

Adjustments in the amounts of the fees, as determined by the Department of General Services and approved by the Department of Finance, will be made within the limits set in Section 15457 of this article in order to maintain a reasonable working balance in the fund.

SEC. 40. Section 15460 of said code is amended to read:

15460. No contract for the construction or alteration of any school building, made or executed by the governing board of any school district or other public board, body, or officer otherwise vested with authority to make or execute such a contract, is valid, and no public money shall be paid for any

work done under such a contract or for any labor or materials furnished in constructing or altering any such building, unless the plans, specifications, and estimates comply in every particular with the provisions of this article (commencing at Section 15451) and the requirements prescribed by the Department of General Services and unless the approval thereof in writing has first been had and obtained from the Department of General Services.

SEC. 41. Section 15461 of said code is amended to read:

15461. From time to time, as the work of construction or alteration progresses and whenever the Department of General Services requires, the certified architect or structural engineer in charge of construction or registered engineer in charge of other work, the inspector on the work, and the contractor shall each make to the Department of General Services a report, duly verified by him, upon a form prescribed by the Department of General Services, showing, of his own personal knowledge, that the work during the period covered by the report has been performed and materials used and installed, in every particular, in accordance with the approved plans and specifications, setting forth such detailed statements of fact as are required by the Department of General Services.

SEC. 42. Section 15462 of said code is amended to read:

15462. The Department of General Services may from time to time make such rules and regulations as it deems necessary, proper, or suitable effectually to carry out the provisions of this article (commencing at Section 15451).

SEC. 43. Section 15463 of said code is amended to read:

15463. The State Department of General Services shall make such inspection of the school buildings and of the work of construction or alteration as in its judgment is necessary or proper for the enforcement of this article (commencing at Section 15451) and the protection of the safety of the pupils, the teachers, and the public. The school district, city, county, or the political subdivision within the jurisdiction of which any school building is constructed or altered shall provide for and require competent, adequate, and continuous inspection during construction or alteration by an inspector satisfactory to the architect or structural engineer and the Department of General Services. The inspector shall act under the direction of the architect or structural engineer as the board may direct, and be responsible to the governing board.

SEC. 44. Section 15465 of said code is amended to read:

15465. Upon written request by the governing board of any school district or upon written request by at least 10 percent of the parents having children enrolled as pupils in any school district as certified to by the county superintendent of schools, the Department of General Services shall make an examination and report on the structural condition of any public school building of the district, subject to the payment by the governing board of the actual expenses incurred by the Department of General Services. Payment of the expenses

may be waived by the Department of General Services on recommendation of the State Superintendent of Public Instruction when it appears to him that the school district in which the public school building is located cannot afford to pay them.

SEC. 45. Section 15503 of said code is amended to read :

15503. Whenever an examination of the structural condition of any school building of a school district has been made by the Department of General Services, or by any licensed structural engineer or licensed architect for the governing board of the school district, or under the authorization of law, and a report of the examination, including the findings and recommendations of the agency or person making the examination, has been made to the governing board of the district, and the report shows that the building is unsafe for use, the governing board of the district shall immediately have prepared an estimate of the cost necessary to make such repairs to the building or buildings as are necessary, or, if necessary, to reconstruct or replace the building so that the building when repaired or reconstructed, or any building erected to replace it, shall meet such standards of structural safety as are established in accordance with law.

SEC. 46. Section 16066 of said code is amended to read :

16066. Notwithstanding any of the provisions of this article (commencing at Section 16051) to the contrary, the governing board of any school district may, with the approval of the Director of General Services, lease real property owned by the school district to the State Department of Education, to the Trustees of the California State Colleges, or to the Regents of the University of California upon such terms and conditions as may be agreed upon. The State Department of Education, the Trustees of the State Colleges, or the Regents of the University of California may enter into any agreement to lease real property pursuant to this section.

SEC. 47. Section 17663.7 of said code is amended to read :

17663.7. On and after July 1, 1960, whenever the governing board of a district maintaining a small high school which does not come within the provisions of Section 17663, undertakes any building construction or alteration in respect to that school, of a type requiring the submission of plans to the Department of General Services, the school shall forthwith be classified as an unnecessary small school. Thereafter, the foundation program for the district in respect to that school shall be computed pursuant to Section 17665, notwithstanding an average daily attendance of less than 301.

Prior to the fiscal year a district undertakes any building construction or alteration in respect to a small high school, the foundation program for the district in respect to that school shall be computed pursuant to subsection (a) of Sections 17664, notwithstanding the provisions of Section 17663.

SEC. 48. Section 18651 of said code is amended to read:

18651. Notwithstanding any provisions of Section 18601 to 18653, inclusive, whenever by any act of Congress funds are provided as federal aid to education to the several states for apportionment or allocation to school districts for the purposes set forth in this section, and such act of Congress does not require that it be administered in this state by a state officer or agency other than the State Allocation Board, such act, with respect to the funds herein mentioned, shall be administered and such funds shall be apportioned by the State Allocation Board under the Local Agency Allocation Act.

The funds to which this section shall apply are funds appropriated by Congress for (a) the purchase and improvement of school sites; or (b) the purchase of furniture and equipment; or (c) the planning and construction, reconstruction, repair, alteration of, and addition to, school buildings and incidental facilities.

The State Allocation Board shall by rule provide for securing the recommendations or approval of the Department of Education as to the facilities to be provided

Funds apportioned under this section shall be paid in accordance with the provisions of Section 18653 of this code on claims submitted by the Director of General Services.

The State Allocation Board is hereby authorized to accept any such funds on behalf of the state, and to cooperate with the government of the United States or any agency or agencies thereof in the administration of the act of Congress and rules and regulations lawfully adopted thereunder.

SEC. 49. Section 18904 of said code is amended to read:

18904. The Director of General Services shall administer this chapter (Sections 18901 to 19153, inclusive) and shall provide such assistance to the board as it may require.

SEC. 50. Section 18956 of said code is amended to read:

18956. Any eligible school district may make application for an apportionment for a grade level which it maintains by submitting through the governing board an application therefor in such form and number as the board shall prescribe. Such application shall be addressed to the board and shall set forth a project for the construction of school facilities for the district in accordance with the provisions of this section.

(a) Each application and copy thereof shall contain and be supported by:

(1) A description of the project and the site therefor, preliminary drawings of the school facilities to be constructed thereon, and such other information relating to the project as the board may require.

(2) A statement of the estimated cost of the project certified by an architect or structural engineer.

(3) Evidence that the district has or will have title to the site upon which the facilities as specified in the application will be constructed.

(4) Assurance that the district will cause the work on the project to be commenced within a reasonable time and prosecuted to completion with reasonable diligence

(b) The board shall require such changes in the plans which an applicant school district submits with its application as the board determines is necessary or desirable to assure completion of the project with available funds of the district and the amount of the apportionment to which the district is entitled under this chapter (Sections 18901 to 19153, inclusive). For that purpose the board may delegate to the director or the Director of General Services, according to whether the subject matter of the revision of the plans is subject to the jurisdiction and approval of the director or the Director of General Services, the authority to require such revision in the plans as the board deems necessary or desirable to accomplish the purposes of this subdivision.

(c) Upon submission of an application for an apportionment under this chapter:

(1) The Director of General Services shall transmit a copy thereof to the director who shall as promptly as possible prepare a report and recommendation with respect thereto. Thereupon the director shall transmit his report and recommendation to the Director of General Services who shall refer them to the board if he finds them in proper form and otherwise sufficient. If the Director of General Services finds such documents to be lacking in any respect as to any matter subject to the jurisdiction of the director or the department, he shall refer them to the director who shall take such action as may be necessary.

(2) The Director of General Services shall determine the applicant district's financial ability with funds apportioned under this chapter (Sections 18901 to 19153, inclusive) and funds devoted by the district to the project to meet the cost of the project and submit his report thereon as promptly as possible to the board.

SEC. 51. Section 19004 of said code is amended to read:

19004. (a) The average per pupil cost of constructing complete school facilities in the area of the state project for the purposes of this article (commencing at Section 19001) shall be determined by the board, after consultation with the department and the Department of General Services, on the basis of information obtained thereby and such other information as may be available to the department.

(b) Estimates of the number of project children and indirect project children for the purpose of this article (commencing at Section 19001) shall be made by the applicant school district in accordance with rules prescribed by the director and shall be made as of the time the greatest number of such children will attend the schools of the district as a result of the state project. Such estimates shall be made on the basis of the best information available to the district at

the time of the application. Approval of such estimates by the director, in whole or in part, shall be on the basis of the best information available to the director at the time of such approval. In the approval of estimates of the number of project children and indirect project children for the purposes of this article (commencing at Section 19001) the director may utilize the facilities and services of any department or agency of the state as he deems necessary and proper. No estimate shall be used as a basis of an apportionment that has not been approved by the director.

SEC. 52. Section 19403 of said code is amended to read:

19403. The Director of General Services shall administer this chapter (Sections 19401 to 19486, inclusive) and shall provide such assistance to the board as it may require.

SEC. 53. Section 19414 of said code is amended to read:

19414. Each school district which desires an apportionment for a grade level maintained by it, shall submit through its governing board to the board an application therefor in such form and number of copies as the board shall prescribe. Each copy of the application shall be accompanied by a statement of the estimated cost of the project certified by an architect or structural engineer, and by layout plans showing the entire project for which the district desires an apportionment. Estimates of cost for new construction appearing in an application shall not exceed typical current costs of comparable new construction by school districts in the same area not receiving or not eligible for apportionment under this chapter (Sections 19401 to 19486, inclusive), as determined by the Director of General Services, or if there has been no new construction by school districts in the area, the estimates of cost shall not exceed the reasonable current cost of similar construction in the area as determined by the Director of General Services. Immediately upon receipt of an application in the prescribed form accompanied by the required estimate of cost, a copy thereof shall be transmitted by the board to the director and to the Director of General Services.

A school district may at any time amend or supplement its application.

The Director of General Services shall determine the school district's financial ability to meet all or a portion of the cost of the project and the amount which the school district can contribute toward the cost of the project out of its available funds, and shall submit his report thereon to the board.

The directors shall as promptly as possible prepare a report and recommendation with respect to the application and refer the application, report, and recommendation to the Director of General Services, who shall, if he finds said documents to be in proper form and otherwise sufficient, refer them to the board. If the Director of General Services finds said documents to be lacking in any respect as to any matter which is

subject to the jurisdiction or approval of the director or Department of Education, he shall refer them to the director who shall take such action as may be necessary. The board shall, subject to the provisions of this chapter (Sections 19401 to 19486, inclusive) approve or reject each application referred to it by the Director of General Services. If the board approves of the application, either in whole or in part, it shall, by a resolution adopted by it, apportion to the district from the Public School Building Loan Fund the amount applied for, or such portion thereof as the board may deem appropriate; provided, that it may order that the apportionment or any part thereof shall be paid in progressive installments at such times and under such conditions as it may then prescribe. This shall be known as a conditional apportionment and shall become final only if the vote provided for in Section 19422 is favorable and if bonds are authorized and sold in the amounts prescribed by the board, and the proceeds of the bonds sold earmarked for the project as approved. The conditional apportionment shall remain effective for a period of nine months from the date of said resolution of the board, and if it does not become a final apportionment by the date, it shall become void and the money so apportioned shall become again available for apportionment pursuant to this chapter (Sections 19401 to 19486, inclusive).

The board may for such good cause as it shall determine, reduce the amount of, or modify any provisions relating to, any contribution required of a school district under the terms of an apportionment, other than any contribution required of such district under Section 19422 from the sale of bonds; provided, that the board may not, without the consent of the district, increase the amount of any district contribution under the terms of an apportionment, in the absence of mistake arising from any source, or misrepresentation, concealment, or omission, on the part of the district, intentional or otherwise. The provisions of this paragraph shall be applicable to apportionments heretofore or hereafter made.

SEC. 54. Section 19426 of said code is amended to read:

19426. No apportionment shall be made to a school district for any grade level if the estimated cost of the project, as approved by the Director of General Services, is (1) an amount which would result in an apportionment to the district exceeding the amount authorized at the district election held under Section 19422, or (2) is an amount which if raised by the issuance and sale of bonds of the district running for 25 years bearing the current going rate of interest as determined by the board and the principal of which is payable in 25 equal annual payments, would require the levy of a tax under Section 22101 upon property in the district which would, when added to the tax actually being levied upon property in the district for the grade level as determined by the Director of General Services under said section, amount to less

than thirty cents (\$0.30) on each one hundred dollars (\$100) of assessed valuation of property in the district during the next fiscal year.

At the time the board makes an apportionment, it shall, with the approval of the Director of General Services, fix the interest to be paid by the district on the sum apportioned to it at a rate equal to the effective rate paid by the state upon the bonds sold from the proceeds of which the apportionment is made, giving effect to the price at which the bonds are sold and the premium, if any, paid thereon, adjusted to the next highest one-eighth of 1 percent, to cover the cost of sale and issuance of the bonds and costs of administration, to be compounded annually through the 30th day of June of each year.

Sec. 55. Section 19431 of said code is amended to read:

19431. On or before the 1st day of December of each fiscal year, the Director of General Services shall determine for each grade level and certify to the State Controller the eligible bonded debt service for the district, as follows:

(a) He shall determine the amount of the bonded indebtedness that was incurred by the district for each grade level, when bonds were issued and sold for purposes of more than one grade level. When one or more additional apportionments have been made to a grade level of a school district, conditioned upon the issuance and sale of additional bonds of the district, the Director of General Services shall determine and include in the eligible bonded debt service and in his certificate the amount raised and to be raised by the district during the current fiscal year for the payment of principal and interest on that portion of the additional bonded indebtedness of the district that was incurred for each such grade level as a condition to receiving such additional apportionment.

(b) If the Director of General Services determines in any fiscal year that the amount certified to the State Controller as the eligible bonded debt service during the last preceding fiscal year is more than the amount actually raised by the district for the repayment of principal and interest of the bonded indebtedness referred to in subdivision (d) of Section 19430 and subdivision (a) of this section, then the Director of General Services shall subtract from the amount determined as the eligible bonded debt service for the current fiscal year an amount equal to the difference between the amount actually raised by the district during the preceding fiscal year for the repayment of such bonded indebtedness and the amount so certified by the Director of General Services.

(c) If the Director of General Services determines in any fiscal year that the amount certified to the State Controller as the eligible bonded debt service during the last preceding fiscal year is less than the amount actually raised by the district for the repayment of principal and interest of the bonded indebtedness referred to in subdivision (d) of Section 19430 and subdivision (a) of this section, then the Director of General Services shall add to the amount determined as

the eligible bonded debt service for the current fiscal year an amount equal to the difference between the amount actually raised by the district during the preceding fiscal year for the repayment of such bonded indebtedness and the amount so certified by the Director of General Services.

SEC. 56. Section 19444 of said code is amended to read:

19444. The board shall prescribe in such detail as it deems necessary, the purposes for which moneys apportioned by it or which it requires the district to contribute toward, or in reduction of the cost of a project, may be expended, and such prescription shall be binding upon the governing board of the district, save as it may be changed or modified by the board for such cause as it sees fit. In determining funds which can be contributed by the district, the board may require the district to contribute unexpended balances of funds earmarked or encumbered by the district for furniture, equipment, or any other lawful purpose; provided, however, that changes or substitutions in the purposes for which such funds were earmarked or encumbered, with respect to such requirement under any apportionment heretofore or hereafter made, may be authorized by the board, or pursuant to its delegation, by the Director of General Services.

SEC. 57. Section 19481 of said code is amended to read:

19481. Whenever, subsequent to the date on which a conditional apportionment made to a state-aided district becomes final, less than all of such district is included in another district, the Director of General Services shall determine what portion of such apportionment was expended or will be expended for property acquired or to be acquired by the acquiring district. Any determination made by the Director of General Services under this section may be redetermined by him, from time to time, until the project for which the apportionment was made has been completed, and the final cost thereof determined and the final determination has been made pursuant to such final cost. The Director of General Services shall promptly notify the State Controller, the governing board of the state-aided district and of the acquiring district, the superintendent of schools, the auditor, and the treasurer of the counties having jurisdiction over said districts of each determination and redetermination made by him under this section. No redetermination shall be retroactive nor affect the liability of any school district for any payment or annual repayment, or portion thereof, previously made by or on behalf of such district to the state under the provisions of this chapter (Sections 19401 to 19486, inclusive).

On and after the date of such change of boundaries, the acquiring district succeeds to and is vested with all of the duties, powers, purposes, jurisdiction, and responsibilities of the state-aided district with respect to that portion of the apportionment which the Director of General Services has determined or redetermined under this section was expended, or will be expended, for property acquired or to

be acquired by the acquiring district, and the unexpended part of such portion of the apportionment in the public school building fund of the state-aided district shall be transferred to the public school building fund of the acquiring district. In addition, and at the same time, the acquiring district shall become liable for the payment to the state of that portion of the annual repayment and all other payments due the state under Section 19434 and other provisions of this chapter (Sections 19401 to 19486, inclusive) with respect to that portion of the apportionment which the Director of General Services has determined or redetermined was expended, or will be expended for property acquired, or to be acquired by the acquiring district, or, in the event such portion of such apportionment is a lower percentage of such apportionment than the percentage that the assessed valuation in the territory of the state-aided district which was transferred to the acquiring district is of the total assessed valuation of the state-aided district immediately preceding the effective date of the transfer, the acquiring district shall become liable for the payment to the state of that percentage of the annual repayment and all other repayments due the state under Section 19434 and other provisions of this chapter (Sections 19401 to 19486, inclusive) with respect to such apportionment which is equal to such percentage of assessed valuation in the territory transferred to the acquiring district.

Sec. 58. Section 19554 of said code is amended to read:

19554. The Director of General Services shall administer this chapter (Sections 19551 to 19689, inclusive) and shall provide such assistance to the board as it may require.

Sec. 59. Section 19558 of said code is amended to read:

19558. In allocating funds under this chapter (Sections 19551 to 19689, inclusive), the board may give first priority to school districts for the replacement and repair of school buildings and necessary facilities appurtenant thereto damaged by any earthquake occurring subsequent to July 1, 1952. All of the provisions of this chapter (Sections 19551 to 19689, inclusive) apply to such districts except the provisions for the establishment of priorities.

Prior to making any apportionment under this section, the State Allocation Board may secure from the Department of General Services, a report showing the urgency of the work of replacement or repair for which an application has been filed. The report shall not be conclusive upon the State Allocation Board, but shall be advisory only.

Sec. 60. Section 19571 of said code is amended to read:

19571. Each school district which desires an apportionment for a grade level maintained by it, shall submit through its governing board to the board an application therefor in such form and number of copies as the board shall prescribe. Each copy of the application shall be accompanied by a statement of the estimated cost of the project certified by an architect or structural engineer, and by layout plans showing the entire

construction project for which the district desires an apportionment. Before the board approves an application for a construction project and makes an apportionment pursuant to this chapter (Sections 19551 to 19689, inclusive), it shall after consultation with the Department of General Services establish standards for all new construction included therein. After such consultation the board shall establish current construction cost standards for such construction. Such standards shall not exceed typical comparable new construction by school districts in the same area not receiving or eligible for apportionment under this chapter (Sections 19551 to 19689, inclusive), or if there has been no new construction by school districts in the area, the standards shall not exceed the reasonable current cost of similar construction in the area. The board shall determine such typical current costs or such reasonable current costs. In applying such standards the board shall take into account the size and type of the construction proposed and may make such deviations as in their judgment are justified. When a standard has been set by the board to cover any individual apportionment, no apportionment shall be made by the board in excess of such standard, unless the board shall find that in view of a rapid increase in building costs an adjustment is warranted. Immediately upon receipt of an application in the prescribed form accompanied by the required estimate of cost, a copy thereof shall be transmitted by the board to the director and to the Director of General Services.

A school district shall not let any contract for new construction included in an application for a construction project which has been approved by the board if the cost exceeds the construction cost standards fixed by the board under this section for such new construction.

A school district may at any time amend or supplement its application.

Each construction project for which a district applies for an apportionment shall be applied for on a separate application and shall be considered separately by the board. If a district applies for more than one construction project, at the same time or at different times, the priority points of the district shall be recalculated after the approval of each separate construction project and before a subsequent construction project is approved.

The Allocation Board shall require such changes in the plans which an applicant school district submits with its application as the board determines is necessary or desirable to reduce the cost of the project. The board may also by rule provide for the vesting in the director or in the Director of General Services of the responsibility for requiring such changes, according to whether the subject matter of the change is subject to the jurisdiction or approval of the director or the Director of General Services, respectively.

The board may for such good cause as it shall determine, reduce the amount of, or modify any provisions relating to, any contribution required of a school district under the terms of an apportionment, other than any contribution required of such district under Section 19590 from the sale of bonds; provided, that the board may not, without the consent of the district, increase the amount of any district contribution under the terms of an apportionment, in the absence of mistake arising from any source, or misrepresentation, concealment, or omission, on the part of the district, intentional or otherwise. The provisions of this paragraph shall be applicable to apportionments heretofore or hereafter made.

The Director of General Services shall determine the school district's financial ability to meet all or a portion of the cost of the project and the amount which the school district can contribute toward the cost of the project out of its available funds, and shall submit his report thereon to the board.

The term "available funds" as used in the preceding paragraph means funds of the district other than funds received by gift or bequest.

The director shall as promptly as possible prepare a report and recommendation with respect to the application and refer the application, report, and recommendation to the Director of General Services, who shall, if he finds said documents to be in proper form and otherwise sufficient, refer them to the board. If the Director of General Services finds said documents to be lacking in any respect as to any matter which is subject to the jurisdiction or approval of the director or Department of Education, he shall refer them to the director who shall take such action as may be necessary. The board shall, subject to the provisions of this chapter (Sections 19551 to 19689, inclusive) approve or reject each application referred to it by the Director of General Services. If the board approves of the application, either in whole or in part, it shall, by a resolution adopted by it, apportion to the district from the State School Building Aid Fund the amount applied for, or such portion thereof as the board may deem appropriate; provided, that it may order that the apportionment or any part thereof shall be paid in progressive installments at such times and under such conditions as it may then prescribe. This shall be known as a conditional apportionment and shall become final only if the vote provided for in Section 19590 is favorable and if bonds are authorized and sold in the amounts prescribed by the board, and the proceeds of the bonds sold earmarked for the project as approved. The conditional apportionment shall remain effective for a period of nine months from the date of said resolution of the board, and if it does not become a final apportionment by that date, it shall become void and the money so apportioned shall become again available for apportionment pursuant to this chapter (Sections 19551 to 19689, inclusive).

SEC. 61. Section 19582 of said code is amended to read:

19582. The board by the adoption of rules shall provide for the manner of determining the area of adequate school construction existing in an applicant school district at the time of application. Such rules shall define and provide for the method of determining building areas that are to be included in whole or in part, or to be excluded from the area of existing adequate school construction.

The board may make exceptions to the provisions of this section or to the rules adopted pursuant to such section when it determines that such will be for the benefit of children affected.

For the purposes of this section, "service area" may be defined as (1) buildings which when constructed were intended to be used for a purpose to which the provisions of Education Code Sections 15451 to 15465, inclusive, would not apply, whether or not such sections were in effect at the time when the building was constructed, or (2) buildings which when constructed were intended to be used for a purpose to which Education Code Sections 15451 to 15465, inclusive, would apply, whether or not such sections were in effect when the building was constructed, but which building has been converted or is intended to be converted, as shown by the application, to use for purposes to which such sections would not apply. Service area may include, but is not limited to, construction used as bus garages, maintenance shops, centrally located district storage and warehouses, custodial houses, utility shelters, administration offices, transformer vaults, and service yards.

In the event that a school district has expended funds for the purpose of constructing buildings used for housing certificated employees of the district and their families, the area of such buildings and the funds expended therefor shall be accounted for in the following manner:

(a) The area of such buildings constructed or acquired with the proceeds of a tax levied under Chapter 3 (commencing with Section 20701), Division 16, of this code, shall be excluded from the building area of the district.

(b) The area of such buildings constructed or acquired with the proceeds from the sale of school district bonds prior to July 1, 1961, shall be excluded from the building area of the district, however, such bond funds shall not be considered as "eligible bonded debt service" as defined in Section 19601(d) and 19615.

The board shall exclude from the building area of a district the area of any building which is or will be used exclusively for a parent cooperative nursery education facility, and for no other purpose, and which building at the time of acquisition thereof by the district was incidental to the purchase of a school site and unsuitable for classroom purposes or which was acquired by the district without expenditure of school district funds.

The area of adequate school construction existing in a district at the time of application shall be initially computed as all of the construction area of a district except (1) such areas as may be eligible for replacement under standards established by the board, and (2) such areas in an existing structurally inadequate building for which an application has been filed for structural rehabilitation or in a building previously structurally rehabilitated under either Sections 19401 to 19486, inclusive, or Sections 19551 to 19689, inclusive, of the Education Code, that exceeds the maximum building area allowed by Section 19581 for a number of pupils, equivalent to those that could be housed in the building after rehabilitation. The board shall prescribe by rule the method of computing the number of pupils which could be so housed for the purposes of this subsection. If such area of adequate school construction, when added to the minimum facilities needed by the district, results in a total construction area in excess of the amount prescribed in Section 19581, then the board may make the following adjustments to the initial computation or such revisions thereof as the board, in its discretion, deems desirable:

(a) Service areas constructed prior to July 19, 1947, shall be excluded, except as provided in (c) below.

(b) Service areas constructed subsequent to July 19, 1947, shall be recomputed by multiplying the total number of square feet of said service area by the percentage determined from dividing the actual construction cost per square foot as determined by the Director of General Services by the estimated average cost per square foot of the new school facilities for which the district has made application.

(c) If any inadequate nonservice area constructed prior to July 19, 1947, is, or will be, converted to a service area, such area shall be recomputed by multiplying said area by the percentage determined by dividing the depreciated value of said area by the replacement cost as such value and cost are determined by the Director of General Services.

(d) If, after the revised computation of service areas is made as prescribed under subsections (a), (b), and (c) of this section, the existing and requested building area of the district is in excess of the schedule set forth in Section 19581, the existing building area of nonservice facilities may be determined on the basis of the number of pupils housed by such facilities at an allowance per pupil which is not more than 25 percent in excess of the amount per pupil prescribed in Section 19581.

The board shall prescribe by rule the method for computing the number of adequately housed pupils for purposes of this subsection.

SEC. 62. Section 19596 of said code is amended to read:

19596. Notwithstanding any provision to the contrary after June 28, 1955, at the time the board makes an apportionment, the board, with the approval of the Director of General Serv-

ices, shall, pursuant to this section, fix the rate of interest to be paid by the district on the sum apportioned to it. The board shall compute the average of the rates of interest which the state pays upon the state school building bonds, authorized by Article XVI, sold at the three sales of state school building bonds occurring immediately prior to the apportionment, or, if the board so determines, at all of the sales of such bonds occurring in the two years immediately prior to the apportionment, giving effect to the price at which the state school building bonds sold at such sales, and the premium, if any paid, thereon. Such average rate shall be adjusted to the next highest one-tenth of 1 percent to cover the cost of sale and issuance of the bonds and costs of administration. Such adjusted average rate shall be the rate paid by the district on its apportionment, and shall be compounded annually through the 30th day of June of each year.

SEC. 63. Section 19602 of said code is amended to read:

19602. On or before the 1st day of December of each fiscal year, the Director of General Services shall determine for each grade level and certify to the State Controller the eligible bonded debt service for the district, as follows:

(a) He shall determine the amount of the bonded indebtedness that was incurred by the district for each grade level, when bonds were issued and sold for purposes of more than one grade level. When one or more additional apportionments have been made to a grade level of a school district, conditioned upon the issuance and sale of additional bonds of the district or upon the requirement that the proceeds of bonds issued and sold be contributed for the purposes of the application for which the apportionment is made, the Director of General Services shall determine and include in the eligible bonded debt service and in his certificate the amount raised and to be raised by the district during the current fiscal year for the payment of principal and interest on that portion of the additional bonded indebtedness of the district that was incurred for each such grade level as a condition to receiving such additional apportionment or which was incurred for bonds issued and sold, the proceeds of which were required to be contributed for purposes for which the apportionment was made.

(b) If the Director of General Services determines in any fiscal year that the amount certified to the State Controller as the eligible bonded debt service during the last preceding fiscal year is more than the amount actually raised by the district for the repayment of principal and interest of the bonded indebtedness referred to in subdivision (d) of Section 19601 and subdivision (a) of this section, then the Director of General Services shall subtract from the amount determined as the eligible bonded debt service for the current fiscal year an amount equal to the difference between the amount actually raised by the district during the preceding fiscal year for the

repayment of such bonded indebtedness and the amount so certified by the Director of General Services.

(c) If the Director of General Services determines in any fiscal year that the amount certified to the State Controller as the eligible bonded debt service during the last preceding fiscal year is less than the amount actually raised by the district for the repayment of principal and interest of the bonded indebtedness referred to in subdivision (d) of Section 19601 and subdivision (a) of this section, then the Director of General Services shall add to the amount determined as the eligible bonded debt service for the current fiscal year an amount equal to the difference between the amount actually raised by the district during the preceding fiscal year for the repayment of such bonded indebtedness and the amount so certified by the Director of General Services.

(d) If an apportionment has been made to a district for a grade level for which the district also received an apportionment pursuant to Chapter 8 (Sections 19401 to 19486, inclusive), the Controller shall determine the amount of the annual repayment, if any, due from the district during the next succeeding fiscal year for such grade level as required by Chapter 8 (Sections 19401 to 19486, inclusive) and such amount shall be included by the Controller in the eligible bonded debt service of the district for that grade level. For an apportionment to a unified district for a grade level consisting of kindergarten, if any, and grades 1 to 12, inclusive, for which an application for an apportionment was filed on or after the effective date of the amendment to this section made at the 1961 Session of the Legislature, if an apportionment had also been made to the district pursuant to Chapter 8 (commencing with Section 19401) for a grade level consisting of kindergarten, if any, and grades 1 to 6, inclusive, or 1 to 8, inclusive, or grades 7 to 12, inclusive, 9 to 12, inclusive, or 7 to 10, inclusive, the Controller shall determine the amount of the annual repayment, if any, due from the district during the next succeeding fiscal year for all of such grade levels as required by said Chapter 8 and such amount shall be included by the Controller in the eligible bonded debt service of the district for the grade level consisting of kindergarten, if any, and grades 1 to 12, inclusive.

SEC. 64. Section 19615 of said code is amended to read:

19615. If, on or before June 30th of any fiscal year, the governing board of any school district files a request with the State Controller for a deferment of the annual repayment due from such district during the next succeeding fiscal year for an apportionment received by the district pursuant to this chapter or Chapter 8, commencing with Section 19401, of this division, and it is determined, in accordance with this section, that the district is entitled to a deferment of all or part of such annual repayment, the deferment shall be made in accordance with such determination. The request for deferment, having once been filed with the State Controller, shall remain

in effect each ensuing year, and the State Controller shall continue to compute and allow the deferment in accordance with this section each year, until such time as the governing board of the school district files a written request with the State Controller to discontinue the deferment.

As used in the preceding paragraph, "any school district" means a district which is liable for the repayment of the principal amount of apportionments made to the district under the provisions of Chapter 8, commencing with Section 19401, of this division and which has received a conditional apportionment under this chapter.

The portion of the annual repayment to be deferred under this section shall be determined as follows:

There shall be computed the amount required to be raised by taxes on property within the district, during the fiscal year in which the annual repayment is to be deducted pursuant to Sections 19436 and 19611, for the payment of principal and interest on (a) any bonded indebtedness incurred for school purposes prior to the first conditional apportionment to the school district under this chapter, (b) any bonded indebtedness which was incurred as a condition to any apportionment under this chapter, and (c) any bonded indebtedness incurred, the proceeds of which were required to be contributed for the purposes for which an apportionment was made under this chapter (Sections 19551 to 19689, inclusive). To this amount shall be added the amount required during such fiscal year, for the annual repayment of school building apportionments under Chapter 8, commencing with Section 19401, of this division and under this chapter. The total of these amounts shall constitute the "basic tax amount."

If the applicant district is a unified district, the amount to be deferred shall be separately considered for each grade level thereof. For this purpose, the basic tax amount shall only include the amounts specified in the preceding paragraph required to be raised for the repayment of principal and interest on bonded indebtedness which was incurred for, or as a condition to receiving an apportionment for, or required by the board to be contributed for the purposes of, the grade level being considered, plus those amounts required for the annual repayment of apportionments made under Chapter 8, commencing with Section 19401, of Division 14 of this chapter for such grade level. It is hereby declared that this paragraph is not intended as a change in the present law but rather as a declaration of existing law.

There shall be computed the amount which would be produced by a tax of forty-five cents (\$0.45) on each one hundred dollars (\$100) of assessed valuation of the district during such year, to be known as the "45-cent tax amount." The amount of the annual repayment to be deferred during the fiscal year in which the annual repayment is due shall be the amount, if any, by which the basic tax amount exceeds the 45-cent

tax amount. The amount deferred shall be added to the annual repayment for the next succeeding fiscal year.

On or before the last day of July of each fiscal year, the State Controller shall request the Director of General Services to, and the Director of General Services shall, determine and certify to the State Controller the amount of bonded debt service included in the "basic tax amount." On or before the third Monday in August of each fiscal year, the State Controller shall request the county auditor of each county to, and the county auditor of each county shall, determine and certify to the State Controller the current assessed valuation of property within each district which has filed a request for a deferment under this section.

Before the date on which the board of supervisors makes the levy of taxes for county purposes, the State Controller shall make the deferment determination required by this section for each district requesting a deferment, and, for each district which is entitled to a deferment, shall notify, in writing, the board of supervisors of the county, the governing board of the district, the county auditor, and the county superintendent of schools having jurisdiction over the district of the amount of the repayment of the district which is to be deferred under this section.

For the purposes of this section the "annual repayment" means the amount of the annual repayment of the district due in a fiscal year as determined pursuant to Section 19433 and Section 19604, plus the then unpaid deferred amount of any annual repayment due in any previous fiscal years. Any repayments by a district of a deferred amount shall be first applied to loans granted under Chapter 8, commencing with Section 19401, of this division.

Notwithstanding any other provision of this chapter, if, at the end of the 30-year period provided in Section 19439 or Section 19614, as the case may be, there are any deferred amounts due in any previous fiscal year remaining unpaid, repayments shall continue to be made in the manner provided by this section during each fiscal year thereafter until the amounts are paid, or for an additional period of 10 years, whichever first occurs. At the expiration of the additional 10-year period the unpaid portion of the deferred amounts shall be canceled on the books of the State Controller, and the provisions of Section 19439 or Section 19614, as the case may be, shall thereupon become applicable thereto and the board shall execute a conveyance to the district as provided in Section 19440 or Section 19616, whichever is applicable.

SEC. 65. Section 19615.5 of said code is amended to read: 19615.5. The provisions of this section shall apply: (1) to any school district which has succeeded to and become vested with all duties, powers, purposes, jurisdiction, and responsibility with respect to a portion of an apportionment determined or redetermined to have been expended, or to be expendable, for property acquired or to be acquired by it, and

which has become liable for a portion of the annual repayment of a portion of an apportionment, as provided in Section 19662; and (2) to any state-aided district a portion of the territory of which was transferred to a district described in (1), above, and in connection with which territory a portion of an apportionment made to such state-aided district has or will be expended for property acquired or to be acquired.

If, on or before June 30th of any fiscal year, the governing board of any such school district files a request with the State Controller for a deferment of the annual repayment due from such district during the next succeeding fiscal year for an apportionment received by the district pursuant to this chapter, and it is determined, in accordance with this section, that the district is entitled to a deferment of all or part of such annual repayment, the deferment shall be made in accordance with such determination. The request for deferment, once filed with the State Controller, shall remain in effect in each ensuing year, and the State Controller shall continue to compute and allow the deferment in accordance with this section each year, until such time as the governing board of the school district files a written request with the State Controller to discontinue the deferment.

The portion of the annual repayment to be deferred under this section shall be determined as follows:

There shall be computed the amount required to be raised by taxes on property within the district during the fiscal year in which the annual repayment is to be deducted pursuant to Section 19611, for the payment of principal and interest on: (a) that portion of the annual repayment and all other payments due the state under Section 19604 and other provisions of this chapter with respect to the portion of the apportionment for which the district has been determined to be liable under Section 19662; (b) any bonded indebtedness incurred for school purposes prior to the first conditional apportionment to the school district under this chapter; (c) any bonded indebtedness which was incurred as a condition to any apportionment under this chapter; and (d) any bonded indebtedness incurred, the proceeds of which were required to be contributed for the purposes for which an apportionment was made under this chapter. To this amount shall be added the amount required during such fiscal year, for the annual repayment of school building apportionments under this chapter. The total of these amounts shall constitute the "basic tax amount."

If the applicant district is a unified district, the amount to be deferred shall be separately considered for each grade level thereof. For this purpose, the basic tax amount shall only include the amounts specified in the preceding paragraph required to be raised for the repayment of principal and interest on bonded indebtedness which was incurred for, or as a condition to receiving an apportionment for, or required by the board to be contributed for the purposes of, the grade level

being considered, plus those amounts required for the annual repayment of apportionments made under this chapter for such grade level.

There shall be computed the amount which would be produced by a tax of forty cents (\$0.40) on each one hundred dollars (\$100) of assessed valuation of the district during such year, to be known as the "40-cent tax amount." The amount of the annual repayment to be deferred during the fiscal year in which the annual repayment is due shall be the amount, if any, by which the basic tax amount exceeds the 40-cent tax amount. The amount deferred shall be added to the annual repayment for the next succeeding fiscal year.

On or before the last day of July of each fiscal year, the State Controller shall request the Director of General Services to, and the Director of General Services shall, determine and certify to the State Controller the amount of bonded debt service included in the "basic tax amount." On or before the third Monday in August of each fiscal year, the State Controller shall request the county auditor of each county to, and the county auditor of each county shall, determine and certify to the State Controller the current assessed valuation of property within each district which has filed a request for a deferment under this section.

Before the date on which the board of supervisors makes the levy of taxes for county purposes, the State Controller shall make the deferment determination required by this section for each district requesting a deferment, and, for each district which is entitled to a deferment, shall notify, in writing, the board of supervisors of the county, the governing board of the district, the county auditor, and the county superintendent of schools having jurisdiction over the district of the amount of the repayment of the district which is to be deferred under this section.

For the purposes of this section the "annual repayment" means the amount of the annual repayment of the district due in a fiscal year as determined pursuant to Section 19604, plus the then unpaid deferred amount of any annual repayment due in any previous fiscal years.

Notwithstanding any other provision of this chapter, if, at the end of the 30-year period provided in Section 19614 there are any deferred amounts due in any previous fiscal year remaining unpaid, repayments shall continue to be made in the manner provided by this section during each fiscal year thereafter until the amounts are paid, or for an additional period of 10 years, whichever first occurs. At the expiration of the additional 10-year period the unpaid portion of the deferred amounts shall be canceled on the books of the State Controller, and the provisions of Section 19614 shall thereupon become applicable thereto and the board shall execute a conveyance to the district as provided in Section 19616.

SEC. 66. Section 19620 of said code is amended to read:

19620. The board shall prescribe in such detail as it deems necessary, the purposes for which moneys apportioned by it or which it requires the district to contribute toward, or in reduction of the cost of a project, may be expended, and such prescription shall be binding upon the governing board of the district, save as it may be changed or modified by the board for such cause as it sees fit. In determining funds which can be contributed by the district, the board may require the district to contribute unexpended balances of funds earmarked or encumbered by the district for furniture, equipment, or any other lawful purpose; provided, however, that changes or substitutions in the purposes for which such funds were earmarked or encumbered, with respect to such requirement under any apportionment heretofore or hereafter made, may be authorized by the board, or pursuant to its delegation, by the Director of General Services.

SEC. 67. Section 19662 of said code is amended to read:

19662. Whenever, subsequent to the date on which a conditional apportionment made to a state-aided district becomes final, less than all of such district is included in another district, the Director of General Services shall determine what portion of such apportionment was expended or will be expended for property acquired or to be acquired by the acquiring district. Any determination made by the Director of General Services under this section may be redetermined by him, from time to time, until the project for which the apportionment was made has been completed, and the final cost thereof determined and the final determination has been made pursuant to such final cost. The Director of General Services shall promptly notify the State Controller, the governing board of the state-aided district and of the acquiring district, the superintendent of schools, the auditor, and the treasurer of the counties having jurisdiction over said districts of each determination and redetermination made by him under this section. No redetermination shall be retroactive nor affect the liability of any school district for any payment or annual repayment, or portion thereof, previously made by or on behalf of such district to the state under the provisions of this chapter (Sections 19551 to 19689, inclusive).

On and after the date of such change of boundaries, the acquiring district succeeds to and is vested with all of the duties, powers, purposes, jurisdiction, and responsibilities of the state-aided district with respect to that portion of the apportionment which the Director of General Services has determined or redetermined under this section was expended, or will be expended, for property acquired or to be acquired by the acquiring district, and the unexpended part of such portion of the apportionment in the state school building fund of the state-aided district shall be transferred to the state school building fund of the acquiring district. In addition, and at the same time, the acquiring district shall become

liable for the payment to the state of that portion of the annual repayment and all other payments due the state under Section 19607 and other provisions of this chapter (Sections 19551 to 19689, inclusive) with respect to that portion of the apportionment which the Director of General Services has determined or redetermined was expended, or will be expended for property acquired, or to be acquired by the acquiring district, or, in the event such portion of such apportionment is a lower percentage of such apportionment than the percentage that the assessed valuation in the territory of the state-aided district which was transferred to the acquiring district is of the total assessed valuation of the state-aided district immediately preceding the effective date of the transfer, the acquiring district shall become liable for the payment to the state of that portion of the annual repayment and all other repayments due the state under Section 19607 and other provisions of this chapter (Sections 19551 to 19689, inclusive) with respect to such apportionment which is equal to such percentage of assessed valuation in the territory transferred to the acquiring district. "Annual repayment," as used in this section, refers to repayment computed under Sections 19601 to 19607, inclusive, and excludes amounts for which the state-aided district is liable under the provisions of Section 19577. Whenever a site for which repayments are being made under Section 19577 is transferred to an acquiring district the acquiring district shall be liable for the repayments required under Section 19577.

SEC. 68. Section 23616 of said code is amended to read:

23616. All printing and binding required by the trustees shall be performed by the Department of General Services in the form and manner, and at the prices of other state printing, and be paid for in like manner, except that the trustees may fix the price for the sale of any bulletin or publication of the trustees or any state college, and may specify the class of persons or institutions that may receive copies of any publication free of charge.

Any county, or any school district, in this state may purchase from the trustees any publications of the trustees or any state college.

SEC. 69. Section 23751 of said code is amended to read:

23751. The trustees may by rule require all persons to pay fees, rents, deposits, and charges for services, facilities or materials provided by the trustees to such persons, except that fees relating to parking shall be subject to the approval of the Director of General Services. The trustees may, by rule, provide for the method of collecting such fees, rents, deposits, and charges, and may, by rule, provide for the refund in whole or part of such fees, rents, deposits, and charges collected in error or collected for facilities, services, or materials not utilized.

SEC. 70. Section 24102 of said code is amended to read:

24102. The trustees, with the approval of the Director of General Services, and the governing board of any school

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

The lease may be for a period of not to exceed 20 years and shall in addition to any other terms and conditions set forth therein (a) require the school district to maintain the building at its own expense, (b) require the state college to maintain a school therein open to pupils of the school district residing in the attendance district for the school as established by the governing board of the district, and (c) require the school district to pay annually to the state on or before the end of each fiscal year an amount determined by computing the current expenditures per pupil in the elementary schools of the district for the fiscal year and multiplying the amount so computed by the average daily attendance for the fiscal year in the school in excess of 400.

Only the average daily attendance in the school in excess of 400 shall be credited to the school district.

The average daily attendance of pupils in the school shall be computed separately in the same manner as the average daily attendance in other schools of the same grade maintained by the school district.

SEC. 71. Section 25202 of said code is amended to read:

25202. Contracts for the purchase of supplies or materials, which are purchased through the Department of General Services, are not subject to this chapter, even though the seller is required to perform some incidental work or service in connection with the delivery of the material or supplies.

SEC. 71.5. Section 25206 of said code is amended to read:

25206. The trustees and the Department of General Services may enter into an agreement under which the Department of General Services will carry out any of the functions of the trustees under this chapter, upon such terms as are mutually agreed upon.

SEC. 72. Section 25609 of said code is amended to read:

25609. Deaf persons not residents of this state may be admitted to the benefits of the school upon paying to the State Department of Education the school year cost for the maintenance, care, and instruction of persons at the school, payable quarterly in advance. The cost of the care, maintenance, and instruction shall be determined by the Department of Education with the approval of the Department of General Services.

SEC. 73. Section 25859 of said code is amended to read:

25859. Blind persons not residents of this state may be admitted to the benefits of the school upon paying to the State Department of Education the sum of the school year cost for the maintenance, care, and instruction of persons at the school, payable quarterly in advance. The cost of the care, maintenance,

nance, and instruction shall be determined by the Department of Education with the approval of the Department of General Services.

SEC. 74. Section 26156 of said code is amended to read:

26156. Under rules and regulations established by the board with approval of the Director of Education, refunds of any fees paid by any student or a part thereof, may be made to a student withdrawing from the school or ceasing to be a pupil for causes beyond the control of the student. Any student who upon enrollment does not qualify for financial assistance from the federal government or other governmental agency but is subsequently found to qualify for such assistance shall for the period for which he qualifies for financial assistance from the federal government receive a refund in the amount of the difference between the tuition paid by him and the tuition required of students qualified to receive such assistance. Any refunds shall be approved by the Department of General Services.

SEC. 75. Section 26501 of said code is amended to read:

26501. Every resident minor of California, of suitable age and capacity, as determined by means of diagnosis at the diagnostic and treatment centers for cerebral palsied and other similarly handicapped children, is entitled to enrollment in a school for cerebral palsied children, free of charge.

Children crippled by cerebral palsy, not residents of California, may be admitted to the benefits of the schools upon paying to the State Department of Education, quarterly in advance, the actual support cost at the average cost of maintaining pupils in the school for the period in question. This cost shall be determined by the Department of Education with the approval of the Department of General Services.

SEC. 76. Section 3567 of the Elections Code is amended to read:

3567. The Secretary of State shall cause to be printed not to exceed $1\frac{1}{6}$ times as many ballot pamphlets as there are voters in the state.

The ballot pamphlets shall be printed in the Office of State Printing unless the Director of General Services determines that the printing of the pamphlets in the Office of State Printing cannot be done adequately, competently, or satisfactorily, in which case the Secretary of State, subject to the approval of the Director of General Services, shall contract with a private printing concern for the printing of the pamphlets.

SEC. 77. Section 853 of the Fish and Game Code is amended to read:

853. An appointment of a deputy required to execute a bond under Section 852 is invalid unless the appointee is specifically named and authorized to act by official order of the department and he has executed, and the department has approved, such an official bond or he is bonded under a master bond approved by the Director of General Services.

Any person who acts as such a deputy except pursuant to this section is guilty of a misdemeanor.

SEC. 78. Section 1010 of said code is amended to read:

1010. The department, by and with the approval of the Department of General Services, may sell grazing permits or otherwise dispose of excess vegetation or other products, produced on lands acquired by the department.

SEC. 79. Section 1013 of said code is amended to read:

1013. In any lease, easement, or right-of-way entered into whereby the department leases real property or obtains a grant of easement or right-of-way in real property for the purpose of constructing, operating, or maintaining a fish screen, fish ladder, fishweir, or fishtrap, the department may agree to indemnify and hold harmless the lessor or grantor by reason of the uses authorized by such lease, easement, or right-of-way. Insurance may be purchased by the Department of General Services to protect the department against loss or expense arising out of such a lease, easement, or right-of-way.

SEC. 80. Section 1121 of said code is amended to read:

1121. In any lease entered into whereby the state leases from any county, city, irrigation district, or other public agency in this state, real property for the purpose of establishing or maintaining a fish hatchery, the state may agree to indemnify and hold harmless the lessor by reason of the uses authorized by such lease. Insurance may be purchased by the Department of General Services to protect the state against loss or expense arising out of such an agreement.

SEC. 81. Section 1350 of said code is amended to read:

1350. The department shall, when authorized by the board, construct in accordance with law such facilities as are suitable for the purpose for which the lands or rights in land or water, or water rights were acquired. Each completed unit of the program shall be managed and maintained by the department.

The department, with the approval of the Department of General Services, may enter into agreements with any other department or agency of this state, a county, city, public corporation, or public district of this state, to provide for the construction, management or maintenance of the facilities authorized by the board, and such other department or agency of this state, county, city, public corporation, or public district are, and each of them is, hereby authorized to construct, manage, or maintain such facilities pursuant to such agreement. Work performed by a county, city, public corporation, or public district under such agreements shall be exempt from the provisions of Chapter 3 (commencing at Section 14250), Part 5, Division 3, Title 2 of the Government Code; provided, however, that nothing in this section shall be construed to exempt any work from the provisions of Part 7 (commencing with Section 1720), Division 2 of the Labor Code.

SEC. 82. Section 1500 of said code is amended to read:

1500. The department may, with the approval of the commission and the Department of General Services, exchange

any portion of the property lying within the boundaries of any area or range referred to in this section for any property within or contiguous to such area or range or may sell any portion of the property within such boundaries and with the proceeds thereof acquire any property within or contiguous to such area or range; provided, that no exchange or sale of property authorized in this section shall materially reduce the total area of any range or area referred to in this section. A copy of each deed of conveyance executed and delivered by the department, and of each deed conveying lands to the state, pursuant to this section shall be delivered to the State Lands Commission.

The provisions of this section apply to all of the following:

(a) The Doyle Deer Winter Range, consisting of thirteen thousand five hundred two (13,502) acres, more or less, located in Lassen County.

(b) The Tehama Deer Winter Range, consisting of forty-two thousand eight hundred ninety-six (42,896) acres, more or less, located in Tehama County.

(c) The Honey Lake Waterfowl Management Area, consisting of four thousand eight hundred nineteen (4,819) acres, more or less, located in Lassen County.

(d) The Imperial Waterfowl Management Area, consisting of seven thousand six hundred nine (7,609) acres, more or less, located in Imperial County.

(e) The Mendota Waterfowl Management Area, consisting of nine thousand ninety (9,090) acres, more or less, located in the County of Fresno.

SEC. 83. Section 5993 of said code is amended to read:

5993. Before the installation of any screen under the provisions of this article, the department and the owner shall enter into an agreement defining the method of determining the cost of maintenance, repairs, operation, and keeping the screen free of debris, which agreement shall provide that in the event either the department or the owner objects to such cost the matter shall be referred to the Director of General Services for his final and conclusive decision.

SEC. 84. Section 6702 of said code is amended to read:

6702. Upon the filing of an application, accompanied by the minimum payment required for the first year, as herein-after provided, the department, with the approval of the commission and the Department of General Services, may execute a lease to the person making the application. The application shall show that the applicant intends actually to harvest kelp from the bed or beds or part thereof to be leased and that the kelp will be put to a beneficial use.

SEC. 85. Section 439 of the Government Code is amended to read:

439. The Adjutant General shall, by regulation, prescribe rules regarding the times, places, and manner in which the State Flag may be displayed. He shall, periodically, compile the laws and regulations regarding the State Flag. Copies of

the compilation shall be printed and made available to the public at cost by the Department of General Services.

SEC. 86. Section 450 of said code is amended to read:

450. The permanent seat of government of the state is at the City of Sacramento, but the Governor shall designate by written proclamation an alternative temporary seat of government for use in the event of war or enemy-caused disaster, or the imminence thereof. The proclamation shall be filed with the Secretary of State. A different temporary seat of government may be so designated at any time as circumstances indicate the desirability of such a change.

The Director of General Services, and any other state agency as directed by him, shall provide such facilities of any kind at the temporary seat of government as appear desirable for the functioning of the government of the state at the temporary seat of government in the event it becomes necessary, pursuant to this section.

SEC. 87. Section 1156 of said code is amended to read:

1156. State officers and employees may authorize deductions to be made from their salaries or wages, in accordance with the rules and regulations of the State Controller, for the payment of:

(a) Premiums on any policy or certificate of group life, accident, health or disability insurance issued to the officer or employee insured under any plan of group insurance approved by the Director of General Services.

(b) Dues or charges of a nonprofit membership corporation for the purpose of defraying the cost of medical service (including service rendered by doctors of medicine, doctors of osteopathy, or doctors of chiropractic) or hospital care, or both, under any plan approved by the Director of General Services.

(c) Premiums on National Service Life Insurance or United States Government Converted Insurance.

(d) Dues in any bona fide association if the association, or the unit thereof, is comprised principally of employees and former employees of agencies of the State of California. The Controller shall determine the additional cost involved in making such deductions, and the association, or the unit thereof, shall pay the amount of such additional cost to the State Controller for deposit in the General Fund.

(e) Shares or obligations to any regularly chartered credit union. The Controller shall determine the additional cost involved in making such deductions, and the credit unions shall pay the amount of such additional cost to the State Controller for deposit in the General Fund.

(f) Recurrent fees or charges payable to a state agency under a collection plan approved by the Director of General Services and the State Controller.

SEC. 88. Section 1173 of said code is amended to read:

1173. The Department of General Services shall direct the manner and form in which each state department, board, com-

mission, or other agency maintains the records incidental to withholding funds pursuant to this article. The Department of General Services shall prescribe the forms to be used in making any returns, reports, or payments except where forms are provided by the law or the regulations promulgated under it.

SEC. 89. Section 1174 of said code is amended to read:

1174. All funds withheld pursuant to this article by any state unit whose funds are deposited in the State Treasury shall, immediately upon such withholding, be deposited in such depository or depositories as may be prescribed by the Director of General Services, and shall be withdrawn therefrom in the manner prescribed by him in fulfillment of the purpose for which said funds were deposited.

SEC. 90. Section 1454 of said code is amended to read:

1454. Unless otherwise provided, the official bonds of state officers prescribed by law shall be approved by either the Governor or the Director of General Services and filed and recorded in the office of the Secretary of State.

SEC. 91. Section 1455 of said code is amended to read:

1455. Unless otherwise provided, all official bonds of state officers and employees not expressly prescribed by law shall be forwarded to the Department of General Services for recordation. Upon such recordation the Department of General Services shall forward the bonds to the Secretary of State where they shall be filed.

SEC. 92. Section 1480 of said code is amended to read:

1480. Every officer, agent or employee not required by statute to give an official bond may be required to give an individual official bond, or other form of individual bond, in the amount to be fixed by the appointing power and such bond shall inure to the benefit of the appointing power, state, county or municipality, by whom such officer, employee, or agent is employed as well as the officer under whom the employee or agent serves.

The appointing power shall obtain the approval of the Department of General Services before requiring any state officer, employee, or agent to give an individual bond pursuant to this section, and before including the name or position or office of any such officer, employee, or agent in a master bond as provided in Section 1481.

SEC. 93. Section 1481 of said code is amended to read:

1481. When deemed expedient by the appointing power, a master official bond, or other form of master bond may be used which shall provide coverage on more than one officer, employee or agent who is required by the appointing power or the board of supervisors of a chartered or general law county to give bond. The board of supervisors of a chartered or general law county may authorize under this section such a bond to provide coverage on more than one officer, employee or agent of any special purpose assessing or taxing district whose principal office lies within a county and who is required by the board of supervisors or by the appointing power to give

bond. A master bond under this section shall be in the form and for the term which is approved by the appointing power or the board of supervisors of a chartered or general law county and shall inure to the benefit of the appointing power, state, county, special purpose assessing or taxing district, or municipality by whom such officer, employee, or agent is employed as well as the officer under whom the employee or agent serves. In the case of the State of California the form and content of such bond shall be subject to the approval of the Director of General Services.

SEC. 93 5. Section 4001 of said code is amended to read:

4001. As used in this chapter, "engineer" means the State Highway Engineer, the Director of Water Resources, the Director of General Services, or a deputy or other person authorized by any such officer, and every county engineer, county surveyor, county highway engineer, road commissioner, city engineer, commissioner of public works, superintendent of streets, harbor engineer, flood control engineer, the engineer of any board or commission of the state, the engineer of any board or commission of any city, and the engineer of any reclamation, irrigation or other district, political subdivision or agency of the state.

SEC. 94. Section 6501 of said code is amended to read:

6501. This article does not authorize any state officer, board, commission, department, or other state agency or institution to make any agreement without the approval of the Department of General Services or the Director of General Services if such approval is required by law.

SEC. 95. Section 6902 of said code is amended to read:

6902. The Director of General Services may construct and install or permit the construction and installation of vending stands, snack bars and cafeterias in any building owned or occupied by the state for the Bureau of Vocational Rehabilitation for the use of blind persons licensed by the bureau. The amount of space allotted for this purpose shall be kept to the minimum space consistent with the number of persons to be served. The governing board of any county may also construct and install or permit the construction and installation of vending stands for operation by blind persons in any building owned or occupied by the county. The governing board of any city may construct and install or permit the construction and installation of such vending stands for operation by such blind persons in any building owned or occupied by the city.

Any vending machine, which dispenses food and dairy products, placed on or after October 1, 1963, in a building owned or occupied by the state or by a county or city, may be assigned to a licensed blind operator in the building. If there is no licensed blind operator in the building, the profits from the vending machine may be assigned to the Bureau of Vocational Rehabilitation which shall cause such profits to be distributed among those operators who operate in marginal locations.

SEC. 96. Section 8194 of said code is amended to read:

8194. The Director of General Services is authorized and directed to immediately proceed with the acquisition and development, including landscaping, of the site designated in Section 8190 and with the major construction and improvements for the Governor's mansion and the equipping and furnishing thereof, to the extent that the timing of the architectural competition provided in Section 8192 permits and to the extent that moneys are specifically made available for such purposes by the Legislature.

SEC. 97. Section 8526 of said code is amended to read:

8526. For the purposes of expenditures for the support of the commission, including the expenses of the members of the commission, the commission shall be deemed to be within the Department of General Services but the commission shall not be subject to the control or direction of the Director of General Services.

SEC. 98. Section 9103 of said code is amended to read:

9103. The Department of General Services shall provide suitable office space in the State Building in Los Angeles and in the State Building in San Francisco and in an appropriate building in San Diego County and in a state building in Alameda County for the offices provided for in this article, and shall provide for the maintenance and upkeep of the same.

SEC. 99. Section 9108 of said code is amended to read:

9108. The first floor of the annex of the State Capitol is excepted from the provisions of this article. Such excepted space shall continue under the control of the Department of General Services. All other space in the State Capitol Building and all annexes and additions thereto shall be allocated from time to time by the Joint Committee on Legislative Organization in accordance with its determination of the needs of the Legislature and the two houses thereof. Said committee shall allocate such space as it determines to be necessary for facilities and agencies dealing with the Legislature as a whole, including but not limited to press quarters, billrooms, telephone rooms, and offices for the Legislative Counsel and for committees created by the two houses jointly. Said committee shall allocate to the Senate and Assembly, respectively, the space it determines to be needed by such houses and their committees and the officers, employees, and attachés thereof. The space thus allocated to the Senate and to the Assembly shall be allotted from time to time by the Senate Rules Committee and the Assembly Rules Committee, respectively.

SEC. 100. Section 9109 of said code is amended to read:

9109. The determination of the Joint Committee on Legislative Organization as to the needs of the Legislature shall be subject to change only by action of said committee or by concurrent resolution. If, at any time, said committee determines that there is space in the State Capitol Building in excess of the needs of the legislative branch of the State Government it may release such space for use by the executive branch of the

State Government until such time as such space is needed by the legislative branch. Such release shall be effected by notifying the Director of General Services that certain described space is not necessary for the use by the Legislature for the time being. Thereafter the Department of General Services, until such time as the Director of General Services is notified that the space has become needed by the legislative branch, shall have the same jurisdiction over such excess space as if this article had not been enacted.

SEC. 101. Section 9110 of said code is amended to read:

9110. The maintenance and operation of all of the State Capitol Building shall continue under the control of the Department of General Services, subject to the provisions of this article.

SEC. 102. Section 9744 of said code is amended to read:

9744. The remainder shall be sold at a price to be fixed by the Department of General Services. The price shall be sufficient to cover the cost of printing and binding the manual.

SEC. 103. Section 9763 of said code is amended to read:

9763. The Department of General Services shall direct the preparation of the statutes of each session of the Legislature after each general session. The statutes for each budget or extra session shall be cumulated and prepared with the statutes for the next succeeding general session; provided, that upon the written request of the Legislative Budget Committee the department shall direct the preparation of the statutes of a particular budget or extra session after such budget or extra session.

SEC. 104. Section 9764 of said code is amended to read:

9764. The statutes of each session shall be prepared for printing and publication by the Legislative Counsel, the State Librarian, or such other state agency authorized or required by law to render the service when directed or requested, as the Department of General Services directs or requests in writing.

SEC. 105. Section 9767 of said code is amended to read:

9767. The Office of State Printing shall print at least 1,200 copies of the statutes of each session prepared at the direction of the Department of General Services.

SEC. 106. Section 9790 of said code is amended to read:

9790. The Department of General Services shall maintain a bill-filing room for the Senate and Assembly, and file all bills, resolutions, journals and other documents ordered by the Senate or Assembly. It shall also place all such bills, resolutions, journals and other documents in binders for the use of the Members of the Legislature and perform such other duties in connection with their filing and distribution as may be required by the rules or special orders of either house.

SEC. 107. Section 9791 of said code is amended to read:

9791. The laws, resolutions and journals of the Legislature shall be distributed by the Department of General Services as follows:

(a) To the Library of Congress, three copies.

(b) To the Governor, Lieutenant Governor, each Member of the Legislature, the Secretary of the Senate and the Clerk of Assembly, the Legislative Auditor, one copy each.

(c) To the State Library, 60 copies or as many more as the State Librarian may require for exchange purposes, and to each county law library, one copy.

(d) To the Attorney General, six copies, and as many additional copies as may be requested, not exceeding the number necessary to supply each Assistant Attorney General, and each Deputy Attorney General with one copy of each.

(e) To the Legislative Counsel Bureau, as many copies as may be requested, not exceeding the number necessary to supply one copy of each for the use of the Legislative Counsel, each Assistant Legislative Counsel, and each Deputy Legislative Counsel.

SEC. 108. Section 9792 of said code is amended to read:

9792. All other copies of the laws, resolutions and journals shall be sold by the Department of General Services at such price as it may fix.

SEC. 109. Section 10244 of said code is amended to read:

10244. The Legislative Counsel may contract, at not less than cost and subject to regulations approved by the Director of General Services, with any county or city for the codification, compilation, or indexing of any or all of its ordinances or resolutions. All money received by the Legislative Counsel pursuant to such contracts shall be paid into the State Treasury to the credit and in augmentation of the current appropriation for the support of the Legislative Counsel Bureau.

SEC. 110. Section 10340 of said code is amended to read:

10340. The commission may, with the approval of the Director of General Services, enter into, amend and terminate contracts with colleges, universities, schools of law or other research institutions, or with qualified individuals for the purposes of research.

SEC. 111. Section 11000 of said code is amended to read:

11000. As used in this title "state agency" includes every state office, officer, department, division, bureau, board, and commission.

References to particular state agencies in this title, without further identification, such as to the "Treasurer" or "Department of General Services," are references to the state officer or agency known by that name.

SEC. 112. Section 11005.2 of said code is amended to read:

11005.2. Unless the Legislature specifically provides that approval by the Director of General Services is not required, every conveyance, contract or agreement whereby an interest of the state in any real property is conveyed, demised or let to any person, shall, before such conveyance, contract or agreement is executed or entered into, be approved by the Director of General Services. Any conveyance, contract or agreement executed or entered into in violation of this section is void. This

section shall apply to any state agency which by general or specific statute is expressly or impliedly authorized to enter into transactions referred to herein.

This section does not apply to real property acquired by the Department of Public Works for highway purposes or real property administered by the Board of State Harbor Commissioners for San Francisco Harbor, the State Lands Commission, the State Controller or the State Compensation Insurance Fund.

SEC. 113. Section 11007.5 of said code is amended to read:

11007.5. Any state agency, with the approval of the Department of General Services, may secure insurance protecting the state against loss by burglary, robbery, theft, or embezzlement of funds or securities belonging to the state which are in the possession or control of the agency.

SEC. 114. Section 11007.7 of said code is amended to read:

11007.7. The procurement of insurance or official bonds by any state agency shall be subject to approval of the Department of General Services. Any such procurement may, upon request of the state agency concerned, be made by the Department of General Services on behalf of such agency.

Whenever the procurement of insurance or official bonds for or on behalf of the state is authorized by law and no state agency is specifically authorized to purchase such insurance or official bonds, the Department of General Services may procure such insurance or official bonds.

This section shall not apply to (a) insurance procured by the Department of Public Works or the California Toll Bridge Authority under Sections 100.7 and 30450 to 30453, inclusive, Streets and Highways Code; (b) workmen's compensation insurance procured under Section 11870, Insurance Code; (c) insurance procured by the Department of Veterans Affairs under Division 4 of the Military and Veterans Code.

SEC. 115. Section 11010 of said code is amended to read:

11010. When a state agency, supported from the General Fund, is required to collect from any person, firm, or corporation a proportionate share of the cost of providing any service, inspection, or audit, such share shall include:

(a) A proration of the cost to the state, as determined by the Department of General Services, of janitor service for the agency and of the charge for rent actually made for space occupied by the agency in a state-owned building or that would be charged such agency were it required to pay rent for such occupancy.

(b) A proration of the administrative costs of the agency, as defined in Section 11270.

(c) The pro rata share of the cost of insuring motor vehicles belonging to the state agency against liability for damages resulting from the ownership or operation of motor vehicles and arising under Article 1 (commencing with Section 17000) of Chapter 1 of Division 9 of the Vehicle Code or, in the discretion of the Director of General Services, an amount which he

considers equivalent to such pro rata share to be expended by him in accordance with law in paying claims under that article and for their investigation, adjustment, defense and administration.

(d) The pro rata cost of workmen's compensation insurance and bonds covering the officers and employees of the state agency.

(e) A proration of the state's retirement contribution for the employees engaged in providing such services, inspection or audit.

(f) A proration of the state's contribution toward the cost of medical and hospital care, including administrative costs, and the cost of procuring liability insurance coverage, for the employees engaged in providing such services, inspection or audit.

(g) A proration of the cost of Attorney General's services rendered the agency.

(h) A proration of any other costs to the state for providing such service, inspection or audit.

SEC. 116. Section 11010.5 of said code is amended to read:

11010.5. Where authority is vested in any state agency to contract on behalf of the state, such authority shall include the power, by mutual consent of the contracting parties, to terminate, amend, or modify any contract within the scope of such authorization heretofore or hereafter entered into by such state agency. The modification, amendment, or termination of any contract subject by law to the approval of the Department of General Services, Director of General Services, or other state agency, shall also be subject to such approval.

This section does not apply to contracts entered into pursuant to any statute expressly requiring that such contracts be let or awarded on the basis of competitive bids. Contracts required to be let or awarded on the basis of competitive bids pursuant to any such statute may be terminated, amended, or modified only if such termination, amendment, or modification is authorized under provision of law other than this section.

SEC. 117. Section 11011 of said code is amended to read:

11011. On or before December 31st of each year each state agency shall make a review of all proprietary state lands (other than tax-deeded land and land held for highway purposes and lands under the jurisdiction of the State Lands Commission and land which has escheated to the state or which has been distributed to the state by court decree in estates of deceased persons) over which it has jurisdiction to determine what, if any, land is in excess of its foreseeable needs and report thereon in writing to the Department of General Services.

Jurisdiction of all land reported as excess shall be transferred to the Department of General Services, when requested by the director thereof, for sale or disposition under this section or as may be otherwise authorized by law.

The Department of General Services shall report to the Legislature at each of its general sessions, the land declared excess and request authorization to dispose of the land by sale or otherwise.

Whenever any land is reported as excess pursuant to this section, the Department of General Services shall determine whether or not the use of the land is needed by any other state agency. If the Department of General Services determines that any such land is needed by any other state agency it may transfer the jurisdiction of such land to such other state agency upon such terms and conditions as it may deem to be for the best interests of the state.

When authority is granted for the sale or other disposition of lands declared excess, and the Department of General Services has determined that the use of the land is not needed by any other state agency, the Department of General Services shall sell the land or otherwise dispose of the same pursuant to such authorization, upon such terms and conditions and subject to such reservations and exceptions as the Department of General Services may deem to be for the best interests of the state. The Department of General Services shall report to the Legislature at each regular session, with respect to each parcel of land authorized to be sold under this section, giving the following information:

- (a) A description or other identification of the property
- (b) The date of authorization
- (c) With regard to each parcel sold after the next preceding report, the date of sale and price received, or the value of the land received in exchange, or
- (d) The present status of the property, if not sold or otherwise disposed of at the time of the report.

Money received from the sale of any parcel of land pursuant to this section shall be used to defray the cost of making the sale and any balance shall be paid into the General Fund unless otherwise specified by law.

Nothing contained in this section shall be construed to prohibit the sale, letting or other disposition of any state lands pursuant to any law now or hereafter enacted authorizing such sale, letting or disposition.

SEC. 118. Section 11011.5 of said code is amended to read: 11011.5. When the highest bid received after advertising does not equal the appraised value of such property, a state agency authorized to sell state-owned real property, except property acquired for state highway purposes, may, with the approval of the Department of General Services, employ a licensed real estate broker in connection with such sale and pay the amount of commission earned by such broker. The commission shall be paid only out of the proceeds of the sale before the proceeds are remitted to the State Treasury.

SEC. 119. Section 11013 of said code is amended to read: 11013. The director of any state department, subject to approval of the Department of General Services, may

establish and maintain, or by contract or otherwise cause to be established and maintained by any person or organization, at any institution under the jurisdiction of such department, a store or canteen for the sale to, or for the benefit of, inmates, patients and other persons entitled to institutional services, or employees of such institution, of candies, tobacco products, packaged food, nonalcoholic beverages and other articles. Such stores or canteens shall be conducted subject to rules and regulations of the department and rental, utilities and service charges shall be fixed and collected from such stores or canteens in an amount sufficient to reimburse the institution for its costs in connection with such store or canteen. The store or canteen when conducted by the institution or under the direction of the superintendent thereof, shall be operated on a nonprofit basis. Any profit derived by the institution from any store or canteen shall be deposited for the use and benefit of said inmates, patients or persons entitled to institutional services.

This section shall not apply to any institution at which a store or canteen is authorized to be established under existing law.

SEC. 120. Section 11014 of said code is amended to read: 11014. In exercising the powers and duties granted to and imposed upon it, any state agency may construct and maintain communication lines as may be necessary.

In providing communications and necessary power lines in connection therewith the agency, with the approval of the Department of General Services may enter into contracts with owners of similar facilities for use of their facilities, such as pole lines, and provisions may be made for indemnification and holding harmless of the owners of such facilities so used by reason of such use. Insurance may be purchased by the Department of General Services, upon request of the agency, to protect the state against loss or expense arising out of any such contract.

Any claim for damages arising against the state under this section shall be presented to the State Board of Control in accordance with Section 16041 of the Government Code and if not covered by insurance as herein provided shall be payable only out of funds appropriated by the Legislature for such purpose. If the state elects to insure its liability under this section the State Board of Control may automatically deny any such claim.

SEC. 121. Section 11080 of said code is amended to read:

11080. Whenever any state agency is required or authorized by law to prepare and cause the publishing of any notice, advertisement or publication in any newspaper or other medium, it shall properly prepare the notice, advertisement or publication and deliver it to the Department of General Services in due time for publication.

SEC. 122. Section 11081 of said code is amended to read:

11081. After approval of the notice, advertisement or publication, the Department of General Services shall cause it to be published in the newspapers or other medium required by law. The Department of General Services has exclusive control of the publication of all such advertisements, publications, and notices.

SEC. 123. Section 11091 of said code is amended to read:

11091. The head of each state agency shall make a written report of its activities to the Governor at least biennially, a copy of which shall be filed with the Secretary of State. No biennial or annual reports of agency activities shall be printed without the approval of the Department of General Services.

SEC. 124. Section 11156 of said code is amended to read:

11156. In addition to any bonds required by the Director of General Services the head of each department may require any officer or employee in his department to execute an official bond in such amount as he determines.

SEC. 125. Section 11253 of said code is amended to read:

11253. Upon written request approved by the Department of General Services, a department shall furnish to another department such assistance as it is able to render without detriment to its administration, including the deputizing of agents and inspectors, when consistent with law, and the temporary reassignment of employees.

Any traveling or other expense incurred by an employee in the performance of his duties while he is reassigned or loaned to another department may be paid in accordance with law by the department to which he is reassigned or loaned from funds available for support of that department.

SEC. 126. Section 11256 of said code is amended to read:

11256. Subject to approval of the Director of General Services, state agencies may furnish services, materials or equipment to, or perform work for, other state agencies upon such terms and conditions and for such considerations as they may determine and, subject to such approval, may enter into agreements for such purpose. The state agency furnishing or performing said work, services, materials or equipment shall include in its charges therefor such direct and indirect costs to the state in furnishing or performing said work, services, materials or equipment as may be approved by the Director of General Services, and such state agency shall compute said charges in a manner approved by the Director of General Services.

The Director of General Services, upon such terms and conditions as he may prescribe, may except from his approval, or grant blanket approval for, the performance of any work, the furnishing of any services, materials or equipment, the entering into of any agreements, the computation of any charges, or the inclusion of any costs provided for herein.

SEC. 127. Section 11257 of said code is amended to read:

11257. State agencies may provide for the advancing of

funds as herein provided to defray the charges mentioned in Section 11256. Any state agency may, and upon order of the Director of General Services shall, authorize such advances from any fund or appropriation available to it for payment for work, services, materials, or equipment to the fund or appropriation of the state agency which is to perform such work or render such services or furnish any materials or equipment to it, an amount equal to the estimated charges therefor or in an amount determined by the Director of General Services, and the State Controller shall transfer any amounts so authorized or determined.

SEC. 128. Section 11258 of said code is amended to read:

11258. Any state agency which normally, as a part of its regular operating functions, is engaged in the business of performing work for, or furnishing services, materials or equipment to, other state agencies shall, at its request, be furnished by such other state agencies with a written estimate of the amount which such state agencies expect to expend for such work, services, materials or equipment during a period designated by the state agency requesting said estimate, not exceeding one year. The State Controller from time to time shall transfer the amount so estimated by each state agency, or such portion thereof as he may determine; provided, that he shall transfer any amount ordered by the Director of General Services on the basis of such estimate or otherwise, from the fund or appropriation from which payment is expected to be made for such work, services, materials or equipment to the fund or appropriation of the state agency which is to perform such work, or render such services or furnish any materials or equipment.

SEC. 129. Section 11263 of said code is amended to read:

11263. As used herein, the term "state agency" or "state agencies" includes the Department of General Services and any and all organizational units, parts and subdivisions of state agencies as defined in Section 11000 of the Government Code.

SEC. 130. Section 11275 of said code is amended to read:

11275. If, upon receipt of the statement provided in Section 11274, the state agency does not have funds available by law for the payment of the administrative costs, or if it has any other reason why the payment of such costs should not be made at the time specified on such statement, the state agency shall, prior to the expiration of the 30-day period referred to in such statement, file with the Controller, in duplicate, a written request to defer payment of such administrative costs, which request shall set forth the reasons why such payment should be deferred. Upon receipt of any such request filed because of lack of availability of funds, the Controller shall forthwith transmit one copy of such request to the Department of General Services; and shall defer action to effect the transfer of funds covering the administrative costs referred to in such request until such transfer has been approved by the Director

of General Services. Upon receipt of any such request filed because of any reason other than lack of availability of funds, the Controller shall forthwith transmit one copy of such request to the Board of Control; and shall defer action to effect the transfer of funds until such transfer has been approved by the Board of Control.

SEC. 131. Section 11290 of said code is amended to read:

11290. The Department of General Services may fix the cost or pro rata share, or in its discretion an amount it considers equivalent to such cost or pro rata share, and collect from each state agency in advance or upon such other basis as it may determine:

(a) The cost of insuring motor vehicles belonging to the state agency against liability for damages resulting from the ownership or operation of motor vehicles and arising under Article 1 (commencing with Section 17000) of Chapter 1 of Division 9 of the Vehicle Code or an amount to be expended by the Department of General Services in accordance with law in paying claims under that article and for their investigation, adjustment, defense and administration.

(b) Rent for the use or occupancy of space in any building owned, managed or controlled by the state and used by the state agency in carrying out its work and affairs.

(c) The cost of janitor and maintenance service rendered to such state agency to enable it to carry out its work and affairs.

(d) The cost of workmen's compensation insurance and bonds covering the officers, employees and servants of the state agency, and the cost of liability, fire, and other types of insurance or bonds.

(e) The cost of all other services rendered to the state agency.

SEC. 132. Section 11291 of said code is amended to read:

11291. If a state agency refuses to pay the charges fixed by the Department of General Services pursuant to this article, the department may file a claim for such charges against any appropriations made for the support or maintenance of all or any part of the work and affairs of the state agency. The Controller shall draw his warrant in accordance with law upon the claim in favor of the Department of General Services.

SEC. 133. Section 11293 of said code is amended to read:

11293. All money received by the Department of General Services pursuant to paragraph (b) of Section 11290 that represents recoveries of cost other than normal maintenance expense as determined by the Department of General Services shall be accounted for to the Controller and, on order of the Controller, be paid into the Treasury and credited as General Fund revenue.

SEC. 134. Section 11330 of said code is amended to read:

11330. Every state agency having the control of any public institution owned or controlled by the state shall notify the Department of General Services of any horticultural, agri-

cultural, livestock, manufactures, mineral, natural or other products of the public institution in excess of its needs.

SEC. 135. Section 11331 of said code is amended to read:

11331. Upon receipt of such notices, the Department of General Services shall estimate the selling price of the products upon the basis of their reasonable value and arrange so far as practicable for their sale or exchange between the several public institutions owned or controlled by the state and its political subdivisions.

SEC. 136. Section 11332 of said code is amended to read:

11332. No public institution owned or controlled by the state shall purchase any product from any source other than a public institution owned or controlled by the state or one of its political subdivisions, if the Department of General Services determines that the product is available under this article.

SEC. 137. Section 11410 of said code is amended to read:

11410. The California Administrative Register and the California Administrative Code shall be sold by the Department of General Services at such prices as will reimburse the state for all costs incurred for printing, publication and distribution.

All money received from the sale of the California Administrative Register and the California Administrative Code shall be deposited in the treasury and credited to the General Fund, except that an amount necessary to cover the distribution costs shall be credited to the fund from which such costs have been paid.

SEC. 138. Section 11415 of said code is amended to read:

11415. After the regulations of a state agency have been published by the department, any subsequent printings or reprinting of those regulations shall be printed in the format (including the numbering system) prescribed by the department, unless the state agency obtains permission from the Department of General Services to print otherwise.

SEC. 139. Section 12224 of said code is amended to read:

12224. The Secretary of State may receive into the archives any item that he deems to be of historical value and shall receive into the archives any other item from a state agency if directed to do so by the Department of General Services.

SEC. 140. Section 12225 of said code is amended to read:

12225. With the approval of the Department of General Services, the Secretary of State may at any time return to the state agency from which it was received any item in the archives which he does not deem to be of historical value.

SEC. 141. Section 12420 of said code is amended to read:

12420. The Controller shall make rules and regulations governing the deduction of such sums of money from the salary or wages of any state officer or employee, as may be requested of him in writing by the officer or employee, for:

(a) Paying premiums on any policy or certificate of group life, accident, health or disability insurance issued by an admit-

ted insurer to the officer or employee insured under any plan of group insurance approved by the Director of General Services.

(b) Paying dues or charges of any nonprofit membership corporation organized under the laws of this state for the purpose of defraying the cost of medical services rendered by doctors of medicine, doctors of osteopathy, or doctors of chiropractic, hospital care, or both, to the officer or employee under any plan approved by the Director of General Services.

(c) Paying premiums on National Service Life Insurance or United States Government Converted Insurance.

SEC. 142. Section 12425 of said code is amended to read:

12425. Upon the submission of claims by a state agency, with the approval of the Department of General Services, the Controller may pay, from appropriations available therefor, money to the United States for costs of a project undertaken by the United States for and in behalf of, or in cooperation with, the State of California, prior to the commencement or completion of the project.

SEC. 143. Section 12465 of said code is amended to read:

12465. When they are in excess of five years old, reports from county and city officials and individuals, claims, canceled and paid warrants, payroll documents, and other records may be destroyed by the Controller, with the concurrence of the Director of General Services.

SEC. 144. Section 12470 of said code is amended to read:

12470. In conformity with the accounting system prescribed by the Department of General Services pursuant to Section 14626, the Controller shall install and operate a uniform state payroll system for all state agencies, except the University of California. The Controller may provide for the orderly inclusion of state agencies into such system, and may make exceptions from the operation thereof for such periods as he determines necessary.

SEC. 145. Section 12515 of said code is amended to read:

12515. The Attorney General shall bid upon and purchase, in the name of the state and under the direction of the Department of General Services, any property offered for sale under execution issued upon judgments in favor or for the use of the state, and enter satisfaction in whole or in part, of such judgments as the consideration for such purchase.

SEC. 146. Section 12516 of said code is amended to read:

12516. Whenever the property of a judgment debtor in any judgment in favor or for the use of the state has been sold under a prior judgment, or is subject to any prior judgment, lien, or encumbrance, the Attorney General shall, under the direction of the Department of General Services, redeem the property from the prior judgment, lien, or encumbrance. Upon order of the Department of General Services, the money necessary for redemption shall be paid out of any appropriation for that purpose.

SEC. 147. Section 12517 of said code is amended to read:

12517. When in his opinion it may be necessary for the collection or enforcement of any judgment in favor or for the use of the state, the Attorney General shall institute and prosecute, in behalf of the state, actions or proceedings to set aside and annul all conveyances fraudulently made by judgment debtors. When allowed by the Department of General Services, the necessary cost shall be paid out of any available appropriation.

SEC. 148. Section 12543 of said code is amended to read:

12543. The compensation for services of such counsel shall be determined by the Department of General Services and paid only out of the sums found to be escheated and recovered to the state. The Attorney General may pay to such counsel a sum not in excess of 10 percent of the sums actually received, and the balance shall be paid into the estates of Deceased Persons Fund.

SEC. 149. Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of said code is repealed.

SEC. 150. Section 13010 of said code is amended and renumbered to read:

14621. The department has the possession and control of all records, books, papers, offices, equipment, supplies, money, funds, appropriations, land and other property, real or personal, held for the benefit or use of state agencies within the department.

SEC. 151. Section 13011 of said code is amended and renumbered to read:

14622. The director may make available to elected state officials, without charge, state parking facilities for the parking of the privately owned cars of such officials.

SEC. 152. Section 13072 of said code is amended and renumbered to read:

14623. The department shall engage competent artists to paint oil portraits of all Governors of California whose portraits have not been painted, and a portrait of each Governor upon his retirement from office. The portraits shall be framed and hung in appropriate places in the State Capitol.

SEC. 153. Section 13073 of said code is amended and renumbered to read:

14624. The department may render advisory, investigational, or other similar service to any city, county, district or any other political subdivision of the state, or to the federal government upon such terms and conditions as may be satisfactory to the director.

SEC. 154. Section 13075 of said code is amended and renumbered to read:

14625. The director may require any person who has charge of, handles or has access to any state property to file an official bond in an amount to be fixed by him.

SEC. 155. Section 13080 is added to said code, to read:

13080. Such amount as may be necessary to pay monthly the amount required for liquidation of the investment, with interest at the rate agreed upon between the parties, in any agreements entered into between the State Department of the California Highway Patrol and the Governor and any other state agency, pursuant to the provisions of Section 14681 of the Government Code, is hereby appropriated each fiscal year from the State Treasury. Of the amount so appropriated, so much thereof as is necessary to liquidate the investment in the building for the State Department of the California Highway Patrol is payable from the Motor Vehicle Fund, and the balance necessary for such liquidation is payable from the General Fund. The money herein appropriated shall be allotted to the State Department of the California Highway Patrol and the Governor by the Director of Finance for support in such amounts as he may determine to be necessary, and shall become available only if the Department of Finance certifies to the State Controller that the amount required monthly to liquidate the investment, with interest at the rate agreed upon, has not been included in the Budget Act for such fiscal year for support of the State Department of the California Highway Patrol for such portion of the building which has been provided for its use, or has not been included in the Budget Act for any fiscal year for such portion of the building which has been provided for the use of the Office of Civil Defense.

SEC. 156. Section 13081 is added to said code, to read:

13081. Such amount as may be necessary to pay monthly the amount required for liquidation of the investment, with interest at the rate agreed upon between the parties, in any agreements entered into between the State Department of Motor Vehicles or the State Department of California Highway Patrol, and any other state agency, pursuant to the provisions of Sections 14679 and 14682 of the Government Code, is hereby appropriated each fiscal year from the Motor Vehicle Fund in the State Treasury. The money herein appropriated shall be allotted to the State Department of California Highway Patrol or to the State Department of Motor Vehicles by the Director of Finance for support in such amounts as he may determine to be necessary, and shall become available only if the Department of Finance certifies to the State Controller that the amount required monthly to liquidate the investment, with interest at the rate agreed upon, has not been included in the Budget Act for such fiscal year for support of said departments.

SEC. 157. Section 13082 is added to said code, to read:

13082. Subject to the approval of the Capitol Building and Planning Commission, the department shall acquire and do all acts necessary to erect and maintain a monument to Father Junípero Serra on the grounds of the State Capitol.

SEC. 158. Section 13083 is added to said code, to read:

13083. The State Agricultural Society has control of the real property in the City of Sacramento, described as Lots 62, 63, 64 and 65 on Fifth Avenue and Fifty-seventh Street, and now merged with the land comprising the State Fair Grounds, for use for State Fair purposes.

SEC. 159. Article 2 (commencing with Section 13100) of Chapter 2 of Part 3 of Division 3 of Title 2 of said code is repealed.

SEC. 160. Article 4 (commencing with Section 13160) of Chapter 2 of Part 3 of Division 3 of Title 2 of said code is repealed.

SEC. 161. Article 5 (commencing with Section 13196) of Chapter 2 of Part 3 of Division 3 of Title 2 of said code is repealed.

SEC. 162. Article 6 (commencing with Section 13210) of Chapter 2 of Part 3 of Division 3 of Title 2 of said code is repealed.

SEC. 163. Article 7 (commencing with Section 13230) of Chapter 2 of Part 3 of Division 3 of Title 2 of said code is repealed.

SEC. 164. Article 8 (commencing with Section 13240) of Chapter 2 of Part 3 of Division 3 of Title 2 of said code is repealed.

SEC. 165. Section 13290 of said code is amended and renumbered to read:

14626. The department shall devise, install, supervise, and at its discretion revise and modify a modern and complete accounting system for each agency of the state permitted or charged by law with the handling of public money or its equivalent, to the end that all revenues, expenditures, receipts, disbursements, resources, obligations, and property of the state be properly, accurately, and systematically accounted for and that there shall be obtained accurate and comparable records, reports, and statements of all the financial affairs of the state. Such system and the accounts maintained by the several agencies of the state shall be coordinated with the central accounts maintained by the State Controller, and shall provide the State Controller with all information necessary to the maintenance by the State Controller of a comprehensive system of central accounts for the entire state government. The State Controller or the Director of General Services may submit to the State Board of Control and the Board of Control shall consider and adopt any rule or regulation required to implement this section.

SEC. 166. Chapter 4 (commencing with Section 13370) of Part 3 of Division 3 of Title 2 of said code is repealed.

SEC. 167. Chapter 6 (commencing with Section 13530) of Part 3 of Division 3 of Title 2 of said code is repealed.

SEC. 168. Chapter 7 (commencing with Section 13722) of Part 3 of Division 3 of Title 2 of said code is repealed.

SEC. 169. Chapter 9 (commencing with Section 13801) of Part 3 of Division 3 of Title 2 of said code is repealed.

SEC. 170. Section 13901 of said code is amended to read:

13901. There is in the state government the State Board of Control. The board consists of the Director of General Services and the Controller, both acting *ex officio*, and a third member who shall be appointed by and serve at the pleasure of the Governor. The third member may be a state officer who shall act *ex officio*.

SEC. 171. Section 13903 of said code is amended to read:

13903. The Director of General Services is chairman of the board.

SEC. 172. Section 13926 of said code is amended to read:

13926. The State Board of Control may make awards to state employees who:

(a) Propose procedures or ideas which hereafter have been adopted and which will result in eliminating or reducing state expenditures or improving operations; provided, such proposals are placed in effect; or

(b) Perform special acts or special services in the public interest; or

(c) By their superior accomplishments, make exceptional contributions to the efficiency, economy or other improvement in the operations of the state government.

Awards for superior accomplishments shall be made in accordance with procedures and standards established by the State Personnel Board.

Any award made by the State Board of Control under the provisions of this section may be paid from the appropriation available to the state agency affected by the award.

The board may adopt rules and regulations to carry out the provisions of this section, and may appoint merit award boards made up of state officers, employees or citizens to consider employee proposals, special acts, special services, or superior accomplishments, and to make recommendations to the board as to the merits of the proposals, special acts, special services, or superior accomplishments, and whether or not the proposals, special acts, special services or superior accomplishments, justify an award.

Any award granted under the provisions of this section shall be limited to one hundred fifty dollars (\$150) unless a larger award is approved by concurrent resolution of the Legislature.

When requested by the State Board of Control the Department of General Services may furnish such assistance as may be necessary to carry out the provisions of this section. Any expenditures made or costs incurred heretofore or hereafter by the Department of General Services for the purposes of this section may be paid from funds available for the support of the Department of General Services.

SEC. 173. Section 13951 of said code is amended to read:
13951. The State Board of Control shall prescribe rules and regulations which:

(a) Define the use of state-owned motor vehicles which constitutes use in the conduct of state business and distinguish such use from misappropriation for private use;

(b) Prescribe the procedure for determining and collecting from the employee responsible for the misuse the actual costs to the state attributable to misuse of state-owned motor vehicles and the disposition of such collections;

(c) Prescribe the records and reports to be kept and made by state agencies relating to the use of state-owned motor vehicles to the end that misuse may be discovered with a minimum of recordkeeping.

(d) Governing the storage of state-owned motor vehicles in those locations where storage space, under the jurisdiction of the Department of General Services, is available for storage of state-owned motor vehicles.

SEC. 174. Section 13953 of said code is amended to read:
13953. The Department of General Services shall administer the provisions of this chapter and the rules and regulations adopted pursuant thereto; provided, however, that it shall be the duty of the head or governing body of each state agency to carry out and enforce this chapter and said rules and regulations within such state agency.

SEC. 175. Section 14006 of said code is amended and renumbered (as part of Chapter 10, Part 5 5, Division 3, Title 2 of said code) to read:

14950 There is in the Department of General Services a State Architect. He shall be appointed by the Governor with the approval of the Senate for a term of four years commencing with January 15 next following the general election at which a Governor is elected, and he shall hold office until appointment and qualification of his successor or until 150 days shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs; but he may be dismissed by the Governor, with or without cause, at any time. The Governor may fill the office of State Architect by interim appointment prior to the commencement of the first term in 1963 and may fill any vacancy in the office thereafter for the unexpired portion of the term but such appointment shall be subject to approval of the Senate at the next regular session of the Legislature.

No person shall be eligible for the office of State Architect who has not, for a period of five years next preceding his appointment, held a certificate to practice architecture in California issued by the California State Board of Architectural Examiners. No person shall be eligible for the office of State Architect who is not a member of the American Institute of Architects at the time of his first appointment.

The State Architect shall not engage in the private practice of architecture or in a managing capacity in any private business or enterprise.

SEC. 176. Section 14100 of said code is amended and renumbered to read:

14951. The Department of General Services shall succeed to the powers, duties and functions with respect to architectural services previously vested in the Division of Architecture or the State Architect of the Department of Public Works.

The State Architect has general charge, under the Department of General Services, of the erection of all state buildings and shall have an inspector at each building during the whole time of its construction.

SEC. 177. Section 14102 of said code is amended and renumbered to read:

14953. The cost of all architectural services performed by the department for a state agency, which is supported otherwise than by appropriations from the General Fund, except the Veterans' Home, shall be determined by the Director of General Services, and paid from appropriations available for the support of the state agency. All payments for services shall be deposited in the treasury to the credit and in augmentation of the current appropriation for the support of the department.

SEC. 178. Section 14105 of said code is amended and renumbered to read:

14956. The provisions of this chapter, insofar as they vest in the State Architect general charge of the erection of all state buildings and require him to have an inspector at each building during the whole time of its construction, shall not apply to the construction of any public works which is under the jurisdiction of the Department of Water Resources or the Department of Public Works.

SEC. 179. Part 5.5 (commencing with Section 14600) is added to Division 3 of Title 2 of said code, to read:

PART 5.5. DEPARTMENT OF GENERAL SERVICES

CHAPTER 1. GENERAL PROVISIONS

14600. The Legislature hereby declares that a centralization of business management functions and services of state government is necessary to take advantage of specialized techniques and skills, provide uniform management practices, and to insure a continuing high level of efficiency and economy. A Department of General Services is created to provide centralized services including, but not limited to, planning, acquisition, construction, maintenance and police protection of state buildings and property; purchasing; printing; architectural services; administrative hearings; and accounting services. The Department of General Services shall develop and enforce policy and procedures and shall institute or cause the institu-

tion of such investigations and proceedings as it deems proper to assure effective operation of all functions performed by the department and to conserve the rights and interests of the state.

14601. There is in the state government the Department of General Services.

14602. The Department of General Services is under the control of an executive officer known as the Director of General Services. As used in this part, "department" and "director" refer to the Department of General Services and the Director of General Services, respectively, unless the context otherwise requires.

14603. 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.

14604. Before entering upon the duties of his office, the director shall execute an official bond to the state in the penal sum of one hundred thousand dollars (\$100,000), conditioned upon the faithful performance of his duties.

14605. The director shall perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities, and carry out and effect all purposes vested by law in the office.

14606. The provisions of Chapter 2 (commencing with Section 11150), Part 1, Division 3, Title 2 of the Government Code apply to the director and the director is the head of a department within the meaning of the chapter.

14607. For the purpose of administration, the director shall organize the department with the approval of the Governor, in the manner that he deems necessary properly to segregate and conduct the work of the department.

The director may arrange and classify the work of the department and with the approval of the Governor may create such divisions and subdivisions as may be necessary, and change or abolish them from time to time.

14608. Whenever any statute requires by the use of the word or words "approve," "approval," "authorize," or "authorization," the director of the department to approve or authorize any act or transaction, such approval or authorization shall be deemed to have been given only if given in writing by the director, the deputy director, or by some other officer or employee of the department acting pursuant to written authority of the director.

14609. The director is a member of the Governor's Council.

14610. Notwithstanding the provisions of Section 11043 of the Government Code, the department may employ such persons as are necessary to provide house legal counsel for the department. These persons may advise the director, officers, employees, boards, commissions and offices of the depart-

ment concerning legal affairs of the department. The official legal adviser concerning the department's interdepartmental powers, functions and relationships with other departments is the Attorney General. House legal counsel for the department when authorized by the Attorney General may represent the department and the state in litigation concerning affairs of the department.

14611. The department may prepare, publish, and issue such printed pamphlets and bulletins as the director deems necessary for the dissemination of information to the public concerning the activities of the department. Funds available for support of the department may, with the approval of the Department of Finance, be used to pay the cost of preparation, publication, and distribution.

14612. For the purpose of administering Section 14626 of this code the director may appoint and prescribe the duties and fix the salaries of such number of skillful accountants or assistants as he deems necessary. Each such appointee is a civil executive officer.

Before entering upon the discharge of the duties of his office each such appointee shall execute to the state an official bond conditioned upon the faithful performance of his duties in such penal sum as the director prescribes, but not less than five thousand dollars (\$5,000).

14613. The director shall appoint police officers, assistants, clerks, and employees as may be necessary to guard and maintain the state buildings and grounds. Police officers and such employees as may be designated by the department have the power of peace officers in all parts of this state.

14614. The director and the civil executive officers of the department have the powers of a peace officer in all parts of the state in enforcing any lawful order of the department.

14615. The department has general powers of supervision over all matters concerning the financial and business policies of the state in regard to the duties, powers, responsibilities, and jurisdiction specifically vested in the department. Whenever the department deems it necessary, or at the instance of the Governor, it shall institute or cause the institution of such investigations and proceedings as it deems proper to conserve the rights and interests of the state.

14616. The director may exempt from his approval or from approval of the department any transactions involving not more than ten thousand dollars (\$10,000) for which such approval is required by statute whenever, in his judgment, such exemption is appropriate and in the best interests of the state. Written notice of exemptions shall be given to the Controller.

14617. The Department of Finance may establish such controls over approval of contracts by the Department of General Services as are necessary to assure that such approval is consistent with program and budget determinations of the Department of Finance.

14618. The Department of General Services may require from all agencies of the state permitted or charged by law with the handling of public money or its equivalent, financial and statistical reports, duly verified, covering the period of each fiscal year.

When necessary, the department may require special reports from any such state agency. These special reports shall be filed with the department without delay.

14619. The Department of General Services may examine all records, files, documents, accounts, and all financial affairs of every agency mentioned in Section 14618. It may enter any public office or institution in this state and examine any records, files, books, papers or documents contained therein or belonging thereto for the purpose of making such examination. Every state agency shall permit such examination and upon demand shall produce without unnecessary delay all books, contracts, and papers in its offices, and furnish information touching books, papers, contracts, and other matters pertaining to the agency.

14620. There is in the department a general services planning officer, a procurement officer, and a local assistance officer. Each officer may be appointed by the Governor, upon recommendation of the director, and shall serve at the pleasure of the director. His salary shall be fixed by the director in accordance with law. Each officer shall have such duties as may be assigned to him by and shall be responsible to the director for the performance of those duties. It is the intent of the Legislature that this section is not to result in an increase in the number of positions in the department.

CHAPTER 2. POWERS AND DUTIES, GENERALLY

Article 1. Succession to Functions and Responsibilities

14650. In addition to the duties, powers, purposes, responsibilities, and jurisdiction vested in the Director of General Services or the Department of General Services pursuant to Section 14651, the Director of General Services or the Department of General Services is authorized and directed to exercise, with respect only to the construction, alteration, repair, or improvement of state buildings, the functions and powers vested in the Director of Public Works, the Department of Public Works, the Division of Architecture or the State Architect, which on the operative date of this section are exercised or performed by the Division of Architecture or the State Architect of the Department of Public Works under the statutes enumerated below in this section. Except to the extent only that the functions and powers under the statutes enumerated below in this section are vested in the Director of General Services or the Department of General Services by this section, the functions and powers under the statutes

enumerated below remain with, and may continue to be exercised by, the Director of Public Works or the Department of Public Works.

(a) Education Code: Section 17663.7.

(b) Government Code: Sections 4001, 14032, 14037, 14101, 14104, 14104.5, 14120, 14121, 14122, 14123, 14953, 15815, and 54115.

14651. The Department of General Services succeeds to and is vested with all of the duties, powers, purposes, responsibilities, and jurisdiction vested in the Division of Architecture, the State Architect, or the Department of Public Works under Chapter 2 (commencing with Section 15301) of Division 11 of the Education Code, and Sections 19004, 19558, and 25206 of the Education Code.

14652. The Director of General Services succeeds to the membership of the Director of Finance on the following boards, commissions, and committees:

(a) State Communications Advisory Board.

(b) Departmental Coordinating Committee on Atomic Energy Development and Radiation Protection.

(c) Television Advisory Committee.

(d) State Building Standards Commission.

(e) State Board of Control.

(f) Surplus War Property Procurement Advisory Board.

14653. The Director of General Services succeeds to the membership of the Director of Public Works on the following boards and committees:

(a) State Construction Program Committee of 1955.

(b) State Construction Program Committee of 1958.

(c) State Allocation Board.

(d) Board of Public Building Reconstruction.

14654. All public property, real or personal, of the Department of Finance or the Department of Public Works used principally or primarily in carrying out of any function, or acquired in connection with the exercise of any function, which function is transferred to the Department of General Services, is transferred to the Department of General Services.

14655. All officers and employees of the Department of Finance or the Department of Public Works on the operative date of this section, who are serving in the state civil service, other than temporary employees, and who are engaged in the performance of a function transferred to the Department of General Services or who are engaged in the administration of a law, the administration of which is transferred to the Department of General Services, by this chapter shall be transferred to the Department of General Services and their status, positions, and rights shall not be affected by their transfer and they shall continue to be retained as employees of the Department of General Services pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position exempt from civil service in the Department of General Services.

Article 2. State Property

14660. The director may acquire title to real property in the name of the state whenever the acquisition of real property is authorized or contemplated by law, if no other state agency is specifically authorized and directed to acquire it.

14661. The director may institute and maintain in the name of the state condemnation proceedings for the acquiring of any land authorized by law to be obtained for any state agency, except land to be acquired by the Department of Public Works for highway purposes, if no other state agency is specifically authorized and directed to institute such proceedings.

14662. The Director of General Services may acquire, by condemnation or other means, any easements or rights-of-way which he determines to be necessary for the proper utilization of real property owned or being acquired by the state.

This section does not apply to land, easements, or rights-of-way to be acquired by the Department of Public Works.

14663. With the consent of the state agency concerned, the director may establish boundaries between property of the state held in proprietary capacity and property in private ownership, and execute and accept in behalf and in the name of the state instruments necessary to the establishment of any such boundary.

14664. The director may execute grants to real property belonging to the state in the name and upon behalf of the state, whenever the sale or exchange of real property is authorized or contemplated by law, if no other state agency is specifically authorized and directed to execute the grants.

14665. With the consent of the state agency concerned, the director may execute grants to real property belonging to the state in the name and upon behalf of the state to the United States of America in exchange for lands of the latter or for such other considerations, as the director deems are in the best interests of the state.

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

14666. With the approval of the state agency concerned, the director may grant and convey in the name of the state, easements and rights-of-way across real property belonging to the state not used for highway rights-of-way, for such purposes and upon such consideration and subject to such conditions, limitations, restrictions, and reservations as he deems are in the interest of the state.

14667. With the approval of the state agency concerned, the director may quitclaim in the name of the state, the right, title and interest of the state in and to easements and rights-of-way owned by the state, other than those acquired for highway purposes, which he determines are no longer needed for state purposes.

(a) Unless the conveyance of the easement or right-of-way is made to the federal government, or an agency thereof, or to a county, city, district, or other local governmental agency of this state, the director shall comply with the provisions of this subdivision. Prior to the disposition of any easement or right-of-way owned by the state pursuant to this section, notice thereof shall be published pursuant to Section 6061 of the Government Code in a newspaper published in the county in which the easement or right-of-way is situated, and if there is no newspaper published in such county, notice shall be published in a newspaper published in an adjoining county and shall be posted in at least three public places in the county in which the easement or right-of-way is situated, including one posting on the real property in which the easement or right-of-way is located.

(b) If the easement or right-of-way was acquired by the state for a price approximating its market value at the time of acquisition, the director, when he disposes of such easement or right-of-way shall make a reasonable effort to obtain as the price for the sale thereof an amount approximately equivalent to the current market value at the time of such disposition.

14668. With the approval of the Governor, the director may by executive order withdraw from sale any and all public lands belonging to the state, and return any lands so withdrawn for the purpose of sale or other disposition in accordance with law.

14669. The director may hire or lease any real or personal property for the use of any state agency, including the Department of General Services, if he deems the hiring or leasing is in the best interests of the state.

14670. With the consent of the state agency concerned, the director may: (a) Let for a period of not to exceed five years, any real or personal property which belongs to the state, the letting of which is not expressly prohibited by law, if he deems such letting is in the best interests of the state. (b) Sublet any real or personal property leased by the state, the subletting of which is not expressly prohibited by law, if he deems such subletting is in the best interests of the state.

All money received pursuant to paragraph (b) of this section shall be accounted for to the Controller at the close of each month and on order of the Controller be paid into the treasury and credited to the appropriation from which the cost of the lease was paid.

14671. Notwithstanding Section 14670, the Director of General Services, with the consent of the state agency concerned, may let for any period of time any real or personal property which belongs to the state, for radio or television purposes where he deems such letting is in the best interests of the state.

14672. Notwithstanding Section 14670, the Director of General Services with the consent of the Department of Corrections, may let to the City of Vacaville for a public purpose, 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 medical facility and adjacent real property, where the director deems such letting is in the best interests of the state.

14673. The control or possession of real property owned by the state may be transferred from one state agency to another state agency with the written approval of the director.

In connection with such a transfer the director may authorize the payment of such consideration as he deems proper from available funds of the receiving agency to the transferring agency.

Where the interest the state owns in real property is not under the control or in possession of any specified state agency the department may act as the transferring agency.

Upon request and without fee, the recorder of each county in which any portion of real property so transferred is located shall record any instruments executed in connection with such a transfer.

14674. With the consent of the state agency concerned, the director may authorize the sale or exchange of any personal property which belongs to the state, if he deems the sale or exchange is in the best interests of the state.

14675. The director may authorize the transfer or loan of personal property owned by the state from one state agency to another state agency if he deems the transfer or loan and the terms and conditions thereof, are in the best interests of the state.

14676. Upon behalf and in the name of the state, the department may contract to purchase or otherwise acquire, that certain real property situate in the City of Sacramento, County of Sacramento, State of California, and bounded and described as follows, to wit:

Lots five (5) and six (6) in the block bounded by 10th and 11th and O and P Streets, upon such terms and conditions as may be in the best interests of the state.

Upon acquisition the department may make the structure thereon available to state agencies upon such terms and conditions as may appear proper.

If the property is acquired under a contract to purchase, all money remaining after payment of interest, maintenance, repair, alteration, and other necessary expenditures, shall be paid or credited to the balance due upon the purchase price.

14677. Any state agency, with the approval of the director, may permit motor vehicle parking by state officers and employees or other persons upon state property under the jurisdiction or control of such agency and may prescribe the terms and conditions of such parking including the payment of parking fees in such amounts and under such circumstances as may be determined by the state agency with the approval of the Director of General Services.

No such parking shall be permitted by any state agency except pursuant to this section.

Varying rates of parking fees may be established for different localities or for different parking facilities.

This section shall not apply to facilities constructed under the State College Revenue Bond Act of 1947, nor shall it apply to the parking of legislators' motor vehicles in the State Capitol Garage.

The Legislature hereby declares it to be the policy of the state to permit motor vehicle parking by state officers and employees or other persons on state-owned or controlled property to the extent reasonably possible and subject to the charging of parking fees under such circumstances and in such amounts as may be deemed appropriate.

The Legislature by this section does not intend to authorize the institution of a public parking program unrelated to state purposes and in competition with private industry.

14678. The Department of General Services is authorized to acquire, pursuant to the Property Acquisition Law (Part 11, commencing with Section 15850, Division 3, Title 2, Government Code) or by lease or other means, real property and to construct, operate, and maintain motor vehicle parking facilities thereon for state officers and employees, or other persons, provided that no such acquisition shall be commenced pursuant to the Property Acquisition Law unless and until an appropriation of funds therefor has been made by the Legislature. The department may enter into arrangements with other public agencies for joint use of motor vehicle parking facilities, provided the benefit to be derived by the state is commensurate with its participation. The department may prescribe the terms and conditions of such parking, including the payment of parking fees in such amounts and under such circumstances as may be determined by the department. Varying rates of parking fees may be established for different localities or for different parking facilities. In determining rates of parking fees the department shall consider the rates charged in the same locality by other public agencies and by private employers for employee parking.

Revenues received by the department from (a) any of the hereinabove motor vehicle parking facilities as may be designated by the director, and (b) motor vehicle parking facilities under the jurisdiction of any other state agency which has entered into an agreement with the department for the payment of revenues therefrom to the department, shall be deposited in the General Fund and are hereby appropriated, without regard to fiscal years, to the Department of General Services for the construction, operation and maintenance of motor vehicle parking facilities on real property acquired hereunder or on real property under the jurisdiction of any other state agency which has agreed to the payment of revenues as aforesaid from its motor vehicle parking facilities to the department. Any unneeded balance in this appropriation shall be transferred by the Controller on order of the Director of Gen-

eral Services to the unappropriated balance of the General Fund.

The Legislature by this section does not intend to authorize the institution of a private parking program unrelated to state purposes in competition with private industry.

14679. Notwithstanding any other provision of law the Department of General Services is authorized to approve and make effective an agreement between any state agency authorized to invest funds under the control of the agency and the State Department of California Highway Patrol whereby the agency agrees to invest with the State Department of California Highway Patrol funds not exceeding the sum of seven hundred thousand dollars (\$700,000) for construction, improvements, and equipment of an office building in the City of Sacramento for the State Department of California Highway Patrol. The agreement shall provide for the liquidation of the investment with interest at a rate agreed upon between the parties, out of rental charges to be paid by the agencies using the building or such other funds as are available to the State Department of California Highway Patrol for the purpose.

Any state agency authorized to invest funds under its control and the State Department of California Highway Patrol are hereby authorized to enter into the above agreement.

Whenever under any general or special statute the Director of General Services is authorized to invest the money in a special fund in the State Treasury, he is hereby authorized to invest the money in any such fund or funds for the purposes of this section. Investments by the Director of General Services under this section shall not exceed seven hundred thousand dollars (\$700,000) in the aggregate. Any such investment shall be made pursuant to an agreement between the Director of General Services and the State Department of California Highway Patrol providing for the investment of such funds and the liquidation of the investment with interest at the rate agreed upon between the parties out of rental charges to be paid by the agencies using the building or from other funds available to the State Department of California Highway Patrol for such purpose.

14680. Whenever a state building or other state structure is about to be constructed and it is necessary to clear any land, public street or public way of any easement or right-of-way, or the works of any public utility, which would interfere with the state building or structure, the Director of General Services may enter into an agreement with the owner of the easement or right-of-way, or public utility, for the relocating or removal of any facilities of such public utility or owner which lie in, on, along, or across such land, public street or public way and for the conveying or quitclaiming to the state of any interest of such utility or owner in such land, public street or public way. The cost of such removal or relocation may be paid, with the approval of the State Public Works Board, out of any

money available for the construction of the state building or other structure the erection of which necessitates such relocation or removal. Nothing in this section authorizes the relocation or removal at state expense of any public utility works or other facilities which, under the same circumstances, the public utility or owner would be required to relocate or remove at its own expense.

14681. Notwithstanding any other provision of law the Department of General Services is authorized to approve and make effective an agreement between any state agency authorized to invest funds under the control of the agency and the State Department of the California Highway Patrol and the Governor whereby the agency agrees to invest with the State Department of the California Highway Patrol and the Governor funds not exceeding the sum of nine hundred twenty-five thousand dollars (\$925,000) for construction, improvements, and equipment of buildings and other facilities, including landscaping, in the County of Sacramento for the State Department of the California Highway Patrol and the Office of Civil Defense. The agreement shall provide for the liquidation of the investment with interest at a rate agreed upon between the parties, out of rental charges to be paid by the agencies using the building or such other funds as are available to the State Department of the California Highway Patrol and the Governor for the purpose.

Any state agency authorized to invest funds under its control and the State Department of the California Highway Patrol and the Governor are hereby authorized to enter into the above agreement.

Whenever under any general or special statute the Director of General Services is authorized to invest the money in a special fund in the State Treasury, he is hereby authorized to invest the money in any such fund or funds for the purposes of this section. Investments by the Director of General Services under this section shall not exceed nine hundred twenty-five thousand dollars (\$925,000) in the aggregate. Any such investment shall be made pursuant to an agreement between the Director of General Services and the State Department of the California Highway Patrol and the Governor providing for the investment of such funds and the liquidation of the investment with interest at the rate agreed upon between the parties out of rental charges to be paid by the agencies using the building or from other funds available to the State Department of the California Highway Patrol and the Governor for such purpose.

14682. Notwithstanding any other provision of the law the Department of General Services is authorized to approve and make effective an agreement between any state agency authorized to invest funds under the control of the agency and the State Department of Motor Vehicles whereby the agency agrees to invest with the State Department of Motor Vehicles funds not exceeding the sum of five million five hundred thousand

dollars (\$5,500,000) for construction, improvements and equipment of an office building in the City of Sacramento for the State Department of Motor Vehicles.

The agreement shall provide for the liquidation of the investment, with interest at the rate agreed upon between the parties, out of rental charges to be paid by the agencies using the building or such other funds as are available to the State Department of Motor Vehicles for the purpose.

Any state agency authorized to invest funds under its control and the State Department of Motor Vehicles are hereby authorized to enter into the above agreement.

Whenever under any general or special statute the Director of General Services is authorized to invest the money in a special fund in the State Treasury, he is hereby authorized to invest the money in any such fund or funds for the purposes of this section. Investments by the Director of General Services under this section shall not exceed five million five hundred thousand dollars (\$5,500,000) in the aggregate. Any such investment shall be made pursuant to an agreement between the Director of General Services and the State Department of Motor Vehicles providing for the investment of such funds and the liquidation of the investment, with interest at the rate agreed upon between the parties, out of rental charges to be paid by the agencies using the building or from other funds available to the State Department of Motor Vehicles for such purpose.

Article 3. Buildings and Grounds

14685. The department may establish rules and regulations for the government and maintenance of the state buildings and grounds. Every person who violates or attempts to violate the rules and regulations is guilty of a misdemeanor.

14686. The Department of General Services shall purchase and provide for the display of both the Flag of the United States and the Bear Flag of California in a prominent place outside of each public building of the state.

14687. To enable it better to perform its powers and duties relating to public buildings, the department may become a member and participate in the activities of any building management association. The department may pay any fee or charge incident to membership in such an association or for services furnished thereby out of any money available for expenditure by the department.

Such membership and participation does not render the department nor the state liable to the payment of any dues, fees or other considerations after withdrawal of the department from membership and participation and membership and participation is subject to the right of the department to withdraw at any time and terminate any obligations that membership or participation may entail.

14688. The department shall consider all matters of city planning affecting the future needs of the state and the relation of the state plans to those of the capital city.

14689. The department shall confer and advise with the planning body of the capital city concerning all matters affecting the metropolitan district in and within 15 miles outside the corporate limits of the city. It shall make recommendations to the governing bodies of all political units within the metropolitan district and to the Governor as to all matters of interest to the state concerning existing or new roads, boulevards and thoroughfares, street railway systems, depots, smoke prevention, parks, parkways and playgrounds, water supply, sewage and sewage disposal, collection and disposal of garbage, civic centers, and other natural or artificial physical features, and other public improvements that will affect the character of the district as a whole.

14690. The department may make recommendations to such political units concerning the metropolitan district. In so doing it shall have regard for:

(a) The present conditions and future needs and growth of the district.

(b) The distribution and relative location of all streets and railways, waterways, and other means of public travel and business communication.

(c) The distribution and relative locations of all public buildings, public grounds, and open spaces devoted to the public use.

(d) The planning and laying out for urban uses of private grounds brought into the market from time to time.

Article 4. State Burial Grounds

14700. The Department of General Services has control of the state burial grounds in the City of Sacramento, and of the Union Cemetery in San Mateo County accepted by Chapter 1096 of the Statutes of 1947.

14701. The fee to the state burial grounds, in the city cemetery of the City of Sacramento, is in the people of the state.

14702. There may be interred in the state burial grounds in the City of Sacramento the remains of any person who:

(a) Was a state officer or a Member of the Senate or Assembly at the time of his death.

(b) At the death of any state officer or Member of the Senate or Assembly, was the spouse of the officer or member.

14703. The department may employ such employees as are necessary to perform its duties concerning the state burial grounds in the City of Sacramento and the Union Cemetery.

Article 5. State Land Settlement

14705. All money received by the department under this article shall be deposited in the Treasury to the credit of the General Fund.

14706. The Department of General Services has complete control of all of the land owned by the state in the Delhi Colony in Merced County, consisting of approximately 58.50 acres. The department may sell all or any part for cash at a price to be fixed by the director.

There shall be excepted and reserved to the state the minerals including oil and gas in such lands, and the right of the state or persons authorized to do so by the state to prospect for, extract, and remove, the minerals, oil and gas therefrom.

The department may lease all or any part of the land for such rental and upon such terms and conditions as are provided for other state lands of similar character.

14707. The department has control of real property in the City of Sacramento, consisting of property known as the State Garage on L Street, and lots designated 83, 84 and H on Fifth Street, for use for state purposes. The department may sell all or part upon such terms and conditions as the director deems for the best interests of the state.

14708. All personal property received from the state land settlement shall be held by the department for use by it, for transfer to and for use by other state agencies which receive their support from the General Fund, or it may be sold.

Article 6. State Teletype System

14710. The Director of General Services shall fix the charge to be paid by any state department, officer, board, or commission, or any city, county, city and county, or other public agency to the State Bureau of Criminal Identification and Investigation for transmitting messages over the state's teletype system.

14711. In the case of a state agency, the charge shall be paid from the money available by law for the support of the state agency using the system.

Article 7. Rector Dam

14715. The Veterans' Home of California, for all purposes including irrigation and domestic, shall have the first and prior right to all available water stored in Rector Dam on state property in Napa County. Said right shall be prior to any allocation of said waters for the use of any other state institutions, including the State Game Farm and the Napa State Hospital. In the event that there is more water available than necessary to meet the requirements of the Veterans' Home of California, the department may take and conduct from the dam such quantity of surplus water as may be deter-

mined by the Department of Water Resources to be necessary for the use of the Napa State Hospital and other state establishments located in the County of Napa, including the State Game Farm, and may acquire rights-of-way by purchase, lease, or condemnation for that purpose.

CHAPTER 3. GENERAL SERVICES ADVISORY COUNCIL

14720. There is hereby created within the Department of General Services the General Services Advisory Council. The council shall be composed of not to exceed 12 members who shall be state officers or public members appointed by the Director of General Services with the advice of agency administrators and department heads and who shall serve at the pleasure of the director. The Director of General Services shall serve as chairman of the council. The council shall be under the direction of the director and shall be wholly advisory in character and shall not be delegated any administrative authority or responsibility.

14721. The functions of the council shall include but not be limited to:

(a) Consideration of improved methods of providing centralized services.

(b) Consideration of suggestions from the Department of General Services before new programs or procedures are placed in operation.

(c) Consideration and development of practical solutions to problems received from state agencies relating to centralized services.

(d) Development of support of statewide standards and policies created by mutual agreement of the Department of General Services and state agencies.

14722. The council shall serve as an advisory body and make recommendations to the Department of General Services. The members of the council shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this chapter.

14723. The Director of General Services may create special advisory committees to advise the director with regard to specific problems which may arise in providing centralized services to state agencies. The director shall appoint the members thereof and they shall serve at his pleasure. He shall also designate the chairman and vice chairman thereof. The committees shall be under the direction of the director and shall be wholly advisory in character and shall not be delegated any administrative authority or responsibility. Members of such committees shall serve without compensation, but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this section.

Such committees shall act only in an advisory capacity for the purpose of discussing specific problems relating to providing centralized services and making recommendations in regard thereto to the director.

CHAPTER 4. INVENTORY OF PROPRIETARY LANDS

14730. The department shall prepare and maintain an adequate index or record of deeds or other evidence of title to all proprietary lands owned or acquired by the state, by purchase, gift, condemnation, or otherwise, except lands or interests therein acquired by the Department of Public Works for highway purposes. Each entry shall contain a description stating the area of the parcel in acres or square feet and the cost to the state of the parcel. Each state agency hereafter acquiring lands shall transmit to the department the information necessary to make such entry.

14731. In order to properly maintain the above-mentioned index or record the department, beginning January 1, 1967, and each five years thereafter, shall cause to be presented for verification, as of June 30th, to each officer, agency, or organization of the state government having jurisdiction of proprietary lands, a listing, as taken from the index or record if available, showing grantor, brief description, area in acres or square feet, acquisition date, date of deed, cost to the state, appraised valuation and use. It shall be the duty of each officer, organization, or agency of the state government to return such listing to the department within 60 days of receipt, noting errors, correcting omissions, and certifying its correctness. For the purposes of this chapter the Regents of the University of California shall be considered as an organization of the state government.

CHAPTER 5. STATE RECORDS

Article 1. General

14740. This chapter shall be known as the "State Records Management Act."

14741. As used in this chapter "record" or "records" means all papers, maps, exhibits, magnetic or paper tapes, photographic films and prints, punched cards, and other documents produced, received, owned or used by an agency, regardless of physical form or characteristics. Library and museum materials made or acquired and preserved solely for reference or exhibition purposes, and stocks of publications and of processed documents are not included within the definition of the term "record" or "records" as used in this chapter.

Article 2. Administration of State Records

14745. The director shall establish and administer in the executive branch of state government a records management program, which will apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation, and disposal of state records.

14746. The duties of the director shall include but not be limited to:

(a) Establishing standards, procedures, and techniques for effective management of records.

(b) Providing appropriate protection for records designated by state agencies, with the concurrence of the director, as essential to the functioning of state government in the event of a major disaster.

(c) Obtaining from agencies reports required for the administration of the program.

(d) Adopting, amending, and rescinding rules and regulations for the receipt and filing of state records.

Article 3. Duties of Agency Heads

14750. The head of each agency shall:

(a) Establish and maintain an active, continuing program for the economical and efficient management of the records of the agency.

(b) Determine, with the concurrence of the director, records essential to the functioning of state government in the event of a major disaster.

(c) Comply with the rules, regulations, standards and procedures issued by the director.

Article 4. Disposal of Records

14755. (a) No record shall be destroyed or otherwise disposed of by any agency of the state, unless it is determined by the director that the record has no further administrative, legal, or fiscal value and the Secretary of State has determined that the record is inappropriate for preservation in the State Archives.

(b) The director shall not authorize the destruction of any record subject to audit until he has determined that the audit has been performed.

14756. The public records of any state agency may be microfilmed or otherwise photographically reproduced and certified on the written authorization of the head of the agency. The microfilming or photographic reproduction must meet the standard specification of the United States Bureau of Standards.

The certification of each such reproduction or set of reproductions shall be in accordance with the standards, or have the approval, of the Attorney General. The certification shall con-

tain a statement of the identity, description, and disposition or location of the records reproduced, the date, reason, and authorization for such reproduction, and such other information as the Attorney General requires.

Such certified photographic reproductions shall be deemed to be original public records for all purposes, including introduction in courts of law and state agencies.

Article 5. Annual Report

14760. The director shall make an annual written report to the Governor. The report shall describe the status and progress of programs established pursuant to this chapter and shall include the recommendations of the director for improvements in the management of records in the state government.

Article 6. Record Centers

14765. All persons, other than temporary employees, serving in the state civil service and employed by the Secretary of State in the Central Record Depository, shall remain in the state civil service and are hereby transferred to the Department of General Services. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act.

14766. All equipment and records in the Central Record Depository in the office of the Secretary of State are transferred to the Department of General Services.

14767. The director shall establish, maintain and operate record centers for the storage, processing, and servicing of records for state agencies pending their deposit with the Archives of the State of California or their disposition in any other manner authorized by law.

14768. This article shall become operative on January 1, 1967.

CHAPTER 6. PURCHASES AND SERVICES

Article 1. General

14780. All contracts entered into by any state agency for (a) the hiring or purchase of equipment, supplies, materials, or of textbooks for use in the day and evening elementary schools of the state, (b) services, whether or not the same involve the furnishing or use of equipment, materials or supplies or are performed by an independent contractor, (c) the construction, alteration, improvement, repair or maintenance of property, real or personal, or (d) the performance of work or services by such state agency for or in cooperation with any person, or public body, are of no effect unless and until approved by the Department of General Services. Every such contract shall be transmitted with all papers, estimates, and

recommendations concerning it to the department and, if approved by the department, shall be effective from the date of such approval. This section shall apply to any state agency which by general or specific statute is expressly or impliedly authorized to enter into transactions referred to herein. This section shall not apply to any contract let by a department under the State Contract Act, nor to any contract of a type specifically mentioned and authorized to be entered into by the Department of Public Works under the Streets and Highways Code, nor to any contract let by the Legislature, nor to any contract entered into under the authority of Chapter 4 of Part 3 of Division 2 of the Insurance Code.

14781. No state agency or employee thereof shall draft or cause to be drafted, any specifications for bids, in connection with the purchase or contemplated purchase of any supplies or materials, or textbooks for use in the day and evening elementary schools of the state, in such a manner as to limit the bidding directly or indirectly, to any one bidder.

Bidders may be required to furnish a bond or other indemnification to the state against claims or liability for patent infringement.

14782. Every purchase, or contract to purchase hereafter made in violation of Section 14781 of the Government Code shall be void.

14783. To meet an emergency, supplies and materials of a perishable nature, in an amount not exceeding one hundred dollars (\$100) in value, may be purchased by a state agency without the permission of the department.

14784. The department may except from this article certain classes or types of contracts of any particular state agency and authorize it to enter into such contracts without submitting them for approval. Written notice of exceptions shall be given to the state agency and the Controller.

Article 2. Purchases

14790. Purchases by the Regents of the University of California are not subject to this article.

14791. The bid requirements prescribed in this article are not applicable to purchases or contracts for the purchase of the following:

(a) Fluid milk and fluid cream, the price of which is established in accordance with Chapter 17 of Division 6 of the Agricultural Code.

(b) Fruits and vegetables procured under contract with growers for the use of canneries maintained and operated by state agencies, if such canneries are maintained and operated so that their canned products will meet the standards prescribed for similar commercially packed canned products under federal law.

(c) Such agricultural surpluses as may be available to the state or its agencies by any governmental agency.

14792. Except as provided in Article 1, every purchase of supplies or equipment in excess of twenty-five dollars (\$25) for any state agency shall be made by or under the supervision of the Department of General Services; provided, that the state agency may specify the quality of the supplies or equipment to be purchased. Should the Department of General Services determine a different quality than that specified by the agency will best serve the interests of the state, it shall notify the state agency before a purchase order is issued. If the agency is of the opinion the interests of the state would not be served by the purchase of supplies or equipment of a lesser quality or different than that specified by the agency, the agency or the Department of General Services may request a hearing before the Board of Control and the board shall determine the supplies or equipment which will best serve the interests of the state, whereupon the department shall issue a purchase order for the supplies or equipment specified by the Board of Control.

14793. No state agency may purchase equipment, supplies, or materials in the open market, unless permission has been given by the department, upon a showing of the necessity therefor.

14794. After June 30, 1960, no state agency shall slaughter any cattle, calves, horses, mules, sheep, swine, or other livestock by any methods other than humane methods; nor shall any state agency contract for, purchase, procure, or sell all or any portion of such animals slaughtered by any methods other than humane methods.

For the purposes of this section, humane methods are defined to be the following:

All cattle, calves, horses, mules, sheep, swine, and other livestock shall be rendered insensible to pain by a single blow or gunshot or an electrical, chemical or other means that is rapid and effective before being shackled, hoisted, thrown, cast, or cut, or shall be prepared, handled or slaughtered in accordance with ritual requirements of the Jewish or any other religious faith that prescribes a method of slaughter whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

14795. After June 30, 1960, every person who supplies any state agency with livestock products derived from any of the animals enumerated in Section 14794 shall file with the Department of General Services a sworn statement that such animals were slaughtered by humane methods. For the purposes of this section, the slaughtering of animals by methods designated by regulations of the Department of Agriculture or in accordance with the ritual requirements of the Jewish or any other religious faith as set forth in Section 14794 shall be deemed a sufficient compliance with the requirements of law. The regulations adopted under this section shall conform so far as possible to the regulations of the United States Depart-

ment of Agriculture governing humane methods of slaughtering.

14796. To assist the Department of General Services and other state agencies in the enforcement of the provisions of Section 14794, the Department of Agriculture is authorized and directed to perform the following duties:

(a) Designate, on or before December 31, 1959, and at such times thereafter as it deems advisable, methods of slaughter and of handling in connection with slaughter, with respect to each species of livestock, which conform to the provisions of Section 14794. If deemed more effective, the department may designate methods which are not in conformity with that section. Designations by the department subsequent to December 31, 1959, shall be adopted in accordance with the provisions of Chapter 4 (commencing with Section 11370), Part 1, Division 3, Title 2, of the Government Code.

(b) Provide, through cooperation with the United States Department of Agriculture in the enforcement of Public Law 85-765 and by means of appropriate regulations, suitable methods of identifying the carcasses of animals inspected and passed under Article 1 (commencing at Section 301) of Chapter 1 of Division 3 of the Agricultural Code that have been slaughtered by humane methods. Animals slaughtered and handled in connection with slaughter, in conformity with the methods designated under subdivision (a) of this section shall be deemed, for the purposes of this subdivision, to have been slaughtered by humane methods.

14797. Nothing in Sections 14794 to 14796, inclusive, shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. To protect the freedom of religion, ritual slaughtering and the handling or other preparation of livestock for ritual slaughtering are deemed to be humane. For the purposes of this section, the term "ritual slaughtering" means the slaughtering of animals by methods in accordance with the ritual requirements of any religious faith as set forth in Section 14794.

14798. Upon the request of the department, every state agency that is authorized by law to make purchases of equipment, material or supplies shall designate some person in the agency whose duty it shall be to make such reports to the department at such times and in such manner as it may require.

14799. An estimate or requisition approved by the state agency in control of the appropriation or fund against which a purchase is to be charged, is full authority for any contract and purchase of supplies of the quality specified by the agency or determined by the Board of Control as provided in this article made pursuant thereto by the department.

The department shall issue a call for bids within 30 days after receiving a requisition for any supplies or equipment that is regularly purchased within this state.

After the closing date for receiving any bids within or without this state, the contract of purchase shall be awarded or the bids shall be rejected within 30 days unless a protest is filed as provided in Section 14813.

14800. Immediately upon the rendition of services or the delivery of supplies, the disbursing officer shall transmit the invoice or demand for payment together with his sworn statement to the Controller.

14801. Such sworn statement shall show that the services have been rendered and the supplies delivered to the state agency in accordance with the contract and law.

14802. The director may make the services of the department under this article available, upon such terms and conditions as he may deem satisfactory, to any tax-supported public agency in the state, including a school district, for assisting the agency in the purchase or lease of television communications equipment.

14803. Any contract or purchase order for supplies or equipment to be manufactured by the contractor specially for the state and not suitable for sale to others in the ordinary course of the contractor's business may provide, on such terms and conditions as the department deems necessary to protect the state's interests, for progress payments for work performed and costs incurred at the contractor's shop or plant, provided that not less than 10 percent of the contract price is required to be withheld until final delivery and acceptance of the supplies or equipment, and provided further, that the contractor is required to submit a faithful performance bond, acceptable to the department, in a sum not less than one-half of the total amount payable under the contract securing the faithful performance of the contract by the contractor.

14804. The department may rent, lease, construct, and maintain warehouses and make such rules and regulations as are necessary for the proper and economical making of state purchases.

14805. The department may insure in the name of the state any goods or merchandise belonging to the state which are stored in any warehouse or storage depot not under exclusive state control, in an amount sufficient to indemnify the state against loss or damage by fire. Premiums for such insurance shall be paid out of the Service Revolving Fund and prorated and added to the price of the goods or merchandise.

14806. Each person in the department who has personal supervision and control of any warehouse or storage depot wherein merchandise or goods belonging to the state are stored, shall execute to the people of the state a bond in the penal sum of five thousand dollars (\$5,000). Premiums on the bonds shall be paid by the state as are the premiums upon the bonds of state officers.

14807. Except in cases when the agency and the department agree that an article of a specified brand or trade name is the only article which will properly meet the needs of the

agency, or in cases where the Board of Control has made such determination pursuant to Section 14792, all contracts and purchases of supplies in an amount of one thousand dollars (\$1,000) or more shall be made or entered into with the lowest responsible bidder meeting specifications, subject to the provisions of Sections 4300 to 4334, inclusive, of this code.

For purposes of determining the lowest bid, the amount of sales tax shall be excluded from the total amount of the bid.

14808. In establishing bid specifications for the purchase of motor vehicles and in determining the lowest responsible bidder, consideration may be given by the state to the probable resale value of such vehicles as determined by recognized published used car marketing guides and other established historical evidence of future used motor vehicle value or, in lieu thereof, by contractual guarantee of the apparent low bidder that the resale value of the vehicle will be no less in proportion to bid price than any other comparable vehicle complying with specifications for which a bid was received.

14809. Except in cases of emergency where immediate purchase of supplies or equipment without bid is necessary for the protection of the public health, welfare, or safety, whenever the Department of General Services purchases supplies or equipment in excess of one thousand dollars (\$1,000), all vendors who have notified the department in writing they desire to bid on such supplies or equipment, and who have been prequalified in accordance with the provisions of this section, shall be furnished with complete specifications as to the type, quality, quantity, and whenever practicable the date, place and method of delivery of the equipment or supplies to be purchased. In addition to notifying all such persons, the department shall post in a public place a copy of such specifications which shall remain posted until seven (7) days after an award has been made. Whenever a purchase in excess of one thousand dollars (\$1,000) is made under this section or Section 14807 without the taking of bids, the department shall report to the Board of Control the fact of such purchase together with a written statement of the facts requiring the purchase of the supplies or equipment without the taking of bids.

14810. The department shall adopt, publish and apply uniform standards of rating bidders, on the basis of questionnaires and required statements, with respect to contracts upon which each bidder is qualified to bid.

14811. All bids must be sealed and shall be publicly opened and read at the time set forth in the request for bids, provided any person present desires the bids to be so read. No bids shall be considered which have not been received in the office of the department prior to the closing time for bids set forth in the invitations to bids.

14812. After being opened the bids shall be available for public inspection and tabulations shall be completed within seven days.

14813. Whenever a contract or purchase order under this

article is not to be awarded to the lowest bidder, such bidder shall be notified by telegram 24 hours prior to awarding the contract or purchase order to another bidder. Upon written request by any bidder who has submitted a bid, notice of the proposed award shall be posted in a public place in the offices of the department at least 24 hours prior to awarding the contract or purchase order. If prior to making the award, any bidder who has submitted a bid files a protest with the department against the awarding of the contract or purchase order on the ground that he is the lowest responsible bidder meeting specifications, such contract or purchase order shall not be awarded until either the protest has been withdrawn or the Board of Control has made a final decision as to the action to be taken relative to the protest. In computing the 24-hour periods provided for in this section Saturdays, Sundays and legal holidays shall be excluded.

Within 10 days after filing a protest, the protesting bidder shall file with the Board of Control a full and complete written statement specifying in detail the ground of the protest and the facts in support thereof.

14814. The Department of General Services is authorized to make purchases of materials, equipment, or supplies, other than printed material, on behalf of any city, county, city and county, district, or other local governmental body or corporation empowered to expend public funds for the acquisition of property, upon written request of such local agency; provided that such purchases can be made by the Department of General Services upon the same terms, conditions and specifications at a price lower than the local agency can obtain through its normal purchasing procedures. The state shall incur no financial responsibility in connection with purchases for local agencies under this section. No purchase shall be for less than five hundred dollars (\$500) and the local agency shall accept sole responsibility for payment to the vendor. All purchases shall be subject to audit and inspection by the local agency for which made.

The competitive bidding requirements of this chapter shall apply to purchases made under this section.

Purchases under this section shall be subject to the provisions of Section 14813.

No purchase shall be made under this section when bids have been received by the local agency for the furnishing of such materials, equipment, or supplies, unless the purchase by the Department of General Services can be made at a lower price upon the same terms, conditions and specifications.

A charge shall be made to each local agency availing itself of this service, such charge to be not less than the estimated cost to the department of rendering the service, including costs incurred by the department in preparation for a purchase requested by a local agency in instances where such request is canceled or withdrawn by the local agency prior to award of the contract or purchase order by the department.

The Department of General Services may adopt such rules and regulations as are necessary for the purposes of this section.

Article 3. Purchase of Federal Surplus Property

14820. The department may purchase, lease or otherwise acquire from the federal government or any agency thereof for use of state agencies, surplus real property, including buildings, fixtures, and equipment situated thereon, whenever in his judgment such purchase or acquisition and the terms and conditions thereof are in the best interests of the state.

14821. Any and all negotiations with the federal government or its agencies for or in connection with the purchase or acquisition of such property, and all activities, functions and responsibilities pertaining thereto, are hereby vested in and shall be assumed and conducted exclusively by the department. No other state officer or agency shall, except on the authorization of the department, negotiate with the federal government or its agencies for or in connection with the purchase or acquisition of such property. Any state agency may inspect such property to determine whether the same would be useful in the performance of its duties and may make recommendations to the department concerning the same.

14822. The department shall (1) keep in constant touch with federal agencies charged with the sale or disposition of such property and secure from them full details as to the nature and availability of such property and the terms and conditions under which it can be purchased or acquired; (2) transmit information thus secured to all state agencies in order that they may possess complete and up-to-date information as to the nature and selling price of available property; (3) prescribe procedure consistent with this article to be followed by state agencies in requisitioning and paying for such property and inform them of such procedure.

14823. Unless otherwise prescribed by the department, state agencies desiring to purchase or acquire such property shall submit their estimates or requisitions therefor to the department, and shall pay for such property, in accordance with existing laws governing state purchases.

14824. This article shall not apply to the Regents of the University of California.

CHAPTER 7. PRINTING

Article 1. General

14850. All state printing shall be done in the Office of State Printing.

State work only shall be done in the Office of State Printing.

14851. No printing for the promotion of sales for any industry shall be done in the Office of State Printing. No print-

ing for the promotion of any agricultural district fair shall be done in the Office of State Printing.

The Office of State Printing may print checks and other printed matter necessary for the operation of any industry board of state agricultural district board at the expense of the state.

14852. All printing required by district agricultural associations shall be exempt from Section 14850.

14853. The department has entire charge and superintendence of the state printing and binding.

14854. The department shall decide upon the style and manner of printing all laws and other state documents except those printed for the Legislature.

14855. The department may revise, reduce or decline to execute any order, or part of any order, which it deems unnecessary or unwarranted by law, and which will tend to consume unnecessarily the appropriation for support of the Office of State Printing.

14856. Appropriations from the General Fund shall not be expended for the printing or publishing of any book, pamphlet, report of activities, or compilation or synopsis of laws, rules or regulations, or other document concerning any of those activities of any state agency that is supported from special funds.

14857. When any chart, map, diagram, or other engraving is required to illustrate any document ordered to be printed, such chart, map, diagram, or engraving shall be prepared or procured by the department. Bills for engraving, lithographing, or lithograph printing not so prepared or procured shall not be allowed by the Controller.

14858. The department may cause the state printing plant, its contents and all printing supplies and other property used or intended to be used for state printing, wherever located, to be insured against damage or destruction by fire.

14859. On or before the 15th day of September of each year, the department shall make a written report to the Governor, embracing a record of the complete transactions of the Office of State Printing for the preceding fiscal year.

14860. Whenever the Office of State Printing is not equipped to fill an order for printing or other work, the Office of State Printing shall so notify the state agency or agencies submitting the order and the state agency or agencies shall then make purchases of such printing or other work directly through the Office of Procurement of the department.

Article 2. Costs

14865. All printed matter for all state agencies and the Regents of the University of California shall be prepared at the expense of their respective funds or appropriations.

14866. The cost of all printing and publishing by the Office of State Printing shall be fixed by the department in an amount which will pay for all costs relating to such printing

and publishing, including depreciation on plant and equipment.

14867. The department shall cause to be installed and the Office of State Printing shall use a cost finding system for determining the cost of all work performed in the Office of State Printing.

14868. Charges for printing publications, including legislative printing, shall include the cost of printing and distributing copies thereof to libraries as required by Section 14901 and also the cost of preparing, printing, and distributing the lists of publications required by Section 14910.

Article 3. Operation of the Office of State Printing

14870. The department shall execute promptly all orders for printing or binding received from the various state agencies.

14871. Orders for printing shall be forwarded to the department by the state agency ordering the printing. Such orders shall contain a statement showing that sufficient funds have been encumbered and made available to cover the cost of the printing ordered. The Office of State Printing shall not commence work until a printing order, approved by an authorized officer of the agency ordering the printing, has been received.

14872. There is in the Department of General Services a State Printer, who shall be appointed by the Governor with the approval of the Senate for a term of four years commencing January 15 next following the general election at which a Governor is elected, and he shall hold office until appointment and qualification of his successor or until 90 days shall have elapsed since the expiration of the term for which he was appointed, whichever first occurs; but he may be dismissed by the Governor, with or without cause, at any time. The Governor may fill any vacancy in the office of State Printer by interim appointment prior to the commencement of the first term in 1963 and may fill any vacancy in the office thereafter for the unexpired portion of the term but such appointment shall be subject to approval of the Senate at the next regular session of the Legislature. Nothing herein contained shall be construed as rendering inapplicable to the State Printer any conflict of interest statutes.

The State Printer shall not engage in a managing capacity in any private business or enterprise.

The State Printer's salary is provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of this code.

14873. The department shall take charge of and is responsible for all manuscripts and other matter delivered to it for printing.

14874. There shall be retained and filed in the Office of State Printing, with the job ticket, one copy or sample of the printing produced on each completed printing order.

14875. The department shall employ such compositors, bookbinders, pressmen, assistants and such other skilled craftsmen as the exigency of the work from time to time requires. At no time shall more skilled craftsmen be employed than the absolute necessities of the state printing may demand.

14876. Pressmen, typographers, linotypers, compositors, bookbinders, lithographers, engravers, apprentices and assistants and all other employees of the Office of State Printing employed in allied work shall be paid on an hourly wage basis. The basic wage of such employees shall be the same hourly wage paid to persons in similar and comparable employment by private business in the City of Sacramento. In addition to such wages, and the rights and privileges afforded state employees under the provisions of the State Civil Service Act, and other statutes, there shall be paid to each such employee of the Office of State Printing, either directly or to a health and welfare fund on his behalf, an amount equal to the contributions paid to health and welfare plans to employees in comparable employment by private business in the City of Sacramento.

14877. There shall be kept in the Office of State Printing, open to public inspection, a time book, containing the name of every employee connected with the Office of State Printing, the time employed, the rate of wages, and amount paid.

Article 4. Publications and Documents

14880. The department has general supervision of the distribution of all public documents and other publications printed for any state agency and the custody of all state documents and other publications subject to public distribution, except those printed for the special use of the Legislature, the Governor, or the elective officers of the state.

The department shall fix the price and dispose of or sell the documents and publications.

14881. The department may accept for distribution or disposal documents and other publications from the Legislature, the Governor, or the elective officers of the state, when requested to do so.

The department shall fix the price and dispose of or sell the documents and publications.

14882. The department may compile and publish such documents, pamphlets, bulletins or other publications as it deems are for the best interests of the state or for public information.

The cost of compiling, printing and distributing any document, pamphlet, bulletin or other publication so issued, including salaries and other expenses, is payable from the Service Revolving Fund.

14883. There shall be deducted from all money received from the sale of such documents or publications, a pro rata share of the cost of administration and the balance shall be paid monthly into the Treasury and credited to the fund from which the cost of printing was paid. The amounts deducted for administrative costs shall be deposited in the State Treasury and credited to the Service Revolving Fund.

14884. The index of the Constitution and laws shall be offered for sale to the public at a price to be fixed by the department. Such portion of the receipts as may be required to complete the cost of printing, publication and distribution shall be paid into the Service Revolving Fund and the balance paid into the Treasury and credited to the General Fund.

14885. In the year 1963 and in every fourth year thereafter the Office of State Printing shall, with the approval of the department, compile or cause to be compiled, published and distributed a State Blue Book.

The Blue Books shall be compiled following the convening of the session of the Legislature in the year for which the Blue Book is to be compiled and published and material therein pertaining to the Legislature shall be compiled under the direction of the Secretary of the Senate and the Chief Clerk of the Assembly as pertaining to their respective houses.

The Blue Book shall contain only such material as the Joint Committee on Legislative Organization finds to be appropriate.

The cost of such compilation, publication and distribution shall be paid from any appropriation made for that purpose.

14886. The volumes shall be distributed as follows: to the Secretary and each Member of the Senate and to the Chief Clerk and each Member of the Assembly, 10 copies; to the Governor, 25 copies; to the Lieutenant Governor, 15 copies; to the Secretary of State, the Controller, the Attorney General, the Legislative Counsel, and the Treasurer, each 10 copies; to each member of the State Board of Equalization, five copies; to the director of each state department, two copies; to the two United States Senators from California and the members of the California congressional delegation, each one copy; to the Chief Justice and Associate Justices, each one copy; to the presiding justices and justices of the district court of appeals, each one copy; and copies as provided in Section 14901 of this code.

All other volumes shall be sold for such price as may be fixed by the department.

Any person who publishes or sells any publication whose title contains the words "State Blue Book," "California Blue Book," or any similar words which tend to confuse the publication with the State Blue Book authorized by this act is guilty of a misdemeanor.

Article 5. Compilations

14890. Whenever any state agency requires the compilation, printing, and publication of any volumes or pamphlets of laws or other matter for use or information in the discharge of its duties or for the general use or information of the people it shall apply to the department for its approval.

The application shall show:

- (a) All the pertinent facts.
- (b) The necessity for the compilation.
- (c) The estimated cost.

(d) The funds or appropriations which are available for the payment of the cost pursuant to this article.

14891. After approval of the application by the department and upon its written direction or request, the Legislative Counsel, State Librarian, or other state agency authorized or required by law to render the service, shall compile the volumes and pamphlets for printing and publication.

14892. The state agency requiring the compilation shall furnish the state agency compiling it such data and information as it has or may be able to obtain conveniently concerning the compilation.

14893. If the compilation is required for its own use or information, the cost of compiling, printing, and publishing the volumes or pamphlets shall be paid for from any appropriation for the state agency that is available for printing purposes.

14894. If the compilation is for the general use or information of the people, the cost of compiling, printing, and publishing the volumes or pamphlets shall be paid for from funds appropriated for that purpose by the Legislature.

Article 6. Distribution of State Publications

14900. It is the policy of the State of California to make freely available to its inhabitants all state publications by distribution to libraries throughout the state, subject to the assumption by such libraries of the responsibilities of keeping such documents readily accessible for use, and of rendering assistance in their use to qualified patrons without charge.

14901. To the end that the policy specified in Section 14900 may be effectively carried out, the State Printer shall print two hundred (200) copies of each state publication unless the Department of General Services with the advice of the State Librarian determines that a lesser number will meet the requirements for deposit in a "library stockroom" (to be maintained by the State Printer for that purpose) for distribution to libraries as hereinafter provided, except that of legislative bills, daily journals, and daily or weekly histories, only one hundred (100) copies shall be printed for such deposit and distribution, and of publications not printed by the State Printer, the department, commission or other agency concerned

shall print one hundred (100) copies for such distribution. An additional two (2) copies of each state publication as selected by the State Archivist shall be printed and delivered to the State Archivist by the State Printer or the department, commission, or other agency concerned, and all remaining copies in excess of two (2) copies heretofore received shall be distributed to interested parties without charge or destroyed. The cost of printing, publishing, and distributing such copies shall be fixed and charged pursuant to Section 14866. Additional amounts shall be charged by the State Printer to cover the cost of preparing, printing, and distributing the lists of publications required by Section 14910.

14902. "State publication" or "publication" as herein employed is defined to include any document, compilation, journal, law, resolution, Blue Book, statute, code, register, pamphlet, list, book, report, memorandum, hearing, legislative bill, leaflet, order, regulation, directory, periodical or magazine issued by the state, the Legislature, constitutional officers, or any department, commission or other agency thereof in print, and "print" is defined to include all forms of duplicating other than by the use of carbon paper. The publications of the University of California, however, and intraoffice or interoffice publications and forms shall not be included.

14903. As soon as practicable after deposit of the copies in the library stockroom, the State Printer shall forward of each publication other than the legislative bills, daily journals and daily or weekly histories, fifty (50) copies to the State Library at Sacramento and twenty-five (25) copies each to the University of California libraries at Berkeley and Los Angeles. Such copies in excess of the number required for the institution itself, may be used for exchanges with other institutions or with agencies of other states and countries.

14904. The copies remaining in the library stockroom, including the legislative bills, daily journals, and daily or weekly histories, shall be distributed as soon as practicable by the State Printer first one copy each to the libraries which are on his mailing list as "complete depositories," second one copy each to the libraries which are on his mailing list as "selective depositories," and third the balance to any libraries which may write for a copy or copies. Publications not printed by the State Printer shall be distributed by the issuing department, commission or other agency as soon as practicable after printing, first to all "complete depositories," and second to "selective depositories," designated by the Department of General Services.

14905. To be placed on the mailing list as a "complete depository" or as a "selective depository," a library must contract with the Department of General Services to provide adequate facilities for the storage and use of the publications, and must agree to render reasonable service without charge to qualified patrons in the use of the publications. A library designated as a "complete depository" shall be sent one copy of every

state publication, while a library designated as a "selective depository" shall be sent one copy of each publication of the type or issuing agency it selects.

14906. Any municipal or county free library, any state college or state university library, the library of any incorporated college or university in this state, and the State Library, may contract as above provided. Applications are to be considered in the order of their receipt by the Department of General Services.

14907. Upon application, county law libraries, the law libraries of any law school approved by the State Bar of California, the Supreme Court Library, and the law libraries of the Department of Justice and the law library of the Continuing Education of the Bar of the University of California Extension may contract as provided in Section 14905 to become a selective or complete depository library.

14908. Because of the specialized service rendered the citizens of this state through assistance in the administration of justice, proximity to another depository library shall be disregarded in the selection of a law library as a depository of legal materials.

14909. Maintenance of basic general documents shall not be required of law library depositories, but basic legal documents shall be maintained by them. Such basic legal documents shall include legislative bills, legislative committee hearings and reports, legislative journals, statutes, administrative reports, California Administrative Code and Register, annual reports of state agencies and other legal materials published by the state, where obtainable through the agency preparing same.

14910. To facilitate the distribution of state publications, the State Printer shall issue monthly or quarterly a complete list of state publications issued during the immediately preceding month or quarter, such lists to be cumulated and printed at the end of each calendar year. All state departments, commissions and other agencies shall, upon request, supply information to the State Printer for the preparation of the monthly or quarterly lists and the annual cumulative lists. Such lists may be compiled by, or with the cooperation of, the State Library.

14911. Whenever any state agency maintains a mailing list of public officials or other persons to whom publications or other printed matter is sent without charge, the state agency shall correct its mailing list and verify its accuracy at least once each year. This shall be done by addressing an appropriate post card or letter to each person on the mailing list. The name of any person who does not respond to such letter or post card, or who indicates that he does not desire to receive such publications or printed matter, shall be removed from the mailing lists. The responses of those desiring to be on the mailing list shall be retained by these agencies for one year.

CHAPTER 8. TRAFFIC

14920. The Department of General Services provides for the specialized consideration of all traffic problems of the state; develops specialized knowledge of rates, tariffs, and traffic problems to the end that all state shipments be accomplished in the most expeditious, economical, and efficient manner possible; insures adequate state representation before administrative rate-setting bodies; disseminates traffic information throughout all state agencies.

14921. The director, subject to the State Civil Service Act, shall appoint such personnel as is necessary to perform the following duties:

(a) Watch the movements of all state freight.

(b) Audit all freight and other transportation bills involving state shipments in order to determine the most advantageous and economical shipping rates which can be secured and to determine what refunds may be due the state on completed shipments.

(c) Furnish upon request from any state source the proper routing and tariff description of a given shipment in order to assure the state of the lowest applicable freight charge.

(d) Establish and maintain such files as may be necessary to expedite shipments, secure special movements, trace and recover strayed and delayed shipments, and divert and reassign shipments.

(e) Perform such other duties as may be necessary to the efficient discharge of the rate control function.

14922. Upon request of any state agency, the Director of General Services may assign competent personnel to work directly with such state agency at such locations as the agency shall designate in order that such personnel shall become familiar with the particular problems of such agency and that the purposes of this chapter can be best accomplished.

CHAPTER 9. COMMUNICATIONS

14930. The Department of General Services shall confer with the Communications Board and obtain its advice and counsel as to the purchase, installation, maintenance, operation, and use of existing or proposed publicly owned communications facilities.

14931. The department may acquire, install, equip, maintain, and operate new or existing communications systems and facilities. To accomplish that purpose, it may, in the name of the state, enter into contracts, obtain licenses, acquire property, install necessary equipment and facilities, and do such other acts as will provide adequate and efficient communications systems. Any system established shall be available to all public agencies in the state on such terms as may be agreed upon by the agency and the department.

CHAPTER 10. STATE ARCHITECT

14952. The department shall contract with qualified architects and engineers for the performance of work when it is determined by the Director of General Services, with the approval of the Director of Finance, that the obtainable staff is unable to perform the particular work within the time the public interest requires such work to be done.

14954. The department may employ such assistance as may be necessary for the proper discharge of its duties, and may purchase or rent any necessary supplies, instruments, tools, equipment, and conveniences.

14955. Where work to be performed, excluding regular maintenance work, which would otherwise be subject to the State Contract Act, does not lend itself to the preparation of plans and specifications to enable bids to be taken on a lump sum or unit basis, and the director so finds, the department may perform such work by the use of rented tools or equipment, either with operators furnished or unoperated. Contracts for such work may include provision for equipment rental and in addition the furnishing of labor and materials necessary to accomplish the work. Such contracts shall not be subject to the State Contract Act, but shall be subject to all of the provisions of Section 136.5 of the Streets and Highways Code, and of Article 2, Chapter 1, Part 7, Division 2 (commencing at Section 1770) of the Labor Code.

CHAPTER 11. EMERGENCIES

14970 In times of extraordinary stress and of disaster, resulting from storms and floods, the director may declare the existence of an emergency and designate the location, nature, cause, area, and extent of the emergency if in his opinion:

(a) The emergency is a matter of general public and state concern; and

(b) Work and remedial measures are required to immediately avert, alleviate, repair, or restore damage or destruction to property having a general public and state interest and to protect the health, safety, convenience, and welfare of the general public of the state.

14971. The department may perform any work required or take any remedial measures necessary to avert, alleviate, repair, or restore damage or destruction to property as provided in this chapter.

14972. The director shall transmit any declaration made under this chapter to the Department of Finance with a recommendation and request that money be allocated from any available money appropriated for that purpose or to meet state emergencies within the meaning of that term as employed in this chapter, in order to carry out the work and remedial measures required to meet the emergency.

14973. The Director of Finance shall forthwith determine if a state emergency exists, and if money is available in any

appropriation or emergency fund for the work and remedial measures. Upon an affirmative finding upon these matters he shall allocate to the Department of General Services such amount as in his opinion will be required to meet the emergency.

SEC. 180. Section 15253 of said code is amended to read:

15253. This part shall apply only to those communications facilities which are owned and operated by public agencies in connection with official business of law enforcement services, fire services, natural resources services, agricultural services, and highway maintenance and control of the state or of cities, counties, and other political subdivisions in this state. This part shall not be construed as conferring upon the Department of General Services or the Communications Advisory Board control of programs or broadcasts intended for the general public.

SEC. 181. Section 15254 of said code is amended to read:

15254. Radio and other communications facilities owned or operated by the state and subject to the jurisdiction of the Department of General Services or the board shall not be used for political, sectarian, or propaganda purposes. Such facilities shall not be used for the purpose of broadcasts intended for the general public, except for fire, flood, frost, storm, catastrophe, and such other warnings and information for the protection of the public safety as the board may prescribe.

SEC. 182. Section 15275 of said code is amended to read:

15275. There is in the state government the California State Communications Advisory Board which consists of:

(a) The Director of General Services.

(b) Three representatives of the law enforcement services in this state, one of whom shall be representative of city or city and county law enforcement services, one of county law enforcement services, and one of state law enforcement services, appointed by the Governor subject to the confirmation of the Senate.

(c) Three representatives of the fire services in this state, one of whom shall be representative of city or city and county fire services, one of whom shall be representative of county or district fire services, and one of whom shall be representative of the state fire services, appointed by the Governor subject to the confirmation of the Senate.

SEC. 183. Section 15277 of said code is amended to read:

15277. The board may appoint a secretary and such other staff members as the board and the Director of General Services determine are necessary to carry out the purposes of this part.

SEC. 184. Section 15278 of said code is amended to read:

15278. The technical assistance required by the board and its staff shall be provided by the Department of General Services.

SEC. 185. Section 15279 of said code is amended to read:

15279. Of the six members of the board other than the Director of General Services, two shall be appointed for a term expiring December 31, 1948, two for a term expiring December 31, 1949, one for a term expiring December 31, 1950 and one for a term expiring December 31, 1951. Subsequent appointments in each instance shall be for terms of four years, ending on December 31st of the fourth year after the end of the prior term, except that appointments to fill vacancies occurring for any reason other than the expiration of the term shall be for the unexpired portion of the term in which they occur. The members of the board shall hold office until their successors are appointed and qualify.

SEC. 186. Section 15300 of said code is amended to read: 15300. The board shall:

(a) Survey existing and proposed publicly owned and operated communications facilities within the state for the purpose of providing advice concerning an adequate communication system or systems available to public agencies at the least possible expenditure of public funds, and annually report to the Governor and to the Legislature its findings and recommendations with reference thereto.

(b) Provide adequate representation of local and state governmental bodies and agencies before the Federal Communications Commission in matters affecting the state and its cities, counties, and other public agencies.

(c) Provide upon request adequate advice to state and local agencies in the state concerning existing or proposed communications facilities.

(d) Coordinate, in an advisory capacity, the operation and use of existing or proposed publicly owned and operated communications facilities between any and all of the following: cities, counties, other political subdivisions of the state, state departments, agencies, boards, and commissions, and departments, agencies, boards, and commissions of other states and federal agencies.

(e) Make and adopt necessary rules and regulations affecting its procedure and conduct.

(f) Recommend to the appropriate state and local agencies such rules, regulations, procedures, and methods of operation as it deems necessary to effectuate the most efficient and economical use of publicly owned and operated communications facilities within this state.

(g) Investigate proposed expenditures of state funds for communications facilities upon request of the Director of General Services and to report to him its findings and recommendations.

(h) Carry out the policy of this part.

SEC. 187. Section 15490 of said code is amended to read:

15490. (a) There is in the state government the State Allocation Board, consisting of the Director of Finance, the Director of General Services, and the Superintendent of Pub-

lic Instruction. Two Members of the Senate appointed by the Senate Committee on Rules, and two Members of the Assembly appointed by the Speaker, shall meet and, except as otherwise provided by the Constitution, advise with the board to the extent that such advisory participation is not incompatible with their respective positions as Members of the Legislature.

(b) The members of the board and the Members of the Legislature meeting with the board shall receive no compensation for their services but shall be reimbursed for their actual and necessary expenses incurred in connection with the performance of their duties.

(c) The Director of General Services shall provide such assistance to the board as it may require.

(d) All meetings of the board shall be open and public.

(e) All records of the board shall be open to inspection by the public during regular office hours.

SEC. 188. Section 15504 of said code is amended to read:

15504. The Director of General Services shall provide the board with the assistance it may require in order to carry out the provisions of this part.

SEC. 189. Section 15621 of said code is amended to read:

15621. The board may hire or lease upon the written approval of the Department of General Services any property, real or personal, for its occupancy or use in the performance of its duties.

SEC. 190. Section 15624 of said code is amended to read:

15624. When requested by the legislative body of any county, city, or city and county to render advisory or other service, other than those services specified in this chapter, the board may contract, at not less than cost and subject to regulations approved by the Director of General Services, to render such services.

All money received by the Board of Equalization pursuant to such contracts shall be paid into the State Treasury to the credit and in augmentation of the current appropriation of the board.

SEC. 191. Section 15752 of said code is amended to read:

15752. As used in this part, "board" means the State Public Works Board, and "director" means Director of General Services.

SEC. 192. Section 15809 of said code is amended to read:

15809. The board may:

(a) Acquire in the name of the State of California, and use any property, and lease as lessor, with the approval of the Department of General Services, any property or any interest therein at any time acquired by it to state agencies, or in the event of default upon any certificates or bonds to other than state agencies.

(b) Construct public buildings.

(c) Contract with other state agencies for the use of real property owned by the state, upon which to construct a public building.

(d) Fix, alter, charge, and collect rentals and other charges for the use of public buildings, or for the services rendered by the board, at reasonable rates to be determined by the board for the purpose of providing for the payment of the expenses of the board, not provided for by state appropriations or otherwise, operation of its public buildings, and the payment of the principal of and interest on its certificates or revenue bonds.

(e) Make contracts of every kind and nature, and execute all instruments necessary or convenient for the carrying on of its business.

(f) Obtain insurance against loss by fire or other hazards on public buildings, both during and after construction, and obtain insurance against loss of revenues from any cause whatsoever, for the protection of the certificate holders or bondholders.

(g) Issue certificates or revenue bonds, as provided in this part, to obtain funds to pay the cost of public buildings, secure the payment of certificates or revenue bonds and interest thereon by pledging all or part of its revenues, rentals, and receipts, and provide for the security of the certificates or revenue bonds and the rights of the holders thereof.

SEC. 193. Section 15815 of said code is amended to read :

15815. The plans and specifications of any public building constructed pursuant to this part shall be prepared by the Department of General Services and the board shall reimburse the department for the costs of such services from the funds available for the purpose. Any public building constructed under the provisions of this part shall be constructed in accordance with the provisions of the State Contract Act.

SEC. 194. Section 15816 of said code is amended to read :

15816. When any public building has been acquired or constructed by the board, and the revenues, rentals, or receipts from the operation of such public building are no longer required or pledged for the payment of principal or interest on any of the certificates or revenue bonds of the board undertaken under this part, the board shall forthwith notify the Department of General Services of that fact, and thereafter such public building shall be under the jurisdiction of, and operated and maintained by, the Department of General Services.

If at any time funds are available by law to retire any certificates or revenue bonds issued to defray the cost of any public building, such funds shall be applied to the redemption of certificates or revenue bonds secured by the rentals and revenues from said public building.

SEC. 195. Section 15860 of said code is amended to read :

15860. Any appropriation for the acquisition of real property pursuant to this part may be expended for the payment of all costs and expenses, including the cost of investigation and surveys, the fees and expenses of appraisers and expert witnesses, and the cost of title searches necessarily incurred in the examination, and the determination of the suitability of any

real property to be acquired or under consideration for acquisition, or necessarily incurred in the course of acquisition of any such real property. Claims for such costs and expenses shall be presented by the Director of General Services and shall be paid by the Controller.

SEC. 196. Section 15862 of said code is amended to read:

15862. When real property is acquired by the state pursuant to this part, and until such property is needed for the purpose for which acquired, the jurisdiction over such property is in the Department of General Services. The Director of General Services may transfer jurisdiction of said property to the agency for whose use it was acquired before it is needed for the purpose for which acquired if in his opinion such transfer is in the best interests of the state. The department may lease all or any portion of the property which is not presently needed on such terms and conditions as the director may fix and may maintain, improve, and care for such property in order to secure rent therefrom. The department may remove or demolish buildings or other structures on the property when it is desirable to do so. It may sell or dispose of the improvements or any materials available upon the demolishing of any building or structure on the property.

SEC. 197. Section 15863 of said code is amended to read:

15863. The proceeds of such sale shall be deposited in the General Fund. Rentals received by the department, pursuant to Section 15862 shall be deposited in the General Fund and are appropriated to the Department of General Services to maintain, improve, and care for real property acquired pursuant to this part pending the use of such property to further the postwar construction program. Any unneeded balance in the appropriation shall be transferred by the Controller on order of the Director of General Services to the General Fund.

SEC. 198. Section 15864 of said code is amended to read:

15864. On behalf of the board, the Director of General Services shall file against any appropriation made for expenditure under this part all claims covering expenditures incurred in acquiring real property pursuant to the act by which the appropriation is made, and the Controller shall draw his warrant therefor.

SEC. 199. Section 15865 of said code is amended to read:

15865. Whenever the board finds that any portion of the funds in any appropriation for the acquisition of real property under this part is unneeded for the acquisition of the site for which such appropriation was made the State Board of Control may, upon the recommendation of the board, authorize the transfer of such unneeded funds to any other appropriation for the acquisition of real property made for expenditure under this part and in augmentation of such other appropriation, except that no part of any appropriation made for expenditure pursuant to this part for the acquisition of a site for the use of an institution, college, school, or other agency within a state

department, shall be transferred to an appropriation for the acquisition of a site for the use of an institution, college, school, or other agency within another state department. For the purposes of this section appropriations for sites for state office buildings, state garages, state warehouses, and official residences are for the use of the Department of General Services.

SEC. 200. Section 16302.2 of said code is amended to read:

16302.2. Upon approval of the Director of General Services, any state agency with respect to any amount required to be shown on any form prescribed by the agency, or any amount of credit or refund, or any amount to be collected as a deficiency or underpayment of any tax, penalty, interest, license or other fee, or any other payment, may provide by regulation for the disregard of the fractional part of a dollar, unless it amounts to fifty cents (\$0.50) or more, in which case it shall be increased to one dollar (\$1).

SEC. 201. Section 16305.1 of said code is amended to read:

16305.1. It is anticipated that as a result of this legislation state agencies will no longer need to maintain large sums of money in agency bank accounts, and that future agency bank accounts permitted by the Director of General Services will contain only amounts of money necessary for day-to-day petty cash needs.

SEC. 202. Section 16305.4 of said code is amended to read:

16305.4. The Director of General Services shall establish any system which may be necessary or convenient in the handling of trust accounts of the state agencies and in establishing the system to be followed in receiving, holding and disbursing such money. The system established by the Director of General Services shall in general provide that the Controller is responsible for maintaining accounts to record the Treasurer's accountability, and shall maintain the separate account for each trust deposit.

SEC. 203. Section 16421 of said code is amended to read:

16421. The fund consists of the following:

(a) All money appropriated by the Legislature for such fund or payable into such fund in accordance with law.

(b) All money received into the Treasury from any source whatever in payment of printing, ruling, and binding done in the Office of State Printing or, unless otherwise provided by law, in payment for other services rendered by the Department of General Services.

(c) Reimbursement of rentals paid from such fund.

SEC. 204. Section 16422 of said code is amended to read:

16422. The fund is under the control of the Department of General Services and is available for expenditure for the purchase and sale of materials, supplies, and equipment; the rendering of services to state and other public agencies and, in connection therewith, for the employment and compensation of necessary personnel and expenses; all expenses for the support of the Office of State Printing; the purchase of machinery or equipment, including motor vehicles, needed in the opera-

tion or administration of the Office of State Printing, and rental of real property.

SEC. 205. Section 16501 of said code is amended to read:

16501. Under such conditions as he with the approval of the Director of General Services may fix, the Treasurer may deposit money in banks outside this state for the payment of the principal or interest of bonds, made payable outside of this state, at the places at which the bonds are payable.

SEC. 206. Section 16506 of said code is amended to read:

16506. All money belonging to or in the custody of the state under the control of any state officer or employee, other than the Treasurer, except petty cash funds authorized by the Department of General Services, shall be deposited in such state or national banks in this state and under such conditions as the Director of General Services prescribes. Banks receiving such deposits shall be required to deposit with the Treasurer the same security as is required by this chapter for deposits made by the Treasurer.

Banks receiving deposits of money from a county advanced or apportioned to it pursuant to Section 92 of the Agricultural Code shall be required to deposit with the county treasurer of the county which is depositing such money, rather than the Treasurer, the same security as is required by this chapter for deposits made by the Treasurer.

SEC. 207. Section 18006 of said code is amended to read:

18006. Notwithstanding the provisions of Section 11030, whenever a state officer or employee is required by the appointing power because of a change in assignment, promotion or other reason related to his duties to change his place of residence, such officer, agent or employee shall receive his actual and necessary moving, traveling, lodging and meal expense, incurred by him both before and after and by reason of such change of residence. The maximum allowances for such expenses shall be as follows: the costs of packing, transporting, and unpacking 8,000 pounds of household effects, traveling, lodging, and meal expenses for 30 days while locating a permanent residence, storage of household effects for 30 days, and additional miscellaneous allowances not in excess of one hundred dollars (\$100). The maximum allowances may be exceeded in those particular instances where the Director of General Services determines in advance that the change of residence will result in unusual and unavoidable hardship for the officer or employee, and in such cases the Director of General Services shall determine the maximum allowances to be received by said officer or employee. The Board of Control may adopt general rules and regulations covering the payment of such expenses. The provisions of this section shall not apply to those changes of residence which are made at the request of the officer or employee and primarily for his convenience.

SEC. 208. Section 18707 of said code is amended to read:

18707. The board may enter into agreements to make available its services and facilities upon request, to any county, city,

district or other subdivision of the state recognized by law and to state agencies excepted from the state civil service, and they may enter into agreements for the exchange of personnel services or the utilization of the services and facilities of the board. Such agreements shall be approved by the Director of General Services. Any money paid to the state pursuant to such agreements shall be deposited in the Treasury and credited to the support appropriation for the board.

SEC. 209. Section 19258 of said code is amended to read:

19258. The department in which an employee is employed may pay the cost of replacing or repairing eyeglasses, hearing aids, dentures, watches, or articles of clothing necessarily worn or carried when damaged in the line of duty without fault of the employee. If the eyeglasses, hearing aids, dentures, watches or clothes are damaged beyond repair, the department may pay the actual value of such eyeglasses, hearing aids, dentures, watches or clothing as is determined by the Department of General Services. The value of such eyeglasses, hearing aids, dentures, watches or clothing shall be determined as of the time of the damage thereto.

SEC. 210. Section 20209 of said code is amended to read:

20209. The board may invest the money in the Retirement Fund in real property or improvements thereon or to be constructed thereon when such real property or improvements are acquired or to be made by or for sale or lease to the state or a public agency. The board may acquire such real property under the provisions of the Property Acquisition Law. Title to real property acquired by or on behalf of the board pursuant to this section or under the Property Acquisition Law shall be vested in the board. The Director of General Services on behalf of the state may hire or lease as lessee real property or improvements acquired hereunder for lease to the state. Such lease may contain an option or options to purchase said property, or a provision that title to said property shall vest in the state at the expiration of said term, and the Director of General Services is authorized to acquire such property. The board also may invest such money in any valid special obligations of the state or a public agency or an agency of either issued to finance a public building and secured solely by such building or revenues, rentals or receipts received from operation of such building. This section shall not be construed as authorization to acquire any real property or improvements thereon or to issue any obligations to finance such acquisition on behalf of the state unless such acquisition is authorized by a separate act or appropriation enacted by the Legislature.

SEC. 211. Section 22501 of said code is amended to read:

22501. The board, with the approval of the Department of General Services, may designate other state agencies to perform work, furnish services, materials or equipment, or otherwise assist in the administration of the provisions of this part in accordance with the provisions of the Government Code

relating to interagency services and the payment therefor now or hereafter made.

The proportionate share of amounts charged to the board by such agencies pursuant to such designation by the board, and, notwithstanding Section 11044 of the Government Code, charges for all legal services rendered by the office of the Attorney General to the board pursuant to this part, shall be assessed against each public agency under the agreement, in accordance with the provisions of Section 22551 of this part.

SEC. 212. Section 22551 of said code is amended to read:

22551. The board may charge or assess each public agency and each public agency shall pay and reimburse the state at such times and in such amounts as the board may charge or assess, which amounts may differ from public agency to public agency, the public agency's proportionate share of any and all costs incurred by the state in the administration of said Old Age and Survivors' Insurance System as it affects the public agency and its employees. Such charges or assessments shall be determined by the board in a manner approved by the Department of General Services and may be charged or assessed either in arrears or on the basis of anticipated costs not to exceed one year in advance. There shall be added to the amount of each such assessment, delinquent 90 days after a notice thereof was mailed by the board, a penalty of 10 percent of the amount thereof. Such penalties when collected shall be paid into the Treasury and credited as revenue to the General Fund.

SEC. 213. Section 22552 of said code is amended to read:

22552. The board may charge or assess each public agency and each public agency shall pay and reimburse the state at such times and in such amounts as the board may determine, the approximate cost to the state of any and all work and services relating to the referendum provided by Article 2 of Chapter 2 of this part and requested by such agency. Such charges or assessments shall be determined by the board in a manner approved by the Department of General Services.

SEC. 214. Section 54127 of said code is amended to read:

54127. The provisions of Sections 54096 to 54102, inclusive, 54104 to 54107, inclusive, and 54111 to 54116, inclusive, are incorporated herein and made a part hereof as if fully set forth herein. The terms "board" and "local agency" in the provisions so incorporated shall mean the board and a local agency as defined in this article. The Department of General Services succeeds to the functions and duties of the Division of Architecture of the Department of Public Works under Section 54115 of this section.

SEC. 215. Section 54205 of said code is amended to read:

54205. Any local agency may request the State Department of General Services to make purchases of materials, equipment, or supplies on its behalf in accordance with the provisions of Section 14814.

SEC. 216. Section 1167 of the Harbors and Navigation Code is amended to read:

1167. Every pilot licensed pursuant to the terms of this chapter shall take an oath of office in the manner prescribed by law and shall, once in each month, upon blanks to be furnished by the Board of Pilot Commissioners, render a verified account to the board of all moneys received by him, or by any other person for him, or on his account, and he shall pay to the board 5 percent of all bar pilotage fees, or such lesser percentage as is established by the board with the approval of the Director of General Services, in full compensation of the board for its official services, for the services of its secretary and treasurer, and all its incidental expenses.

SEC. 217. Section 11106 of the Health and Safety Code is amended to read:

11106. The chief and the inspectors appointed by him, when authorized so to do by the chief, may expend such sums as the chief deems necessary in the purchase of drugs for evidence and in the employment of operators to obtain evidence.

The sums so expended shall be repaid to the officer making the expenditures upon claims audited by the chief and approved by the Department of General Services. The claims when approved shall be paid out of the funds appropriated or made available by law for the support or use of the state division.

SEC. 218. Section 11622 of said code is amended to read:

11622. If the court finds that the vehicle was not used for any purposes referred to in Section 11610 and that no narcotic was unlawfully possessed by any occupant thereof, the court shall order the vehicle released to the person entitled thereto. If the court does not so find but does find that the legal owner holding a bona fide lien, mortgage, or conditional sales contract acquired his interest without actual knowledge that the vehicle was to be used for the purposes referred to in Section 11610 and if the amount due him is equal to, or in excess of, the appraised value of the vehicle, the court shall order the vehicle released to such legal owner. If the amount thereunder is less than the appraised value of the vehicle, the legal owner may pay to the Department of General Services the amount of the registered owner's equity, said equity to be the sum difference between appraised value and the legal owner's outstanding lien, mortgage or conditional sales contract. Upon such payment the state shall relinquish all claims to the vehicle. If the legal owner elects not to make such payment to the Department of General Services, the vehicle shall be deemed forfeited to the Department of General Services and the ownership certificate shall be forwarded. Appraised value is to be determined as of the date judgment is entered on a wholesale basis and shall be an agreed value between the legal owner and the Department of General Services, or if such cannot agree then by the inheritance tax appraiser for the county in which the action is brought.

SEC. 219. Section 11623 of said code is amended to read:

11623. If the amount due to such person is less than the value of the vehicle, the vehicle shall be sold at public auction by the Department of General Services.

SEC. 220. Section 11624 of said code is amended to read:

11624. The Department of General Services shall publish a notice of the sale by one publication in a newspaper published and circulated in the city, community or locality where the sale is to take place.

SEC. 221. Section 11625 of said code is amended to read:

11625. In all cases where a vehicle seized by the state division is forfeited to the state and turned over to and sold by the Department of General Services, the proceeds of the sale shall be distributed as follows, in the order indicated:

(a) To the bona fide or innocent purchaser, conditional sales vendor, or mortgagee of the vehicle, if any, up to the amount of his interest in the vehicle, when the court declaring the forfeiture orders a distribution to such person.

(b) The balance, if any, to accumulate, and, from time to time, as the proceeds become sufficient, to be distributed:

1. To the Department of General Services for all expenditures made or incurred by it in connection with the sale, including expenditure for any necessary repairs, storage or transportation, of any vehicle seized under this article.

2. To the Attorney General for all expenditures made or incurred by him in connection with the forfeiture proceedings of any vehicle seized under this article, including but not limited to, expenditures for witness fees, reporters' fees, transcripts, printing, traveling and investigation.

3. To the state division for all expenditures for traveling, investigation, storage, and other expenses made or incurred by the division after the seizure, and in connection with the forfeiture of any vehicle seized under this article.

4. The remainder, if any, to the State Treasury, for credit to the General Fund.

SEC. 222. Section 11626 of said code is amended to read:

11626. In any case the Department of General Services may, within 30 days after judgment, pay the balance due to the bona fide or innocent purchaser, lien holder, mortgagee, or vendor and purchase the vehicle for the state.

SEC. 223. Section 11628 of said code is amended to read:

11628. When a vehicle has been ordered forfeited to the state, it shall be turned over to the Department of General Services, which shall deliver to the state division such forfeited vehicles as may be needed by the division to enforce the provisions of this division.

SEC. 224. Section 18900 of said code is amended to read:

18900. There is in the Department of General Services a State Building Standards Commission consisting of the Director of General Services and 10 members appointed by the Governor subject to confirmation by the Senate. Three members shall be appointed by and serve at the pleasure of the Governor

from among the professions and industries concerned with building construction, of whom one shall be an architect, one a structural engineer and one a contractor; three members shall be appointed by and serve at the pleasure of the Governor from among the general public; one member shall be appointed by and serve at the pleasure of the Governor from organized labor in the building trades; and three members shall be appointed by and serve at the pleasure of the Governor from among local government officials. The Director of General Services shall serve as the chairman of the commission. The Director of General Services may, as provided in Section 7.5 of the Government Code, designate a Deputy Director of the Department of General Services to act in his place as chairman. The commission shall elect a vice chairman annually from among its members.

The Governor may appoint advisory members from the state agencies which administer and enforce building regulations.

The Director of General Services shall provide the necessary staff services to the commission and may appoint, in accordance with civil service and other provisions of law, such officers and employees as may be necessary to carry out the intent and purposes of this part.

SEC. 225. Section 25750 of said code is amended to read:

25750. There is in the state government the Departmental Coordinating Committee on Atomic Energy Development and Radiation Protection which shall consist of the Coordinator of Atomic Energy Development and Radiation Protection as chairman and the heads of the following state departments and agencies, or the individuals designated by the heads of such departments or agencies to represent them: the Department of Public Health, the Department of Industrial Relations, the Department of Water Resources, the Department of Conservation, the Department of Parks and Recreation, the Department of Fish and Game, the State Water Pollution Control Board, the California Disaster Office, the Attorney General, the Department of Agriculture, the Department of Public Works, the Department of the California Highway Patrol, the Department of Education, the Department of General Services, the University of California, the Public Utilities Commission, the office of the State Fire Marshal, and such other state departments or agencies as the Governor may select.

SEC. 226. Section 25816 of said code is amended to read:

25816. The department shall provide by regulation a schedule of the fees which shall be paid by applicants for the licensing of radioactive materials and of devices and equipment utilizing such materials. The revenues derived from such fees shall be used, together with other funds made available therefor, for the purpose of the issuance of licenses and the inspection and regulation of the licensees. Any agreement made pursuant to Section 25810 shall include provisions for distribution of funds provided for this program proportionate to the serv-

ices performed by each participating agency. Regulations adopted pursuant to this section shall become effective only when the Director of General Services approves them as fixing fees which will return revenues not in excess of anticipated costs. Provisions for distribution of funds to participating agencies shall be subject to approval of the Director of General Services for the purpose of insuring equitable allocation proportionate to the services performed.

SEC. 227. Section 28403 of said code is amended to read:

28403. In lieu of all other procedures in Articles 2 and 3 of this chapter, each person licensed under this chapter may be assessed at an estimated annual hourly rate set by the Cannery Inspection Board with the approval of the state board and the State Director of General Services. Such annual rate shall be set for each industry group based on the estimated cost.

SEC. 228. Section 28452 of said code is amended to read:

28452. Notwithstanding the provisions of Section 28451, the State Department of Public Health and the Department of General Services may authorize the deposit in the Special Deposit Fund of cash deposits received by the State Department of Public Health under the provisions of Section 28412; and in such event, upon the determination by the State Department of Public Health that all or a part of any such deposit is due the state for payment on account of the depositor's pro rata share of costs incurred by the state under this chapter, the amount so determined shall, on order of the State Controller, be transferred from the Special Deposit Fund to the General Fund.

All money deposited in the Special Deposit Fund under the provisions of this section shall be subject to the provisions of Article 2 of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code.

SEC. 229. Section 11792 of the Insurance Code is amended to read:

11792. The board of directors may, with the approval of the State Department of General Services, withdraw from the State Compensation Insurance Fund in the State Treasury, without at the time presenting vouchers and itemized statements, a sum not to exceed in the aggregate four million dollars (\$4,000,000) to be used as a cash revolving fund. Such revolving fund shall be deposited in such banks and under such conditions as the board of directors determines, with the approval of the State Department of General Services. To be eligible to receive or retain a deposit, a bank shall deposit with the Treasurer as security for the deposit, securities specified in Government Code Section 16522, in an amount in value at least 10 percent in excess of the amount to be or deposited with the bank. The Controller shall draw his warrants in favor of the State Compensation Insurance Fund Revolving Fund for the amounts so withdrawn, and the Treasurer shall pay such warrants.

SEC. 230. Section 11871 of said code is amended to read:

11871. The State Compensation Insurance Fund may enter into a master agreement with the Department of General Services to render services in the adjustment and disposition of claims for workmen's compensation to any state agencies, including any officer, department, division, bureau, commission, board or authority, not insured with the fund.

Such master agreement shall provide for rendition of such services at a uniform rate to all agencies, except that the rate for the California Highway Patrol may be fixed independently of such uniform rate.

The fund may, in accordance with the agreement, adjust and dispose of claims for workmen's compensation made by an officer or employee of any state agency not insured with the fund.

The fund may make all expenditures, including payment to claimants for medical care or for adjustment or settlement of claims, necessary to the adjustment and final disposition of claims. The agreement shall provide that the state agency whose officer or employee is a claimant shall reimburse the fund for the expenditures and for the actual cost of services rendered.

The fund may in its own name, or in the name of the state agency for which such services are performed, do any and all things necessary to recover on behalf of the state agency for which it renders service any and all amounts which an employer might recover from third persons under Chapter 5 of Part 1 of Division 4 of the Labor Code, or which an insurer might recover pursuant to Section 11662 of this code including the right to commence and prosecute actions, to file, pursuant to Chapter 5, Part 1, Division 4 of the Labor Code, liens for whatever sums would be recoverable by suit against such a third person, to intervene in other court proceedings, and to compromise claims and actions before or after commencement of suit or after entry of judgment when in the opinion of the fund full collection cannot be enforced.

SEC. 231. Section 12973.7 of said code is amended to read:

12973.7. Where provision for fees or charges for documents, transcripts, or other materials which may be furnished by the commissioner is not specifically made in this code, the commissioner may fix and collect fees therefor not in excess of reasonable cost. All publications and other printed matter shall be distributed and sold by the Department of General Services.

SEC. 232. Section 12977 of said code is amended to read:

12977. The commissioner may authorize the refund of money received or collected by the department in payment for the filing of applications for licenses, permits or certificates, or for the rendering of other services:

(a) Where the receipt or collection has resulted in an overpayment or duplicate payment.

(b) In cases where no payment is required for filing the application for the license, permit or certificate sought, or for rendering the other service.

(c) Where an insufficient fee is paid and for which reason the application for the license, permit or certificate cannot be filed or the other service cannot be rendered.

(d) The penalty fee required by subdivision (b) of Section 1718 upon a written showing, filed within sixty (60) days after the delinquency date, with particularity as to facts that late payment resulted from mistake, inadvertence or excusable neglect.

This section does not exclude the making of refunds under other appropriate provisions of law requiring the approval of the Director of General Services before such refunds may be made.

SEC. 233. Section 117 of the Labor Code is amended to read:

117. The principal office of the commission shall be in San Francisco, and the commission shall also have an office in the City of Los Angeles and provide itself with suitable rooms, necessary office furniture, stationery, and supplies. The commission may rent quarters in other places for the purpose of holding sessions or establishing branch or service offices, and for that purpose may provide itself with necessary furniture, stationery, and supplies.

The Department of General Services shall upon request provide suitable hearing rooms for the commission in state buildings at Sacramento.

SEC. 234. Section 135 of said code is amended to read:

135. In accordance with rules of practice and procedure which it may adopt, the commission may, with the approval of the Department of General Services, destroy or otherwise dispose of any file kept by it in connection with any proceeding under Division 4 or Division 4.5 of this code, after such file has been retained by it for a period of at least 25 years from the date of filing of the application to which the file pertains.

SEC. 235. Section 4755 of said code is amended to read:

4755. The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made for the purposes specified in Section 4751, without at the time presenting vouchers and itemized statements, a sum not to exceed in the aggregate fifty thousand dollars (\$50,000), to be used as a cash revolving fund. The revolving fund shall be deposited in such banks and under such conditions as the Department of General Services determines. The Controller shall draw his warrants in favor of the State Compensation Insurance Fund for the amounts so withdrawn and the Treasurer shall pay such warrants.

Expenditures made from the revolving fund in payments on claims for such additional compensation and for adjusting services are exempted from the operation of Section 16003 of

the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the Controller requires.

SEC. 236. Section 178 of the Military and Veterans Code is amended to read:

178. All military property of the state which after a proper inspection is found unsuitable for the use of the state may, with the approval of the Department of General Services, be sold, destroyed, or otherwise disposed of by the Adjutant General. All proceeds shall be remitted to the State Treasury and credited to the General Fund.

SEC. 237. Section 431 of said code is amended to read:

431. The Adjutant General shall have the power to, either directly or through armory boards, lease or otherwise authorize the use of, by any person for any lawful purpose, manage, supervise all activities in, perform all necessary military duties with respect to and control all armories that are built or acquired by the state, that come into possession or control of the state, or that are erected, purchased, leased, or provided or contributed to in whole or in part by any city or county, or other political subdivision of the state or public corporation or district or by anyone for armory purposes. All revenues or income from any armory shall be paid to the Adjutant General. The Adjutant General shall account for such revenues or income to the Controller at the close of each month in such form as the Controller prescribes, and on order of the Controller shall pay such revenues and income into the Treasury to the credit of the General Fund. Post, welfare or similar unit or organizational funds may be established and deposited pursuant to rules and regulations adopted by the Adjutant General. The Adjutant General, on May 1st of each year, shall submit to the Department of General Services and obtain approval of a schedule of rental, license or lease fees for each state-owned or leased armory by location. This schedule, when approved by the Department of General Services, shall be used by the Adjutant General during the next succeeding fiscal year to determine the minimum rental, license, or lease fees to be charged the renter, licensee, or lessor.

SEC. 238. Section 437 of said code is amended to read:

437. Under the provisions of the Code of Civil Procedure relating to eminent domain, the Adjutant General, in the name of the people of the State of California, with the approval of the Department of General Services, may condemn any property necessary for armory purposes. Armories are hereby declared to be public uses.

SEC. 239. Section 438 of said code is amended to read:

438. Prior to the commencement of condemnation proceedings, the Adjutant General shall declare in writing that the public interest and necessity require the purchase or acquisition of the property by the state. Upon filing with the Depart-

ment of General Services, such declaration shall be prima facie evidence (a) of the public necessity for the acquisition of such property; (b) that such property is necessary therefor; and (c) that such property is planned or located in the manner which will be most compatible with the greatest good and the least private injury.

SEC. 240. Section 996.18 of said code is amended to read:

996.18. The Department of Veterans Affairs shall contract with the Department of General Services for the maintenance and repair of all public works constructed, acquired, or operated under the provisions of this act, such maintenance and repair to include the items of maintenance and repair customarily supplied and afforded to state buildings by the Department of General Services.

SEC. 241. Section 996.21 of said code is amended to read:

996.21. When money from the Veterans' Farm and Home Building Fund of 1943 or the Veterans Affairs Construction Fund is used for investment purposes in the purchase of property and in the construction of buildings, and appurtenant facilities or in the purchase of property, or in the construction of buildings, and appurtenant facilities for the use of the Department of Veterans Affairs, or for the use of the Department of Veterans Affairs and other state agencies, the Director of Veterans Affairs may do any and all things necessary to protect the investment including purchasing insurance against the loss of or damage to the property or the loss of use and occupancy of the property. Any transaction entered into by the Director of Veterans Affairs under this section shall be subject to the approval of the Department of General Services.

SEC. 242. Section 1086.2 of said code is amended to read:

1086.2. The Department of Veterans Affairs is authorized to lease the Woman's Relief Corps Home for the purpose of conducting by private persons a nursing home for the aged.

Any lease of said property shall include the provision that members of the Woman's Relief Corps Home shall be cared for at a cost to be established by mutual agreement between the private persons conducting the nursing home and the department, subject to approval by the Department of General Services and that such care shall be in accordance with standards of care and service prescribed by the Department of Veterans Affairs.

SEC. 243. Section 2053 of the Penal Code is amended to read:

2053. The department may advance from its revolving fund to the Napa State Farm, with the approval of the Department of General Services, money to cover the cost of livestock or meat to be purchased in the open market or for the processing thereof for the use of the prisons to which the meat is to be delivered after processing.

SEC. 244. Section 2081.5 of said code is amended to read:

2081.5. The Director of Corrections shall keep complete case records of all prisoners under custody of the department,

which records shall be made available to the Adult Authority and the Board of Trustees of the California Institution for Women at such times and in such form as each board may prescribe.

Case records shall include all information received by the Director of Corrections from the courts, probation officers, sheriffs, police departments, district attorneys, State Department of Justice, Federal Bureau of Investigation, and other interested agencies and persons. Case records shall also include a record of diagnostic findings, considerations, actions and dispositions with respect to classification, treatment, employment, training, and discipline as related to the institutional correctional program followed for each prisoner.

The director shall appoint, after consultation with the Adult Authority, such employees of the various institutions under his control as may be necessary for the proper performance of the duties of the Adult Authority, and when requested shall also have in attendance at hearings of the Adult Authority, psychiatric or medical personnel. The director shall furnish, after consultation with the Adult Authority and the Director of General Services, such hearing rooms and other physical facilities at such institutions as may be necessary for the proper performance of the duties of the Adult Authority.

SEC. 245. Section 2709 of said code is amended to read:

2709. All articles, materials, and supplies, produced or manufactured under the provisions of this chapter shall be solely and exclusively for public use and no article, material, or supplies, produced or manufactured under the provisions of this chapter shall ever be sold, supplied, furnished, exchanged, or given away, for any private use or profit whatever, except that, to avoid waste or spoilage and consequent loss to the state, byproducts and surpluses of agricultural and animal husbandry enterprises may be sold to private persons, at private sale, under rules prescribed by the Director of General Services.

SEC. 246. Section 2710 of said code is amended to read:

2710. To prevent loss to the state, the Director of Corrections may, under rules prescribed by the Director of General Services, dispose of surplus products developed from the operations of industrial enterprises in prisons and institutions under the jurisdiction of the Director of Corrections by sale to foreign governments, corporations for distribution in foreign countries, and private persons or their agents in markets outside the United States and in countries which permit the importation of prison-made goods. All sales made pursuant to this section shall be reported quarterly to the Correctional Industries Commission.

SEC. 247. Section 2903 of said code is amended to read:

2903. (a) In any case in which a woman offender can be sentenced to imprisonment in the county jail, or be required to serve a term of imprisonment therein as a condition of probation, or has already been so sentenced, or imprisoned, the

court which tried such offender may, with the consent of the offender and on application of the sheriff or on its own motion, with the consent of the offender, commit such offender to the sheriff with directions for placement in the California Institution for Women in lieu of placement in the county jail if the court finds that the local detention facilities are inadequate for the rehabilitation of such offenders and if the court concludes that such offender will benefit from such treatment and care as is available at that institution and the county has entered into a contract with the state under subdivision (b) of this section. Such offenders may be received by the Director of Corrections and imprisoned in the California Institution for Women in accordance with the commitment of the court by which tried. The prisoners so confined shall be subject in all respects to discipline, diagnosis, and treatment as though committed under the laws of this state concerning felony prisoners.

(b) The Director of Corrections may enter into contracts, with the approval of the Director of General Services, with any county in this state, upon request of the board of supervisors thereof, wherein the Department of Corrections agrees to furnish diagnosis and treatment services and detention for selected women county prisoners. The county shall reimburse the state for the cost of such services, such cost to be determined by the Director of General Services. In any contract entered into pursuant to this subdivision, the county shall agree to pay such amount as is reasonably necessary for payment of an allowance to each released or paroled prisoner for transportation to the prisoner's county of residence or county where employment is available, and may agree to provide suitable clothing and a cash gratuity to such prisoners in the event that they are discharged from that institution because of parole or completion of the term for which they were sentenced. Each county auditor shall include in his state settlement report rendered to the Controller in the months of January and June the amounts due under any contract authorized by this section, and the county treasurer, at the time of settlement with the state in such months, shall pay to the State Treasurer upon order of the Controller, the amounts found to be due.

(c) The Department of Corrections shall accept such women county prisoners if it believes that they can be materially benefited by such confinement, care, treatment and employment and if adequate facilities to provide such care are available. No such person shall be transported to any facility under the jurisdiction of the Department of Corrections until the director has notified the referring court that such person may be transported to the California Institution for Women and the time at which she can be received.

(d) The sheriff of the county in which an order is made placing a woman county prisoner pursuant to this section, or any other peace officer designated by the court, shall execute the order placing such person in the institution or returning

her therefrom to the court. The expenses of such peace officer incurred in executing such order is a charge upon the county in which the court is situated.

(e) The Director of Corrections may return to the committing authority any woman prisoner transferred pursuant to this section when such person is guilty of any violation of rules and regulations of the California Institution for Women or the Department of Corrections.

(f) No woman prisoner placed in the California Institution for Women pursuant to this section shall thereafter be deemed to have been guilty of a felony solely by virtue of such placement, and she shall have the same rights to parole and to time off for good behavior as she would have had if she had been confined in the county jail.

SEC. 248. Section 2946 of said code is amended to read:

2946. The Adult Authority may draw moneys for the purposes of the preceding section in the amount of one thousand dollars (\$1,000), without submitting vouchers thereon, which amount shall, from time to time, be replenished by demand upon any appropriation, made for the support of the authority, equal to the amount of the expenditures represented by vouchers submitted to the Department of General Services and filed with the Controller.

SEC. 249. Section 5008 of said code is amended to read:

5008. The Director of Corrections may deposit any funds of inmates in his possession in trust with the Treasurer pursuant to Section 16305.3, Government Code, or, subject to the approval of the Department of General Services, may deposit such funds in interest-bearing bank accounts or invest or reinvest such funds in bonds of the State of California, or in bonds or obligations of the United States of America or for the payment of which the faith and credit of the United States are pledged and for the purposes of deposit or investment only may mingle the funds of any inmate with the funds of other inmates. The director shall deposit the interest or increment accruing on such funds in the Inmates' Welfare Fund.

SEC. 250. Section 5057 of said code is amended to read:

5057. Subject to the powers of the Department of General Services under Section 14626 of the Government Code, the director must establish an accounting and auditing system for all of the agencies and institutions including the prisons which comprise the department, except the Youth Authority, in such form as will best facilitate their operation, and may modify the system from time to time.

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

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

SEC. 251. Section 6303 of said code is amended to read:

6303. (a) The director may enter into a contract, with the approval of the Director of General Services, with any county of the state, upon the request of the board of supervisors thereof, wherein the Director of Corrections agrees to furnish confinement, care, treatment, and employment of county prisoners. The county shall reimburse the state for the cost of such services, such cost to be determined by the Director of General Services. Each county auditor shall include in his state settlement report rendered to the Controller in the months of January and June the amounts due under any contract authorized by this section, and the county treasurer, at the time of settlement with the state in such months, shall pay to the State Treasurer upon order of the Controller, the amounts found to be due.

(b) The Department of Corrections shall accept such county prisoner if it believes that the prisoner can be materially benefited by such confinement, care, treatment, and employment, and if adequate facilities to provide such care are available. No such person shall be transported to any facility under the jurisdiction of the Department of Corrections until the director has notified the referring court of the place to which said person is to be transmitted and the time at which he can be received.

(c) The sheriff of the county in which such an order is made placing a misdemeanor in a jail camp pursuant to this chapter, or any other peace officer designated by the court, shall execute an order placing such county prisoner in the jail camp or returning him therefrom to the court. The expense of such sheriff or peace officer incurred in executing such order is a charge upon the county in which the court is situated.

SEC. 252. Section 11177 6 of said code is amended to read:

11177 6. The officer designated by the Governor pursuant to subdivision 5 of Section 11177 of this code may, subject to the approval of the Department of General Services, enter into contracts with similar officials of any other state or states for the purpose of sharing an equitable portion of the cost of effecting the return of any person who has violated the terms and conditions of parole or probation as granted by this state.

SEC. 253. Section 11194 of said code is amended to read:

11194 The Director of Corrections is hereby empowered to enter into such contracts on behalf of this state as may be appropriate to implement the participation of this state in the Western Interstate Corrections Compact pursuant to Article III thereof. No such contract shall be of any force or effect until approved by the Director of General Services. Such contracts may authorize confinement of inmates in, or transfer of inmates from, only such institutions in this state as are under the jurisdiction of the Department of Corrections, and no such contract may provide for transfer out of this state of any person committed to the custody of the

Director of the Youth Authority. No such contract may authorize the confinement of an inmate, who is in the custody of the Director of Corrections, in an institution of a state other than a state specifically named in Article VII of the Western Interstate Corrections Compact as set forth in Section 11190. The Director of Corrections, subject to the approval of the Adult Authority or the Board of Trustees of the California Institution for Women, as appropriate, must first determine, on the basis of an inspection made by his direction or otherwise, that an institution of another state is a suitable place for confinement of prisoners committed to his custody before entering into a contract permitting such confinement, and shall, at least annually, redetermine the suitability of such confinement. In determining the suitability of such institution of another state, the director shall assure himself that such institution maintains standards of care and discipline not incompatible with those of the State of California and that all inmates therein are treated equitably, regardless of race, religion, color, creed or national origin.

SEC. 254. Section 12074 of said code is amended to read:

12074. The register shall be prepared by and obtained from the State Printer and shall be furnished by the State Printer to the dealers on application at a cost to be determined by the Department of General Services for each 100 leaves in triplicate, one original and two duplicates for the making of carbon copies. The original, duplicate, and triplicate copies shall differ in color, and shall be in the form provided by this article.

SEC. 255. Section 511 of the Public Resources Code is amended to read:

511. For the purpose of disseminating information relating to the activities, powers, duties, or functions of the Department of Natural Resources, the department, with the approval of the Department of General Services, may issue publications, construct and maintain exhibits, and perform such acts and carry on such functions as in the opinion of the Director of Natural Resources will best tend to disseminate such information.

Such publications may be distributed free of charge to public libraries and to other state departments and state officers. The department may exchange copies with contemporary publications.

All money received by the department from the sale of publications, exclusive of money received by any separate division of the department from the sale of publications, shall be paid into the State Treasury to the credit of the General Fund.

SEC. 256. Section 511.1 of said code is amended to read:

511.1. The department may sell information from its records concerning the registration of undocumented vessels at a charge sufficient to pay the actual cost to the department for providing the information. The charge for the information shall be determined by the director, with the approval of the Department of General Services and with a minimum charge

of twenty-five cents (\$0.25) for each item. This section does not apply to information obtained by the department from boating accident reports filed pursuant to Section 656 of the Harbors and Navigation Code.

SEC. 257. Section 511.2 of said code is amended to read:

511.2. The department may sell copies of all or any part of its records in the Division of Small Craft Harbors at a charge sufficient to pay at least the entire actual cost to the department of the copies. The charge for the records and the conditions under which they may be sold shall be determined by the director, with the approval of the Department of General Services. This section does not apply to boating accident reports filed with the department pursuant to Section 656 of the Harbors and Navigation Code.

SEC. 258. Section 516 of said code is amended to read:

516. The department, with the approval of the Department of General Services, may procure insurance on vessels owned or operated by the department against the usual hazards in addition to the special hazards occasioned by the existence of a state of war.

SEC. 259. Section 4004 of said code is amended to read:

4004. The State Forester, in accordance with a plan approved by the board, shall provide fire-prevention and fire-fighting implements and apparatus, organize fire crews and patrols, establish observation stations and other necessary structures, employ men to effect such plan, and shall construct and maintain telephone lines and provide such other means of communication as are necessary to prevent and extinguish forest fires.

In providing communications and necessary power lines in connection therewith the State Forester, with the approval of the Department of General Services, may enter contracts with owners of similar facilities for use of their facilities, such as pole lines, and provision may be made for indemnification and holding harmless of the owners of such facilities so used by reason of such use. Insurance may be purchased by the Department of General Services, upon request of the State Forester, to protect the state against loss or expense arising out of any such contract.

Any claim for damages arising against the state under this section shall be presented to the State Board of Control in accordance with Section 16041 of the Government Code and if not covered by insurance as herein provided shall be payable only out of funds appropriated by the Legislature for such purpose. If the state elects to insure its liability under this section the State Board of Control may automatically deny any such claim.

SEC. 260. Section 4006 of said code is amended to read:

4006. Whenever any county, municipality or district makes an appropriation for the prevention and suppression of forest fires or any other fires on any lands within the county, municipality or district, or for the protection and forest man-

agement of any lands over which the county, municipality or district has jurisdiction, or for reforestation or afforestation on lands within the county, municipality or district the State Forester may, with the approval of the Department of General Services, enter into cooperative agreements with such county, municipality or district for such purposes, on such terms and under such considerations as he deems wise.

SEC. 261. Section 4006.5 of said code is amended to read:

4006.5. It is in the public interest and to the benefit of the state that forest and vegetative cover be maintained and preserved on forest and watershed lands to conserve water and soil and to prevent destructive floods.

The State Forester, with the approval of the Director of Natural Resources and the Director of General Services, may enter into contracts with any public agency, state or federal, or with any municipal corporation or any person, firm or corporation to establish and preserve such forest and vegetative cover, and he may conduct surveys and studies, formulate plans and perform all acts incidental to such functions including any work necessary to accomplish such purposes.

The State Forester and his agents may enter upon, perform required work upon and inspect lands for the purposes herein.

In approving such contracts and in the exercise of the emergency powers provided by this section, the Director of Natural Resources shall be guided by, but not be limited to, the following principles:

(a) That the natural vegetative cover has been denuded to the extent that precipitation may create floods and serious soil depletion and erosion.

(b) That the denuded area is of a size, and the topography and soil characteristics of such a nature, that soil loss and floods will have a significant effect upon watershed values and the public welfare.

(c) That vegetative cover will not be restored by natural means in time to effectively prevent undue erosion and flood runoff, or that the natural succession of vegetation may be detrimental to the public welfare.

SEC. 262. Section 4050 of said code is amended to read:

4050. (a) The board of supervisors of any county shall have power to provide by ordinance that such county elects to assume responsibility for the prevention and suppression of all fires on all land in such county, exclusive of lands owned or controlled by the federal government or any agency thereof and exclusive of lands within the exterior boundaries of incorporated cities and inclusive of those areas in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state. After the effective date of the contract hereinafter referred to, such county shall have and exercise all the duty, power, authority and responsibility for the prevention and suppression of all fires on all land in such county, exclusive of lands owned or controlled by the federal

government or any agency thereof and exclusive of lands within the exterior boundaries of incorporated cities, and inclusive of those areas in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state, which is vested in the Department of Natural Resources, the Division of Forestry or the State Board of Forestry, and such power, duty, authority and responsibility shall be assumed by the county for the duration of the contract.

(b) The State Board of Forestry shall classify all lands within the area of the state in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state into types of land based on cover, beneficial use of water from watersheds, probable damage from erosion, and fire risks and hazards, and shall determine the intensity of protection to be given to each such type of land. A plan for adequate statewide fire protection of such areas shall be prepared by the State Board of Forestry in which all land in each type shall be assigned the same intensity of protection; and the estimated cost thereof shall be determined. In the preparation of budgets for fire protection the total funds available or estimated to be available shall be allocated to the areas to be protected in conformance to such fire protection plan, and if the funds so available are less than the estimated adequate cost of such plan the Board of Forestry shall determine whether the intensities of fire protection shall be reduced or withdrawn, maintaining uniform consideration for all lands in each type. In those counties assuming responsibility under subdivision (a) of this section for fire protection and suppression of the lands thus classified within the respective counties, there shall be budgeted sums to be allocated to those counties at least equal to the direct cost of fire protection thus determined to include the salaries and wages of suppression crews and lookouts and maintenance of firefighting facilities.

(c) The State Forester shall, with the approval of the Department of General Services, annually enter into a contract with any county which enacts an ordinance as provided in subdivision (a) of this section, and any such contract shall provide for payment to such county, as compensation for the assumption of the duty, power, authority and responsibility for fire protection and suppression as provided in this section of such sum as may be specifically allocated in the appropriation made by the Legislature for that purpose or if no specific appropriation is made therefor then the sum allocated for expenditure in such county under the provisions of subdivision (b) of this section.

Nothing herein contained shall be construed to deprive the Department of Natural Resources of the power and duty to require that the money paid by said department under said contract to such county shall be expended by said county for fire prevention and suppression in that area the protection of which is assumed by said county under subdivision (a) hereof.

(d) Said county shall also be entitled to any allocation of moneys received by the State of California under the provisions of the Clarke-McNary Act, being a public law of the United States of America passed June 7, 1924 (Chapter 348, 43 Statutes 653), which reimbursement may be provided for by any statute of this state.

SEC. 263. Section 4301 of said code is amended to read:

4301. The Division of Forestry of the Department of Natural Resources may, with the approval of the Department of General Services, purchase land for lookout sites and for other administrative purposes.

SEC. 264. Section 4429 of said code is amended to read:

4429. The State Forester, with the approval of the Director of Natural Resources and the Director of General Services, may make sales of forest products from state forests (1) up to one thousand dollars (\$1,000) in value without advertising for bids, and (2) in excess of one thousand dollars (\$1,000) only upon competitive bids. Advertising for bids shall be the same as is generally in use for the sale of state property.

SEC. 265. Section 4446 of said code is amended to read:

4446. The State Forester, with the approval of the Director of General Services, may enter into agreements with federal agencies for the purpose of investigating the effect of forest cover in the conservation of water and the prevention of erosion on watershed areas.

SEC. 266. Section 4982 of said code is amended to read:

4982. The State Forester shall utilize such inmates and wards assigned to conservation camps in performing fire prevention, fire control and other work of the Division of Forestry. At such times as he deems proper and on such terms as he deems wise he may enter into contracts or cooperative agreements with any public agency, state or federal for the performance of other conservation projects which are appropriate for such public agencies under policies which shall be established by the Correctional Industries Commission. The charge for such service shall be determined by the Director of Natural Resources. In determining the charge, he shall consider the sum by which the average per capita cost of maintaining an inmate or ward at the conservation camps exceeds the average per capita cost of such maintenance at institutions under the jurisdiction of the Director of Corrections or the Director of Youth Authority, plus maintenance and operations of normal transportation equipment, small handtools and crew supervision; provided that the total charge per day paid by such contracting agency as costs of the supervised labor crew shall not exceed a sum determined by multiplying the total number of inmates or wards assigned on the project by 78 percent of the average daily per capita cost as computed annually, of maintaining an inmate in all institutions under the jurisdiction of the Director of Corrections. The average daily per capita cost will be computed annually on September 1st

on the basis of the actual costs for the prior fiscal year. All such contracts are subject to the approval of the Director of Natural Resources and the Director of General Services.

SEC. 267. Section 5003 of said code is amended to read:

5003. The department shall administer, protect, and develop the state park system for the use and enjoyment of the public. The department may establish rules and regulations not inconsistent with law for the government and administration of the state park system. It may enter into contracts with agencies of the United States, cities, counties, or other subdivisions of the state, for the care and maintenance of park areas, and it may expend all moneys of the department, from whatever source derived, for the care, protection, supervision, extension and improvement or development of the state park system.

It may, with the approval of the Department of General Services, enter into contracts with a regional park district for the care and maintenance of, to maintain and operate concessions within, and to act in the management of, any beaches, parks, public campgrounds, monument site, landmark site, site of historical interest, or other state park areas under its control.

SEC. 268. Section 5063 of said code is amended to read:

5063. Before entering into any such lease contract, the lands proposed to be leased shall be appraised by three appraisers, appointed by the Governor, who shall determine the fair market value of the lands. The total amount of rental to be paid for the entire term under any lease contract shall not be in excess of the fair market value of the lands, as determined by the appraisers. The appraisers shall file with the Director of General Services three verified copies of their appraisal of any lands proposed to be leased. The director shall thereupon deliver one copy of the appraisal to the Department of Natural Resources.

SEC. 269. Section 5090 of said code is amended to read:

5090. The Department of Natural Resources shall be responsible for the maintenance of all roadside rests constructed and equipped by that agency. It may contract with the Department of Public Works, Division of Highways, or any public or private agency for such maintenance work if the Director of General Services finds that maintenance by contract would be more economical. Subject to the approval of the Department of Public Works, Division of Highways, as to location of signs, the Department of Natural Resources may also erect and maintain signs indicating where roadside rests may be found, or may contract with the Department of Public Works, Division of Highways, for the erection and maintenance of the same. Roadside rest signs shall be of such shape and color as to be clearly distinguishable from highway directional signs.

SEC. 270. Section 5859 of said code is amended to read:

5859. The Department of General Services shall furnish suitable offices and equipment for the use of the commission.

SEC. 271. Section 8014 of said code is amended to read:

8014. The department may enter into contracts with public and private agencies for mapping and surveys not now the direct responsibility of existing state agencies with the approval of the Director of General Services.

SEC. 272. Section 8014.5 of said code is amended to read:

8014.5. With the approval of the Director of General Services the department may enter into cooperative agreements with the federal government or any agency or agencies thereof for performance of map production work in accordance with the general plan and program adopted hereunder.

SEC. 273. Section 8018 of said code is amended to read:

8018. The Department of Water Resources may reproduce copies of maps and survey data of the state which are not otherwise available to the general public. Such copies may be sold and distributed at a price determined by the Department of Water Resources, with the approval of the Department of General Services.

SEC. 274. Section 8834 of said code is amended to read:

8834. All map production work to be undertaken pursuant to this chapter shall be in cooperation with the federal government. With the approval of the Department of General Services, the department may enter into agreements or contracts with the federal government or any of its agencies for performance of map production work in accordance with the general plan and program.

SEC. 275. Section 7931 of the Revenue and Taxation Code is amended to read:

7931. Whenever the state acquires any real or personal property seized and sold for delinquent taxes of the distributor, the Controller may, with the consent of the Department of General Services, sell the property or any part thereof at private sale or at public auction.

SEC. 276. Section 312 of the Unemployment Insurance Code is amended to read:

312. Each officer and employee of the department whose duties include the handling of property or funds shall execute to the State of California an official bond conditioned upon the faithful performance of his duties in such amount as the Director of General Services shall fix.

SEC. 277. Section 1531 of said code is amended to read:

1531. The director shall, without presenting vouchers and itemized statements therefor, withdraw from the benefit account any sums which he deems necessary for the payment of benefits for a reasonable future period. The Controller shall draw his warrant for any claim presented by the director for the payment of benefits under this account and the Treasurer shall pay the warrant. Upon the withdrawal thereof, such sums shall be deposited in a benefit payment account in such bank

or public depository and under such conditions as the director determines, with the approval of the Department of General Services. Such bank or public depository shall be one in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the benefit payment account. The director may, out of funds available for administration, pay premiums on insurance for the protection of money in his possession.

SEC. 278. Section 1601 of said code is amended to read:

1601. When money other than Disability Fund money is used in the purchase of property and in the construction of buildings, and appurtenant facilities, or in the purchase of property, or in the construction of buildings, and appurtenant facilities, for the use of the Department of Employment, or for the use of the Department of Employment and other state agencies, the Director of Employment may do any and all things necessary to protect the property including purchasing insurance against the loss of or damage to the property or the loss of use and occupancy of the property. Any transaction entered into by the Director of Employment under this section shall be subject to the approval of the Department of General Services.

SEC. 279. Section 3075 of said code is amended to read:

3075. The director shall, without presenting vouchers and itemized statements, withdraw from the Disability Fund any sums which he deems necessary for the payment of disability benefits for a reasonable future period. The Controller shall draw his warrant for any claim presented by the director for such payment and the Treasurer shall pay the warrant. Upon the withdrawal thereof, such sums shall be deposited in a disability benefit payment account in such bank or public depository and under such conditions as the director determines, with the approval of the Department of General Services. Such bank or public depository shall be one in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of such account. Money in this account shall be used solely to pay disability benefits by checks drawn on the account by the department pursuant to authorized regulations and no other disbursement shall be made from that account, except that amounts erroneously and illegally deposited in such account may be refunded. The procedure prescribed by such regulations shall satisfy and be in lieu of any and all statutory requirements of specific appropriation or other form of release by state officers of money in their custody prior to expenditure which might otherwise be applicable to withdrawals from such account.

SEC. 280. Section 3126 of said code is amended to read:

3126. Any buildings or facilities acquired pursuant to this article shall be primarily for the occupancy of the Department of Employment and, until such time as the investment is repaid, shall be subject to the administration and supervision of the Department of Employment in accordance with rules and reg-

ulations which shall be established by the department with the approval of the Department of General Services. Such regulations shall be comparable to those for the administration and supervision of other state-owned buildings.

SEC. 281. Section 3127 of said code is amended to read:

3127. The director shall allocate space to the agencies and services comprising the department. Any buildings or facilities acquired pursuant to this article may contain space in excess of the requirements of the Department of Employment and, until needed, may be leased or let by the director at such rental and upon such terms and conditions as may be approved by the Department of General Services.

SEC. 282. Section 3128 of said code is amended to read:

3128. For all space allocated by the director to the agencies and services comprising the department, or otherwise leased or let by the director pursuant to this article, the director shall charge a rental, to be approved by the Department of General Services. All such rentals shall be deposited in the Unemployment Administration Fund. The portion of the rental which pertains to the amortization of the investment, as determined by the Department of Employment, shall be transferred to the Disability Fund as repayment of any money invested under the provisions of this article, together with interest to be compounded annually at the close of business on December 31st of each year at a reasonable rate to be determined by the director with the approval of the Department of General Services. The remainder of the rental shall be left in the Unemployment Administration Fund to be used for building maintenance, repairs and alterations, utilities, and other necessary operating expenses.

SEC. 283. Section 3129 of said code is amended to read:

3129. When the money invested under the provisions of this article for the providing and equipment of buildings or facilities has been repaid to the Disability Fund together with interest, the jurisdiction and control of any such buildings or facilities, and the operation and management thereof, shall vest in the Department of General Services, but the Department of Employment shall have priority to occupy any space within said buildings or facilities at rental rates not exceeding the cost of providing maintenance and other services.

SEC. 284. Section 3132 of said code is amended to read:

3132. When money from the Disability Fund is used for investment purposes in the purchase of property and in the construction of buildings, and appurtenant facilities or in the purchase of property, or in the construction of buildings, and appurtenant facilities for the use of the Department of Employment, or for the use of the Department of Employment and other state agencies, the Director of Employment may do any and all things necessary to protect the investment including purchasing insurance against the loss of or damage to the property or the loss of use and occupancy of the property. Any transaction entered into by the Director of Employ-

ment under this section shall be subject to the approval of the Department of General Services.

SEC. 285. Section 1654 of the Vehicle Code is amended to read:

1654. The director may purchase or lease such real estate and erect such buildings as the department or any of its divisions require, subject to the approval of the Department of General Services.

SEC. 286. Section 1807 of said code is amended to read:

1807. The department is not required to maintain records relating to drivers of motor vehicles after the records are, in the opinion of the director, no longer necessary, except that records of convictions shall be maintained so long as they may form the basis of license suspensions or revocations as prior convictions or with other records of conviction constitute a person a "negligent driver."

Records which are not required to be maintained may be destroyed with the approval of the Department of General Services.

SEC. 287. Section 2112 of said code is amended to read:

2112. The chief administrative officer of the department shall be appointed by the commissioner subject to the approval of the Governor, pursuant to the provisions of Article XXIV of the State Constitution. He shall execute and deliver, as provided by law, an official bond in an amount to be determined by the Director of General Services.

SEC. 288. Section 2405 of said code is amended to read:

2405. The commissioner may purchase or lease such real estate and erect such buildings as the department or any of its divisions require, subject to the approval of the Department of General Services.

SEC. 289. Section 5002 of said code is amended to read:

5002. The department may issue regular series plates to the Department of General Services for use on motor vehicles maintained within motor vehicle pools of state-owned vehicles when the vehicles are used for the purposes set forth in Section 5001, except that the Department of General Services shall not assign, dispatch, or otherwise make any such vehicle available for use by any agency of the state except upon the certification of the Attorney General.

SEC. 290. Section 139 of the Water Code is amended to read:

139. Without at the time furnishing vouchers and itemized statements, the Department of Water Resources may, with the approval of the Department of General Services, withdraw from the Water Resources Revolving Fund not exceeding three hundred thousand dollars (\$300,000) at any one time. The sums withdrawn under this section shall be used as a revolving fund where payments of compensation earned or cash advances are necessary.

SEC. 291. Section 346 of said code is amended to read:

346. Notwithstanding the provisions of Section 345, the department, with the approval of the Department of General Services, may acquire by eminent domain or otherwise, either in fee or in any lesser estate or interest, any real property for recreational development associated with state-constructed water projects. Any funds, including but not limited to water resources development funds, heretofore or hereafter appropriated to the department for the acquisition of rights-of-way, easements, and property, may be used to carry out the purposes of this section.

SEC. 292. Section 403 of said code is amended to read:

403. Any person desiring to do any of the acts specified in Section 402 may file with the department an application in writing for a license. Each application shall be accompanied by a filing fee fixed by the department with the approval of the Department of General Services but not to exceed fifty dollars (\$50) and shall be on a form to be supplied for such purpose by the department.

SEC. 293. Section 406 of said code is amended to read:

406. A license may be renewed annually upon application to the department, accompanied by a renewal fee fixed by the department with the approval of the Department of General Services but not to exceed twenty-five dollars (\$25), on or before the last day of January of the calendar year for which the license is renewed.

SEC. 294. Section 2863 of said code is amended to read:

2863. All or any part of the money in the Water Rights Board Revolving Fund may be drawn from the State Treasury upon the approval of the Department of General Services without the submission of receipts, vouchers, or itemized statements, and used by the board in paying costs of making determinations of water rights as provided in this part.

SEC. 295. Section 8656 of said code is amended to read:

8656. The Department of General Services upon request of the board may sell the excess land at a purchase price determined upon by the board.

SEC. 296. Section 8657 of said code is amended to read:

8657. The Department of General Services when authorized by the board may execute and deliver in the name and on behalf of the state, a conveyance of such land to the purchaser upon payment of the purchase price to the State Treasurer.

SEC. 297. Section 8659 of said code is amended to read:

8659. All or any part of any land, right-of-way or easement required for any work of channel excavation, enlargement, rectification or control or for any site for the construction of any weir, forming part of or incidental to any plan approved by the state for flood control in the Sacramento or San Joaquin Valleys, which land, right-of-way or easement or weir site has been or may hereafter be acquired by the state, may, at the request of the board and with the approval of the Department of General Services, be sold to the drainage district at a purchase price equal to the cost thereof to the state, to be

determined by the Department of General Services, and upon payment to the state of the purchase price, may be conveyed to the drainage district, or to the United States, as may be requested by the board.

SEC. 298. Section 8660 of said code is amended to read:

8660. The Department of General Services may execute and deliver pursuant to the next preceding section a conveyance in the name and on behalf of the state upon payment to the State Treasurer of the purchase price.

SEC. 299. Section 8676 of said code is amended to read:

8676. Whenever the board has acquired or shall in the future acquire title in fee to any land in the name and in behalf of the district and whenever, in the judgment of the board, the purposes of the district will be satisfied by the retention of an easement or other interest in the land less than the title in fee thereto, the board shall take all steps necessary to sell said land reserving to said district the easement or other interest acquired for the purposes of the district. Conveyances of such land or interest therein owned by the district shall be executed by the officers of the board authorized by the board and shall be approved by the Director of General Services.

SEC. 300. Section 8678 of said code is amended to read:

8678. Every lease, rental, letting or license to use real property owned in fee by the Sacramento and San Joaquin Drainage District, which is executed by the board shall be subject to the approval of the Director of General Services.

SEC. 301. Section 165 of the Welfare and Institutions Code is amended to read:

165. The superintendent of any state institution under the jurisdiction of the Department of Mental Hygiene may deposit any funds of inmates in his possession in trust with the Treasurer pursuant to Section 16305.3, Government Code, or, subject to the approval of the Department of General Services, may deposit such funds in interest-bearing bank accounts or invest and reinvest such funds in bonds of the State of California, or in bonds or obligations of the United States of America or for the payment of which the faith and credit of the United States are pledged and for the purposes of deposit or investment only may mingle the funds of any inmate with the funds of other inmates. The superintendent may deposit the interest or increment accruing on such funds in a special fund, to be designated the "Benefit Fund," of which he shall be the trustee. He may expend the moneys in any such fund for the education or entertainment of the inmates of the institution.

SEC. 302. Section 1752.6 of said code is amended to read:

1752.6. The director may, with the approval of the Director of General Services, enter into contracts with colleges, universities, and other organizations for the purposes of research in the field of delinquency and crime prevention and of training special workers, including teachers, institution employees, pro-

bation and parole officers, social workers and others engaged, whether as volunteers or for compensation, and whether part time or full time, in the fields of education, recreation, mental hygiene, and treatment and prevention of delinquency.

SEC. 303. Section 1752.8 of said code is amended to read:

1752.8. The Director of the Youth Authority may deposit any funds of inmates in his possession in trust with the Treasurer pursuant to Section 16305.3, Government Code, or, subject to the approval of the Department of General Services, may deposit such funds in interest-bearing bank accounts or invest and reinvest such funds in bonds of the State of California, or in bonds or obligations of the United States of America or for the payment of which the faith and credit of the United States are pledged and for the purposes of deposit or investment only may mingle the funds of any inmate with the funds of other inmates. The director may deposit the interest or increment accruing on such funds in a special fund, to be designated the "Benefit Fund," of which he shall be the trustee. The director may expend the moneys of any such fund for the education or entertainment of the inmates of any or all of the facilities of the Youth Authority.

SEC. 304. Section 1752.9 of said code is amended to read:

1752.9. The Department of the Youth Authority, with the approval of the Director of General Services, may lease land at any institution under its jurisdiction, at a nominal rental, to any nonprofit or eleemosynary corporation. The terms of the lease shall require the corporation to construct a house of worship on such land, and to maintain and operate the same primarily for the use of Youth Authority wards and staff. All work as an employee on such house of worship performed under contract or by day labor shall be subject to the provisions of Division 2, Part 7, of the Labor Code.

SEC. 305. Section 3302 of said code is amended to read:

3302. The Department of Education shall provide suitable rooms or buildings to house the activities of California Industries for the Blind. For this purpose the Department of Education may rent suitable buildings or rooms, or, with the approval of the Director of General Services, may rent, lease, purchase or otherwise acquire land and construct, in accordance with law, or cause to be so constructed thereon suitable building or buildings. It shall purchase all necessary and suitable equipment and materials. It shall provide for the sale and terms of sale of all products manufactured by the workers thereof, provide for the employment of such other employees as it deems necessary, and do all necessary and proper acts to carry out the provisions of this article.

Whenever additional equipment, materials, or employees become necessary in order to provide greater facilities for the employment of more blind and physically handicapped persons in California Industries for the Blind, or to enlarge the economic opportunities of those blind and physically handicapped persons employed therein, the department shall purchase such

additional equipment or materials, or both, and shall provide for the employment of such additional employees.

Upon proper representation by the Department of Education to the Department of General Services that any raw material used in the production of articles and commodities is in short supply, the Department of General Services may grant to the Department of Education an authorization to purchase such raw materials without prior approval by any other state agency. After making a purchase of any raw materials in short supply under such authorization the Department of Education must notify the Department of General Services of the purchase made and the cost thereof. The Department of General Services may determine when such raw materials are no longer in short supply and withdraw the authorization.

SEC. 306. Section 3305 of said code is amended to read:

3305. Blind persons and other physically handicapped persons employed in California Industries for the Blind may authorize deductions to be made from their earnings, in accordance with the rules and regulations of the Director of Education, for the payment of premiums on any policy or certificate of group insurance issued to such persons insured under any plan of group insurance, including but not limited to group life insurance, approved by the Controller and the Director of General Services.

SEC. 307. Section 3341 of said code is amended to read:

3341. The Director of Education may, with the approval of the Director of General Services, enter into contracts with responsible private parties for the assembly or manufacture of products for such parties at institutions for the blind under the jurisdiction of the Department of Education.

SEC. 308. Section 3371 of said code is amended to read:

3371. The Department of Education, with the approval of the Director of General Services, may:

(a) Rent, lease, or otherwise provide suitable rooms or buildings to house the activities of the opportunity centers for the blind.

(b) Employ such employees at the centers as it deems necessary.

(c) Perform all necessary and proper acts to carry out the provisions of this article.

SEC. 309. Section 3372 of said code is amended to read:

3372. Blind persons and other physically handicapped persons employed in an opportunity work center may authorize deductions to be made from their earnings, in accordance with rules and regulations of the Director of Education, for the payment of premiums on any policy or certificate of group insurance issued to such persons insured under any plan of group insurance, including but not limited to group life insurance, approved by the Controller and the Director of General Services.

SEC. 310. Section 6503.1 of said code is amended to read:

6503.1. Notwithstanding Section 6503, Welfare and Institu-

tions Code, the Director of General Services, with the consent of the Department of Mental Hygiene, may grant rights-of-way for road purposes over and across state property comprising the site of the Sonoma State Home, upon such terms and conditions as the Director of General Services may deem to be for the best interests of the state.

SEC. 311. Section 6503.2 of said code is amended to read:

6503.2. The Director of General Services shall grant to the County of San Bernardino under such terms, conditions, and restrictions as he deems to be for the best interests of the state, the necessary easements and rights-of-way for all purposes of a public road on the Patton State Hospital property. The right-of-way shall be across, along, and upon the following described property:

The east 40 feet of the east one-half of the northwest one-quarter of Section 32, Township 1 North, Range 3 West, San Bernardino Base and Meridian, in the County of San Bernardino, State of California.

SEC. 312. Section 6503.3 of said code is amended to read:

6503.3. The Director of General Services shall transfer to the Department of Public Works of the State of California under such terms, conditions and restrictions as he deems to be for the best interests of the state, the necessary easements and right-of-way for all purposes of a state highway on the Agnews State Hospital property. The right-of-way shall be across, along and upon the following described property:

All that real property in the County of Santa Clara, State of California, described as:

A portion of that certain 118-acre parcel of land, situate in the Rancho Rincon de Los Esteros, described in the Deed of Trust recorded in Book 687, at page 50, Official Records of Santa Clara County, more particularly described as follows:

COMMENCING at the northwesterly corner of said Parcel; thence along the Southerly line of the existing State highway in Santa Clara County, Road IV-SC1-113-A, N. 74°49'08" E., 2018.23 feet; thence N. 14°33'52" W., 33.00 feet to the center line of said State highway; thence along said center line N. 74°49'08" E., 1117.32 feet to the general easterly line of said Parcel; thence along last said line S. 15°10'52" E., 95.00 feet, from a tangent that bears N. 81°39'12" W., along a curve to the left with a radius of 203.99 feet, through an angle of 76°23'40", an arc length of 271.99 feet and S. 21°57'08" W., 68.90 feet to a line parallel with and distant 83.00 feet southerly measured radially from the "A₃" Line of the Department of Public Works Survey for the State freeway in Santa Clara County Road IV-SC1-113-A; thence along said parallel line from a tangent that bears S. 77°03'12" W., along a curve to the left with a radius of 3917.00 feet, through an angle of 2°14'04", an arc length of 152.76 feet and S. 74°49'08" W., 1746.04 feet; thence S. 73°01'07" W., 704.53 feet to a line parallel with and distant 275.00 feet easterly, at right angles from the general westerly line of aforesaid 118 Acre parcel of

land; thence along last said parallel line S. 6°22'52" E., 250.30 feet; thence S. 9°08'55" W., 556.89 feet; thence S. 5°26'26" E., 253.18 feet; thence S. 14°31'51" E., 176.27 feet to the general Southerly line of said Parcel; thence along said general Southerly line N. 89°37'51" W., 72.44 feet to the aforesaid general Westerly line of said Parcel; thence along last said line N. 14°31'51" W., 527.64 feet, and N. 6°22'52" W., 843.44 feet to the point of commencement.

CONTAINING 17.216 acres, more or less in addition to 0.846 of an acre more or less within the adjoining public way.

This transfer shall be for the purposes of a freeway and the grantor shall release and relinquish to the Department of Public Works any and all abutter's rights of access, appurtenant to the Agnews State Hospital's remaining property, in and to said freeway, over and across the courses described above with lengths of 152.76 feet, 1746.04 feet, 704.53 feet and 250.30 feet, and over and across the northerly 206.89 feet of the course described above with the length of 556.89 feet.

The bearings and distances used in the above descriptions are on the California Co-ordinate System, Zone 3.

SEC. 313. Section 6503.4 of said code is amended to read:

6503.4. Notwithstanding Section 6503 of the Welfare and Institutions Code, the Director of General Services, with the consent of the Department of Mental Hygiene, may grant a right-of-way for road purposes to the City of Stockton over and along a portion of the Stockton State Hospital property adjacent to Harding Way upon such terms and conditions and with such reservations and exceptions as in the opinion of the Director of General Services may be for the best interests of the state.

The Director of General Services under the same conditions may grant a right-of-way for road purposes to the County of Orange over a portion of the Fairview State Hospital property adjacent to Harbor Boulevard.

SEC. 314. Section 6564 of said code is amended to read:

6564. The Director of Mental Hygiene may set aside and designate any space on the grounds of any of the institutions under the jurisdiction of the department that is not needed for other authorized purposes, to enable such institution to establish and maintain therein a store or canteen for the sale to or for the benefit of inmates of the institution of candies, cigarettes, sundries and other articles. The stores shall be conducted subject to the rules and regulations of the department and the rental, utility and service charges shall be fixed as will reimburse the institutions for the cost thereof. The stores when conducted under the direction of a superintendent shall be operated on a nonprofit basis but any profits derived shall be deposited in the benefit fund of each such institution as set forth in Section 165.

Before any store is authorized or established, the Director of Mental Hygiene shall first determine that such facilities are not being furnished adequately by private enterprise in

the community where it is proposed to locate the store, and the director may hold public hearings or cause surveys to be made to determine the same.

The Director of Mental Hygiene may rent such space to private individuals, for the maintenance of a store or canteen at any of the said institutions upon such terms and subject to such regulations as are approved by the Department of General Services, in accordance with the provisions of Section 14670 of the Government Code. The terms imposed shall provide that the rental, utility and service charges to be paid shall be fixed so as to reimburse the institution for the cost thereof and any additional charges required to be paid shall be deposited in the benefit fund of such institution as set forth in Section 165.

SEC. 315. Section 6659 of said code is amended to read:

6659. All moneys collected by the Department of Mental Hygiene for the cost and charges of transportation of persons to state hospitals shall be remitted by the department to the State Treasury for credit to, and shall become a part of, the current appropriation from the General Fund of the state for the transportation of insane, correctional school, or other state hospital inmates and shall be available for expenditure for such purposes. In lieu of exact calculations of moneys collected for transportation charges the department may determine the amount of such collections by the use of such estimates or formula as may be approved by the Department of General Services.

SEC. 316. Section 7015 of said code is amended to read:

7015. The superintendent of each home for the feeble-minded shall, on or before the fifth day of each month, prepare a true and correct report, verified by oath, of all inmates supported, cared for, trained, and educated in the home for the preceding month, whose support, care, training, and education in such home are to be paid for by the several counties from which they came. This report shall give the names and counties from which committed of all such inmates, and the name of the committing judge. Copies of this report shall be filed in the offices of the Department of General Services, the Controller, the State Treasurer, and the Department of Mental Hygiene, but shall not be printed, or used, nor permitted to be used, for any other purpose than the special information of the officers designated. The superintendent shall also, within the time above designated, prepare a report, verified by his oath, showing substantially the facts set forth in the above report, which shall be filed with the county auditors of the several counties from which the commitments have been made to the institution, showing the name of each inmate supported, and for which such county is liable to the state for support and maintenance.

SEC. 317. Section 8 of the State Construction Program Bond Act of 1955 (Chapter 1709 of the Statutes of 1955) is amended to read:

Sec. 8. 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. 318. Section 8 of the State Construction Program Bond Act of 1958 (Chapter 88 of the Statutes of 1958, 1st Ex. Sess.) is amended to read:

Sec. 8. 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.

CHAPTER 372

An act to amend Section 843 of the Insurance Code, relating to securities of insurers.

[Approved by Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 843 of the Insurance Code is amended to read:

843. The commissioner may, from time to time and for cause, amend, alter or revoke any permit issued by him hereunder, or temporarily suspend the rights thereunder of the applicant. He also may establish such rules and regulations as are reasonable or necessary to carry out the purposes and provisions of this article.

In establishing any such rules and regulations the commissioner is expressly authorized, irrespective of the other provisions of this section or this article, to specify different and simplified forms for both applications and permits where a foreign insurer, whether admitted or not, is seeking to sell or issue securities of its own issue to persons in this state and meets all the following standards:

(a) It has, prior to filing the application, made a filing with the Securities and Exchange Commission;

(b) It (or a predecessor) has been lawfully engaged in the insurance business for at least five years and currently is admitted to transact insurance in at least five states;

(c) It currently has admitted assets of at least five million dollars (\$5,000,000); and

(d) It has, prior to filing the application, obtained a written permit or consent to issue such securities from the authority in its domiciliary state having jurisdiction over issuances of its securities and the statutory standards for obtaining such permit or consent are comparable to the like standards of this state.

CHAPTER 373

An act to amend Section 28 of the Insurance Code, relating to the definition of "state" for the purposes of the Insurance Code.

[Approved by Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 28 of the Insurance Code is amended to read:

28. "State" means the State of California, unless applied to the different parts of the United States. In the latter case, it includes the District of Columbia, the commonwealths and the territories.

CHAPTER 374

An act to add Section 38.1 to the Orange County Water District Act (Chapter 924, Statutes 1933), relating to replenishment assessments.

[Approved by Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 38.1 is added to the Orange County Water District Act (Chapter 924, Statutes of 1933), to read:

Section 38.1. Any water-producing facility which is producing water within the exterior boundaries of the district may be exempted by order of the board of directors from the payment of the replenishment assessments provided for in this act upon the filing of a verified petition by the owner of the water-producing facility.

The petition shall be filed with the board of directors of the district and shall include a description of the land upon which the water-producing facility is located, a description of the water-producing facility, a statement of water quality analysis of the water produced by the water-producing facil-

ity, the names and addresses of the owners of the water-producing facility, and shall set forth the purpose or purposes for which any water produced from the water-producing facility will be used. The petition may include one or more water-producing facilities located in the same general area, provided each of such facilities are owned by the same owner.

Upon the filing of the petition, the secretary of the district shall cause an investigation to be made for the purpose of determining whether the water produced by the water-producing facility is suitable or unsuitable for domestic or agricultural purposes. Upon completion of the investigation, a report of the results thereof shall be filed with the board of directors. The secretary of the district shall thereupon fix a time for a hearing upon said petition and report, which time shall be not less than ten (10) days and not more than seventy-five (75) days after the filing of said report, and shall cause a notice of the filing thereof and time and place fixed for the holding of the hearing to be published one time, at least ten (10) days before the date fixed for such hearing, in a newspaper of general circulation printed and published within the district. A copy of such notice shall be mailed to the petitioner by first class mail with postage prepaid not less than seven (7) days prior to the date of the hearing.

At the time of the hearing, the board of directors shall determine whether the water produced from the water-producing facility or facilities is suitable or unsuitable for domestic or agricultural purposes. If the board of directors finds and determines the water produced from such facility or facilities or any of them is unsuitable for domestic or agricultural purposes, and further finds and determines that the production of such unsuitable water will have no adverse effects on the ground water supplies of the district, the board of directors may make an order that water produced from the water-producing facility or facilities shall be exempted from the payment of the replenishment assessments as provided in this act.

Nothing contained in this section shall exclude the operator of any water-producing facility exempted from the payments of replenishment assessments from filing the water production statements provided for in Section 29.

The board of directors of district may from time to time require that the owner of any water-producing facility or facilities, which are exempted from the payment of replenishment assessments, provide additional water quality analyses of water being produced from any water-producing facility which has been exempted from the payment of replenishment assessments as provided in this act.

The district shall at all times have the right to enter upon the premises where such exempted water-producing facility or facilities are located for the purpose of obtaining samples of the water being produced.

If at any time it appears that the quality of water being produced from a water-producing facility which has been exempted from payment of replenishment assessments has become suitable for domestic or irrigation purposes, the secretary of the district shall fix a time for a hearing to determine whether the water produced from the water-producing facility has become suitable for domestic or agricultural purposes. The secretary of the district shall cause a notice of the hearing to be published one time, at least ten (10) days before the date fixed for such hearing, in a newspaper of general circulation printed and published within the district. A copy of such notice shall be mailed to the owner of the water-producing facility by first class mail with postage prepaid not less than seven (7) days prior to the date of the hearing.

If upon such hearing, the board of directors finds and determines that the quality of the water being produced from such water-producing facility has become suitable for domestic or irrigation purposes or that the production of water therefrom will have an adverse effect on the ground water supplies of the district, the board of directors shall make an order that the exemption of payment of replenishment assessments on water being produced from said water-producing facility shall be canceled. Notice of such cancellation of exemption shall be sent to the owner of the specified water-producing facility by first class mail with postage prepaid. The effective date of the cancellation of exemption from the payment of replenishment assessments shall be ten (10) days after the date of mailing of the notice of cancellation.

CHAPTER 375

An act to repeal the Limited Water District Law of 1959 (Chapter 2136, Statutes of 1959), relating to municipal water districts.

[Approved by Governor May 22, 1965 Filed with
Secretary of State May 22, 1965]

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

SECTION 1. The Limited Water District Law of 1959 (Chapter 2136, Statutes of 1959) is repealed.

CHAPTER 376

An act to add Section 1.5 to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), relating to formation of districts.

[Approved by Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 1.5 is added to the Water Conservation Act of 1927 (Chapter 91, Statutes of 1927), to read:

1.5. No water conservation district shall be formed pursuant to this act after September 17, 1965.

CHAPTER 377

An act to repeal Division 10 (commencing with Section 10000) of the Public Resources Code, relating to California resort districts.

[Approved by Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Division 10 (commencing with Section 10000) of the Public Resources Code is repealed.

CHAPTER 378

An act to amend Sections 18211 and 18402 of, and to add Section 18211.1 to, the Financial Code, relating to industrial loan companies.

[Approved by Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. Section 18211 of the Financial Code is amended to read:

18211. If a company was formed prior to June 1, 1965 or is a premium finance agency, and if such company has investment or thrift certificates outstanding, then such company shall not borrow, except by the sale of investment or thrift certificates, in an amount in excess of 150 percent of the amount represented by its outstanding capital stock, surplus and undivided profits, without the written consent of the commissioner.

SEC. 2. Section 18211.1 is added to said code, to read:

18211.1. If a company was formed on or after June 1, 1965 and is not a premium finance agency, then such company shall not borrow, except by the sale of investment or thrift certificates, in an amount in excess of 150 percent of the amount represented by its outstanding capital stock, surplus and undivided profits.

SEC. 3. Section 18402 of said code is amended to read:

18402. An industrial loan company may, in addition to the sale of installment investment certificates with loans, sell or negotiate investment certificates either in certificates, or in receipt book form. The certificates may provide for the payment of money at any time, either fixed or uncertain. The company may receive payments therefor in installments or otherwise, with or without an allowance of interest upon such installments.

Except for industrial loan companies formed prior to June 1, 1965, and premium finance agencies, no company may have investment certificates outstanding with a person or related persons in an aggregate amount in excess of 10 percent of the unimpaired capital and surplus of the company not available for dividends as provided in Section 18614.

CHAPTER 379

An act making an appropriation for the expenses of the Assembly and the Senate, to take effect immediately.

[Approved by Governor May 22, 1965. Filed with
Secretary of State May 22, 1965.]

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

SECTION 1. There is appropriated from the General Fund to the Assembly Contingent Fund the sum of seven hundred fifty thousand dollars (\$750,000), for expenses of the Assembly and legislative committees thereof, and the sum of three hundred thousand dollars (\$300,000) to the Senate Contingent Fund, for expenses of the Senate and legislative committees thereof.

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

CHAPTER 380

An act to amend Section 15517 of the Education Code, relating to school buildings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 25, 1965. Filed with
Secretary of State May 25, 1965.]

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

SECTION 1. Section 15517 of the Education Code is amended to read:

15517. The governing board of a school district may undertake corrective measures relating to fire and panic safety recommended to the governing board pursuant to Section 13143 of the Health and Safety Code by the State Fire Marshal in connection with any school building under the jurisdiction of the governing board without compliance with the procedures otherwise prescribed by this article.

The maximum rate of tax of any school district for any school year is hereby increased by such amount as will produce the amount necessary to effect the corrective measures recommended by the State Fire Marshal, as provided in the preceding paragraph, 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 revenue from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed ten cents (\$0.10) for each one hundred dollars (\$100) of the assessed valuation of property within the district in each fiscal year.

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 expenditures of the school district during that school year required for purposes of this section.

This section shall remain in effect until July 1, 1967.

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 eliminates the termination date of July 1, 1965, in this section. Because of the large number of school children affected by this act, it is necessary that its provisions be extended immediately in order to permit the school districts to raise sufficient funds to assure the school children and their parents that the schools have adequate fire protection. The proper and effective administration of this law requires that it shall remain in effect without interruption.

CHAPTER 381

An act to amend Sections 2365 and 2370 of the Education Code, relating to school district organization.

[Approved by Governor May 25, 1965. Filed with
Secretary of State May 25, 1965]

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

SECTION 1. Section 2365 of the Education Code is amended to read:

2365. The county superintendent of schools shall within 20 days after the filing of the petition and agreement, examine them and, if he finds them to be sufficient and signed as required by law, transmit the petition to the county committee or to the State Board of Education as provided in this section.

In the case of a petition to transfer territory from a unified district formed under provisions in Chapter 10 (commencing with Section 3101) of this division, the petition shall be transmitted to the State Board of Education unless it is accompanied by an agreement to the transfer signed by a majority of the members of the governing board of each district affected by the transfer of territory in which case the procedure shall be the same as that set forth in this article for transfer of territory from elementary districts. In the case of a petition to transfer territory from any other unified district or from an elementary district the petition shall be transmitted to the county committee.

SEC. 2. Section 2370 of said code is amended to read:

2370. Except where there is an agreement to the transfer as provided in Section 2365, in the case of a petition to transfer territory from a unified district formed under Chapter 10 (commencing with Section 3101) of this division to a contiguous unified district, the county superintendent of schools shall within 30 days after receiving notice from the State Board of Education that it approves the transfer, call, hold and conduct, in the manner prescribed in Division 4 of this code, an election in the unified school district from which the territory is to be transferred. The ballots at the election shall contain the words "For Transfer—Yes," and "For Transfer—No."

CHAPTER 382

An act to amend Section 842 of the Probate Code, relating to administration of estates.

[Approved by Governor May 25, 1965. Filed with Secretary of State May 25, 1965.]

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

SECTION 1. Section 842 of the Probate Code is amended to read:

842. At the time appointed, the court shall hear the petition and any objection thereto that may have been presented, and shall entertain and consider any other offer made, in good faith, at the hearing, to lease the same property on more favorable terms; and, if the court is satisfied that it will be to the advantage of the estate, it shall make an order authorizing the executor or administrator to make such lease to the person and on the terms stated in the order; provided, however, that the court shall not make an order authorizing the executor or administrator to make such a lease to any person other than the lessee named in the petition, unless the offer made at the hearing is acceptable to the executor or administrator. The order shall set forth the minimum rental or royalty and the period of the lease which must not be longer than 10 years, except as otherwise herein provided with respect to a lease for the purpose of production of minerals, oil, gas or other hydrocarbon substances and a lease for the growing of asparagus. The order may authorize other terms and conditions, including, with respect to a lease for the purpose of production of minerals, oil, gas or other hydrocarbon substances, a provision for the payment of rental and royalty to a depository, and for the appointment of a common agent to represent the interest of all the lessors, and, if the lease is for the purpose of production of oil, gas or other hydrocarbon substances, including a provision for the payment of a compensatory royalty in lieu of rental and in lieu of drilling and producing operations on the land covered by the lease, including provisions for pooling or unitization by the lessee, and including a provision empowering the lessee to enter into any agreement authorized by Section 3301 of the Public Resources Code with respect to land covered by the lease. If the lease covers additional property owned by other persons or an undivided interest of the decedent, or other interest of the

decendent less than the entire ownership in the property, it may provide for division of rental and royalty in the proportion that the land or interest of each owner bears to the total area of the land or total interests covered by such lease. A lease for the purpose of production of minerals, oil, gas or other hydrocarbon substances may be for a fixed period, and so long thereafter as minerals, oil, gas or other hydrocarbon substances are produced in paying quantities from the property leased or mining or drilling operations are conducted thereon and, if the lease provides for the payment of a compensatory royalty, so long as such compensatory royalty is paid, and, if the land covered by the lease is included in an agreement authorized by Section 3301 of the Public Resources Code, so long as oil, gas or other hydrocarbon substances are produced in paying quantities from any of the lands included in any such agreement or drilling operations are conducted thereon. A certified copy of the order shall be recorded in the office of the recorder of every county in which the leased land or any portion thereof lies.

CHAPTER 383

An act to amend Section 5258 of the Education Code, relating to the maintenance of kindergartens.

[Approved by Governor May 25, 1965 Filed with
Secretary of State May 25, 1965]

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

SECTION 1. Section 5258 of the Education Code is amended to read:

5258. The governing board of any school district establishing or maintaining a kindergarten may conduct the kindergarten in the same room with and by the same teacher conducting one or more elementary grades maintained by the district. The minimum schoolday for pupils of a kindergarten which is so conducted is 130 minutes, inclusive of recesses, and the attendance of the children enrolled in the kindergarten shall be counted as attendance upon a kindergarten. The minimum school days for pupils of the other grades so conducted are those specified in Sections 11005 and 11006, exclusive of noon intermissions and recesses, and the attendance of the children enrolled in such other grades shall be counted as attendance upon those grades.

No teacher shall teach more than one such class in any single schoolday.

CHAPTER 384

An act to amend Sections 17209.2, 17213.1, and 17213.5 of the Financial Code, relating to escrows.

[Approved by Governor May 25, 1965. Filed with
Secretary of State May 25, 1965.]

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

SECTION 1. Section 17209.2 of the Financial Code is amended to read:

17209.2. Before issuing a license for any original escrow agent application, or any branch office location for an existing licensee, the commissioner shall allow a period of not less than fifteen (15) days to elapse between the time of giving the notice required under Section 17209.1 and his actual approval or issuance of license. The commissioner may or may not require an applicant to submit to an appropriate hearing. If a hearing is held the commissioner shall, on or before 10 days prior to the hearing, mail notice thereof to the applicant and to each licensed escrow agent in this state. At such hearing any interested person may show cause either in favor of, or opposed to, the application.

SEC. 2. Section 17213.1 of said code is amended to read:

17213.1. An escrow agent's business shall not be removed from the premises or address shown on the actual license without the prior approval of the commissioner. and notice of any intended change shall be transmitted to the commissioner as soon as the circumstances become known to the licensee. When the move is only nominal, as in the case of an expiring lease, fire, the need for larger space, or other legitimate happening, and the commissioner has verified the circumstances, his approval shall be granted or denied within a maximum of 30 days from the date of his receipt of the licensee's proper and complete request. However, in any instance where a licensed business location is to be moved a distance of two or more miles the commissioner shall promptly dispatch the notice set forth in Section 17209.1, and he may, in his discretion, treat the matter as an application for a new license by invoking the provisions of Sections 17209, 17209.1, 17209.2, and 17209.3, and may require the payment of such fee or fees as are applicable under Section 17207.

SEC. 3. Section 17213.5 of said code is amended to read:

17213.5. Licensees of this division shall be entitled to establish additional business office locations by compliance with all of the following:

- (a) Filing with the commissioner notice of the intended address, or addresses, and
- (b) Payment of the fees prescribed in subdivisions (a) and (c) of Section 17207, and
- (c) Filing with the commissioner additional bond or bonds as prescribed in Sections 17202, 17203, 17203.1, 17203.2, and

17204 appropriately for each additional office location or, in lieu thereof, the applicant shall cause the surety under his existing bond or bonds to file with the commissioner a written amendment signifying that coverage is appropriately extended, and

(d) Filing with the commissioner financial statements prepared in accordance with generally accepted accounting principles. Such financial statements shall be covered by a report or certificate of an independent certified public accountant or independent public accountant, showing an additional tangible net worth in the amount set forth in Section 17210 for each additional office location, and

(e) Filing with the commissioner the names and addresses of the licensee's owners and employees to be stationed at the new location, showing that the operation of the additional office, or offices, will be under the complete management and control of the parent licensee, and

(f) Filing with the commissioner statements offsetting and meeting each of the conditions set forth in Section 17209.3.

With respect to all applications for authorization to establish additional locations, the commissioner shall promptly dispatch the notice set forth in Section 17209.1 and he shall immediately commence his investigation and review of the application. The commissioner shall within 30 days from the receipt by him of a separate and complete application, license the designated premises as a branch of the parent licensee, unless the commissioner finds (1) that the applicant has failed to comply with all of the requirements of this section, (2) that the applicant then fails to meet any of the standards applicable for the issuance of a license pursuant to Section 17209.3, or (3) that a hearing shall be held to determine whether the application should be granted or denied.

CHAPTER 385

An act to amend Section 881 of the Insurance Code, relating to the names of insurers.

[Approved by Governor May 25, 1965. Filed with
Secretary of State May 25, 1965.]

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

SECTION 1. Section 881 of the Insurance Code is amended to read:

881. The commissioner shall require the name of every insurer to be submitted to him before the commencement of business in this state. He may reject any name so submitted when it is an interference with, or too similar to, one already appropriated, or when it is likely to mislead the public in any respect. In case a name not liable to such objection must be chosen.

If the commissioner rejects a name in use elsewhere by an already organized entity which has not commenced an insurance business in this state but is doing an insurance business elsewhere and approves and reserves a new name for such entity, such entity shall within 120 days:

(a) Adopt such new name by appropriate legal steps to amend its articles of incorporation, charter or other basic document, or

(b) Arrange to conduct any business it may do with the public in California under such approved name as an operating name, retaining its true name for all official business, or

(c) Abandon whatever application for admission, securities permit or other application it may have pending before the commissioner.

If the commissioner rejects a name proposed by an entity which has not commenced transaction of insurance anywhere it shall organize under a new name approved by the commissioner, or if already organized legally adopt such new name. Until it does the commissioner may refuse to accept or act upon any such application.

CHAPTER 386

An act to amend Section 922.5 of the Insurance Code, relating to credit allowed ceding insurers on account of reinsurance.

[Approved by Governor May 25, 1965. Filed with Secretary of State May 25, 1965.]

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

SECTION 1. Section 922.5 of the Insurance Code is amended to read:

922.5. Credit in accounting and financial statement permitted by this code on account of reinsurance ceded to an alien reinsurer other than one which complies with Article 2 (commencing with Section 1580) Chapter 4, Part 2, Division 1 and includes in the statements required by that article all reserves and liabilities arising out of such reinsurance shall be allowed only:

(a) To the extent of the amount of deposits by, and funds withheld from, such alien reinsurer pursuant to express provision therefor in the reinsurance contract as security for the payment of the obligations thereunder if such deposits or funds are held subject to withdrawal by, and under the control of, the ceding insurer or are placed in trust for such purposes in a bank which is a member of the Federal Reserve system, if withdrawals from such trust cannot be made without the consent of the ceding insurer, or

(b) Where such alien reinsurer maintains sufficient assets in the United States for the protection of policyholders in the United States and operates its business in such manner as to

satisfy the commissioner that it maintains standard and financial condition reasonably comparable to those required of admitted insurers and that it is able to pay losses in the United States.

(c) To the extent that the amount of a clean and irrevocable letter of credit issued for a term of at least two years conforming to the requirements set forth below, is a substitute for advances for claims obligations to be made by an alien reinsurer in connection with its liability under a specific reinsurance agreement. The requirements are that such a clean and irrevocable letter of credit shall be issued under arrangements satisfactory to the commissioner as constituting security to the ceding insurer substantially equal to that of a deposit under subdivision (a) hereof, and that it shall be issued by a banking institution which is a member of the Federal Reserve System and of financial standing satisfactory to the commissioner.

CHAPTER 387

An act to add Section 5066 to the Public Resources Code, relating to the Department of Parks and Recreation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 25, 1965. Filed with
Secretary of State May 25, 1965.]

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

SECTION 1. Section 5066 is added to the Public Resources Code, to read:

5066. Notwithstanding any other provision of law, the State Department of Parks and Recreation shall extend until December 31, 1979 the existing concession agreement, dated May 6, 1948, as amended March 21, 1958, between the State of California and the Girl Scout Council of San Diego County, Incorporated, relating to the "Stonewall Group Organizational Area" and premises in Cuyamaca Rancho State Park, San Diego County, California. Thereafter, there shall be no such agreement in force or effect other than an agreement consummated pursuant to Article 1.5 (commencing with Section 5019.10) of this chapter.

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

In order to adequately finance vitally needed improvements at Girl Scout Camp Tapawingo in Cuyamaca Rancho State Park in the County of San Diego so that the camp can be used during the summer of 1965, it is necessary that the agreement referred to in Section 1 be extended or a new agreement be executed as therein provided without delay.

CHAPTER 388

An act to amend Section 2 of the Orange County Water District Act (Chapter 924, Statutes of 1933), relating to the Orange County Water District.

[Approved by Governor May 25, 1965. Filed with
Secretary of State May 25, 1965.]

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

SECTION 1. Section 2 of the Orange County Water District Act (Chapter 924, Statutes of 1933) is amended to read:

Sec. 2. The "Orange County Water District" shall have power:

1. To have perpetual succession;
2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals;
3. To adopt a seal and alter it at pleasure;
4. To take by grant, purchase, gift, devise, or lease, to hold, use and enjoy, and to lease, convey or dispose of, real and personal property of every kind, within or without the district, necessary or convenient to the full exercise of its powers;
5. Within or outside of the district to construct, purchase, lease, or otherwise acquire, and to operate and maintain necessary waterworks and other works, machinery and facilities, canals, conduits, waters, water rights, spreading grounds, lands, rights and privileges useful or necessary to replenish the underground water basin within said district, or to augment the common water supplies of said district.
6. For the common benefit of said district and for the purpose of replenishing, regulating and protecting the ground water supplies within the district to:
 - (a) Store water in underground water basins or reservoirs within or outside of said district;
 - (b) Appropriate and acquire water and water rights within or outside of said district;
 - (c) Purchase and import water into said district;
 - (d) Conserve water within or outside of said district;
 - (e) Buy and to sell water at such rates as shall be determined by the board of directors;
 - (f) Exchange water;
 - (g) Distribute water to persons in exchange for ceasing or reducing ground water extractions;
 - (h) Transport, reclaim, purify, treat or otherwise manage and control water for the beneficial use of persons or property within the district; and
 - (i) Fix the terms and conditions of any contract under which owners or operators of water-producing facilities within the district may agree to use water from an alternative non-tributary source in lieu of ground water, and to such end the district may become a party to such a contract and may pay

from district funds such portion of the cost of water from an alternate source as will encourage the purchase and use of the same in lieu of producing ground water, as long as persons or property within the district are directly or indirectly benefited by the resulting replenishment;

7. To carry out the purposes of this act, to commence, maintain, intervene in, defend and compromise, in the name of said district, or otherwise, and to assume the costs and expenses of any and all actions and proceedings now or hereafter begun to prevent interference with water or water rights used or useful to lands within said district, or diminution of the quantity or pollution or contamination of the water supply of said district, or to prevent unlawful exportation of water from said district, or to prevent any interference with the water or water rights used or useful in said district which may endanger or damage the inhabitants, lands or use of water in said district; provided, however, that said district shall not have power to intervene or take part in, or to pay costs or expenses of actions or controversies between the owners of lands or water rights all of which are entirely within the boundaries of said district and which do not involve pollution or contamination of water within said district or exporting water outside of said district's boundaries or any threat thereof.

8. To have and exercise the right of eminent domain, and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to the exercise of any of the powers granted by this act, except that said district shall not have the right of eminent domain as to water, water rights, reservoirs, pipelines, water distributing systems, waterworks, or powerplants, all or any of which are already devoted to beneficial or public use and located within the watershed of the Santa Ana River, and excepting further from the exercise of the right of eminent domain by said district any property maintained and actually used for the scientific propagation and study of plantlife. No language or provision of this act, or of this subdivision, shall be interpreted or construed so as to limit or abridge the right of said district, or its board of directors, to exercise its right of eminent domain to condemn property at any place within the Santa Ana River watershed for rights-of-ways upon and across and under which to construct pipelines, conduits, tunnels and/or aqueducts necessary or convenient for any of the purposes of said district provided the property sought to be condemned for said purposes is not already being used by other corporations, municipalities, districts or individuals for similar purposes; providing, however, that neither said district nor its board of directors shall have power to enter in or upon the Mojave River or any of its tributaries or appropriate, take or condemn any of the water or the right to the use of any of the water of said Mojave River or any of its tributaries; nor shall anything in this act be deemed as authorizing or empowering said district or its board of

directors to so do. Subject to the express limitations hereinbefore set out, in any proceedings relative to the exercise of such right of eminent domain, said district shall have the same rights, powers and privileges as a municipal corporation;

9. The district, shall in addition to the other powers herein granted by this act, have the following rights and powers: to act jointly with or cooperate with the United States or any agency thereof, the State of California or any agency thereof, any county of the State of California, districts of any kind, public and private corporations, and any person or persons, to carry out the provisions and purposes of this act; in such joint or cooperative activities, said district may act within or outside of its boundaries;

10. To cause assessments and/or charges to be levied as hereinafter provided to accomplish the purposes of this act;

11. To make contracts, to employ labor and to do all acts necessary for the full exercise of the foregoing powers;

12. To carry on technical and other investigations of all kinds, necessary to carry out the provisions of this act, and for this purpose said district shall have the right of access through its authorized representative to all properties within said district.

CHAPTER 389

An act to amend Section 60047 of the Water Code, relating to water replenishment districts.

[Approved by Governor May 25, 1965. Filed with
Secretary of State May 25, 1965.]

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

SECTION 1. Section 60047 of the Water Code is amended to read:

60047. The provisions of this division apply to the replenishment of ground water within all areas in this state, except those areas therein now or hereafter included within the Orange County Water District as provided by the Orange County Water District Act. The Legislature finds and declares that the problems of providing replenishment of the underground basin in the area of the Orange County Water District are peculiar to that area and for that reason it is necessary to deal specially with such area, and that this fact was recognized by the Legislature when it enacted the Orange County Water District Act and the amendments thereto to provide for such problems in that area.

CHAPTER 390

An act to amend and renumber Section 47.5 of, and to add Sections 47.1, 47.2, 47.3, 47.4, 47.5, 47.6, 47.7, 47.8, 47.9, 47.10, 47.11, 47.12, 47.13, 47.14, 47.15, 47.16, 47.17, and 47.18 to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), and to add Article 6 (commencing with Section 75925) to Chapter 2 of Part 10 of Division 21 of the Water Code, relating to annexation.

[Approved by Governor May 25, 1965. Filed with
Secretary of State May 25, 1965.]

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

SECTION 1. Section 47.1 is added to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), to read:

Sec. 47.1. The following annexation procedures may be used for annexation of land to any water conservation district as an alternative to the procedures set forth in Sections 38 to 47.

SEC. 2. Section 47.2 is added to said act, to read:

Sec. 47.2. A petition which may consist of any number of separate instruments, shall be filed with the secretary of the district, signed by 20 percent or 500 electors residing within the area so proposed to be annexed, whichever is less.

SEC. 3. Section 47.3 is added to said act, to read:

Sec. 47.3. Such petition shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that such area be annexed to such district.

SEC. 4. Section 47.4 is added to said act, to read:

Sec. 47.4. The text of such petition and a notice stating the time of the meeting at which the same will be presented shall be published in the affected county pursuant to Section 6066 of the Government Code. When contained upon one or more instruments, one copy only of such petition need be published. No more than five of the names attached to the petition need appear in the publication of the petition and notice, but the number of signers shall be stated. Publication shall be complete at least 7, but not more than 28, days before the time at which the petition is to be presented to the board.

SEC. 4.5. Section 47.5 of said act is amended and renumbered to read:

Sec. 47.19. Upon a change of the boundaries of a district being made, the board of directors shall file a certificate with the Secretary of State listing:

- (a) The name of the district.
- (b) The effective date of the change of the boundaries.
- (c) The county or counties in which the district is located, and a description of the included land, or reference to a map showing the boundaries of such included land, which map shall be attached to the certificate, or reference to the county

recorder's office where a description of such boundaries has been recorded.

If the order changing boundaries contains all of the information required to be in the certificate, the board of directors may file a copy of the order in lieu of the certificate.

SEC. 5. Section 47.5 is added to said act, to read:

Sec. 47.5. Within 10 days of the date of filing of such petition the secretary of the district shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters.

SEC. 6. Section 47.6 is added to said act, to read:

Sec. 47.6. When the secretary of the district has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination, and if from such examination he shall find that said petition is signed by the requisite number of voters or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

SEC. 7. Section 47.7 is added to said act, to read:

Sec. 47.7. If, by the certificate of the secretary of the district, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate.

SEC. 8. Section 47.8 is added to said act, to read:

Sec. 47.8. The secretary of the district shall, within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

SEC. 9. Section 47.9 is added to said act, to read:

Sec. 47.9. If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of the district and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect, but if, by the certificate of the secretary, such petition, or petition as amended, is shown to be sufficient, the secretary shall present the same to the board without delay.

SEC. 10. Section 47.10 is added to said act, to read:

Sec. 47.10. If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

SEC. 11. Section 47.11 is added to said act, to read:

Sec. 47.11. After an election for the annexation of such area to the district the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

SEC. 12. Section 47.12 is added to said act, to read:

Sec. 47.12. Such petition may be granted by ordinance of the board of such district after hearing thereon held at the time the petition is presented to the board as provided in Section 47.4. No petition for inclusion may be granted unless

and until the board finds that the inclusion in the district of the lands described in said petition, or some portion or portions thereof, will be for the best interests of the district and that the lands proposed to be included shall be benefited by such inclusion. The petition may be granted in its entirety or only as to the part of the territory proposed to be included for which such a finding of benefit is made. If the petition be denied either as to the whole or part of the territory to be included, no new petition for the inclusion of such territory shall be filed within six months after such denial. In granting such petition, such board of directors may fix in said ordinance the terms and conditions upon which such annexation may occur, and such terms and conditions may provide, among other things, for the levy by such district of special taxes upon the real property and improvements thereon, but not on personal property within such annexed area or areas in addition to the taxes elsewhere in this act authorized to be levied by such district, and in case such terms and conditions shall provide for the levy of such special taxes, the board, 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.

SEC. 13. Section 47.13 is added to said act, to read:

Sec. 47.13. If such petition is granted, the proposition of such annexation subject to the terms and conditions so fixed, shall be submitted to the vote of the voters in the proposed addition, at an election called by the board and held, as herein provided, within 70 days after the effective date of such ordinance.

SEC. 14. Section 47.14 is added to said act, to read:

Sec. 47.14. Notice of such election shall be published in the affected county pursuant to Section 6063 of the Government Code. Publication shall be complete at least 7, but not more than 28, days prior to the date fixed for such election. Such notice shall describe the boundaries of the area or areas so proposed to be annexed and shall designate such territory by some appropriate name, or other words of identification, by which such territory may be referred to and indicated upon the ballot to be used at any election at which the question of such annexation is submitted, as in this act provided. Such notice also shall contain the substance of the terms and conditions fixed by the board of directors, as herein provided.

SEC. 15. Section 47.15 is added to said act, to read:

Sec. 47.15. The measure so submitted at such election shall be stated on the ballot substantially as follows: "Shall ----- (giving the name or other designation of the territory proposed to be annexed, as stated in the notice of election) be annexed to ----- (name of water conservation district) subject to the terms and conditions fixed by the board of directors of said district?" At the right of such proposition

there shall be printed the words "yes" and "no" with voting squares.

SEC. 16. Section 47.16 is added to said act, to read:

Sec. 47.16. The board shall canvass the votes cast at such election and, if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of the State and shall record a certificate stating that such proposition was adopted with the county recorder of each affected county in which such district is located.

SEC. 17. Section 47.17 is added to said act, to read:

Sec. 47.17. Upon receipt of such certificate, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the addition of said area or areas to said district. A copy of said certificate shall be transmitted to, and filed with, the county clerk of each affected county in which such district is situated.

SEC. 18. Section 47.18 is added to said act, to read:

Sec. 47.18. From and after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of, said district, and the taxable property therein shall be subject to taxation thereafter for the purposes of said district, including the payment of bonds and other obligations of such district at the time authorized or outstanding, and the board 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.

SEC. 19. Article 6 (commencing with Section 75925) is added to Chapter 2 of Part 10 of Division 21 of the Water Code, to read:

Article 6. Alternate Procedure

75925. The following annexation procedures may be used for annexation of land to any water conservation district as an alternative to the procedures set forth in Articles 2 (commencing with Section 75860) to 5 (commencing with Section 75920), inclusive, of Chapter 2 of Part 10 of Division 21.

75926. A petition which may consist of any number of separate instruments, shall be filed with the secretary of the district, signed by 20 percent or 500 electors residing within the area so proposed to be annexed.

Such petition shall set forth and describe the boundaries of the area proposed to be annexed and shall contain a prayer that such area be annexed to such district.

75927. The text of such petition and a notice stating the time of the meeting at which the same will be presented shall be published in the affected county pursuant to Section 6066 of the Government Code. When contained upon one or more instruments, one copy only of such petition need be published. No more than five of the names attached to the petition need appear in the publication of the petition and notice, but the

number of signers shall be stated. Publication shall be complete at least 7, but not more than 28, days before the time at which the petition is to be presented to the board.

75928. Within 10 days of the date of filing of such petition the secretary of the district shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters.

75929. When the secretary of the district has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination, and if from such examination he shall find that said petition is signed by the requisite number of voters or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

If, by the certificate of the secretary of the district, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate.

75930. The secretary of the district shall, within 10 days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of the district and kept as a public record, without prejudice, however, to the filing of a new petition to the same effect, but if, by the certificate of the secretary, such petition, or petition as amended, is shown to be sufficient, the secretary shall present the same to the board without delay.

75931. If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

75932. After an election for the annexation of such area to the district the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

75933. Such petition may be granted by ordinance of the board of such district after hearing thereon held at the time the petition is presented to the board as provided in Section 75927. No petition for inclusion may be granted unless and until the board finds that the inclusion in the district of the lands described in said petition, or of some portion or portions thereof, will be for the best interests of the district and that the lands proposed to be included shall be benefited by such inclusion. The petition may be granted in its entirety or only as to the part of the territory proposed to be included for which such a finding of benefit is made. If the petition be denied either as to the whole or part of the territory to be included, no new petition for the inclusion of such territory shall be filed within six months after such denial. In granting such

petition, such board of directors may fix in said ordinance the terms and conditions upon which such annexation may occur, and such terms and conditions may provide, among other things, for the levy by such district of special taxes upon the real property and improvements thereon, but not on personal property within such annexed area or areas in addition to the taxes elsewhere in this act authorized to be levied by such district, and in case such terms and conditions shall provide for the levy of such special taxes, the board, 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.

75934. If such petition is granted, the proposition of such annexation subject to the terms and conditions so fixed, shall be submitted to the vote of the voters in the proposed addition, at an election called by the board and held, as herein provided, within 70 days after the effective date of such ordinance.

75935. Notice of such election shall be published in the affected county pursuant to Section 6063 of the Government Code. Publication shall be complete at least 7, but not more than 28, days prior to the date fixed for such election. Such notice shall describe the boundaries of the area or areas so proposed to be annexed and shall designate such territory by some appropriate name, or other words of identification, by which such territory may be referred to and indicated upon the ballot to be used at any election at which the question of such annexation is submitted, as in this act provided. Such notice also shall contain the substance of the terms and conditions fixed by the board of directors, as herein provided.

75936. The measure so submitted at such election shall be stated on the ballot substantially as follows: "Shall ----- (giving the name or other designation of the territory proposed to be annexed, as stated in the notice of election) be annexed to ----- (name of water conservation district) subject to the terms and conditions fixed by the board of directors of said district?" At the right of such proposition there shall be printed the words "yes" and "no" with voting squares.

75937. The board shall canvass the votes cast at such election and, if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of State and shall record a certificate stating that such proposition was adopted with the county recorder of each affected county in which such district is located.

75938. Upon receipt of such certificate, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the addition of said area or areas to said district. A copy of said certificate shall be transmitted

to, and filed with, the county clerk of each affected county in which such district is situated.

75939. From and after the date of such certificate, the area or areas named therein shall be deemed added to, and shall form a part of, said district, and the taxable property therein shall be subject to taxation thereafter for the purposes of said district, including the payment of bonds and other obligations of such district at the time authorized or outstanding, and the board 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.

SEC. 20. Section 19 of this act shall become operative only if Division 21 (commencing with Section 74000) of the Water Code, as proposed by Assembly Bill No. 667, is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as said Division 21 takes effect; at which time Sections 47.1, 47.2, 47.3, 47.4, 47.5, 47.6, 47.7, 47.8, 47.9, 47.10, 47.11, 47.12, 47.13, 47.14, 47.15, 47.16, 47.17, 47.18, and 47.19 of the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), as added or amended and renumbered by Sections 1 to 18, inclusive, of this act, are repealed.

CHAPTER 391

An act to amend Sections 160 and 703 of, to amend and re-number Sections 5699, 5700, 5700.5, 5701, 5701.3, 5701.4, 5702, 5703, 5704, 5705, 5706, 5707, 5708, 5709, 5751, 5752, 5753, 5754, 6000, 6001, 6002, 6002.5, 6003.1, 6003.2, 6004, and 6005 of, to repeal Sections 5750, 5750.1, 5750.2, 5750.3, 5750.5, and 6003 of, to repeal Part 1 (commencing with Section 5000) of Division 6 of, to repeal Article 3.4 (commencing with Section 6605) of Chapter 1 of Part 4 of Division 6 of, to repeal Article 3.5 (commencing with Section 6610) of Chapter 1 of Part 4 of Division 6 of, to add Part 1 (commencing with Section 5000) to Division 6 of, and to add Part 1.5 (commencing with Section 5500) to Division 6 of, the Welfare and Institutions Code, relating to mentally irresponsible persons, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 25, 1965. Filed with
Secretary of State May 25, 1965.]

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

SECTION 1. Section 160 of the Welfare and Institutions Code is amended to read:

160. The Department of Mental Hygiene shall investigate and examine all nonresident persons who are confined in, admitted, or committed to any state hospital or state home for the mentally deficient, and shall cause such persons, when found to be nonresidents as defined in this chapter, to be promptly and

humanely returned under proper supervision to the states in which they have legal residence. The department may defer such action by reason of a patient's medical condition.

For the purpose of facilitating the prompt and humane return of such persons the Department of Mental Hygiene may enter into reciprocal agreements with the proper boards, commissions, or officers of other states or political subdivision thereof for the mutual exchange or return of such persons confined in, admitted, or committed to any state hospital in one state whose legal residence is in the other, and it may in such reciprocal agreements vary the period of residence as defined in this chapter to meet the requirements or laws of the other states.

The department may give written permission for the return of any resident of this state confined in a public institution in another state, corresponding to any state hospital for the mentally ill or to any state home for the mentally deficient of this state in the manner and under the conditions set forth in Section 6075 of this code.

SEC. 2. Section 703 of said code is amended to read :

703. If the court, after finding that the minor is a person described by Sections 600, 601, or 602, is in doubt concerning the state of mental health or the mental condition of the person, the court may continue the hearing and commit the person to the Department of Mental Hygiene in the manner and under the conditions set forth in Section 5725 of this code.

For each minor person so committed for observation, the county from which he is committed shall pay the state at the rate of forty dollars (\$40) per month for the time the person so committed remains in the state institution for observation. Such expense shall be considered expense of support and maintenance within the meaning of Article 16 (commencing with Section 900) and the county shall be entitled to reimbursement therefor from the earnings, property, or estate of the minor, or from his parents, guardian, or other person liable for his support and maintenance, in accordance with the provisions of that article. Each county auditor shall include in his state settlement report rendered to the Controller in the months of January and June and the amount due under the provisions of this section, and the county treasurer, at the time of settlement with the state in such months, shall pay to the State Treasurer, upon the order of the Controller, the amounts found to be due by reason of such commitments.

SEC. 3. Part 1 (commencing with Section 5000) of Division 6 of said code is repealed.

SEC. 4. Part 1 (commencing with Section 5000) is added to Division 6 of said code, to read :

PART 1. GENERAL PROVISIONS

CHAPTER 1. MEDICAL EXAMINERS

5000. The superior judge of each county may grant certificates in accordance with the form prescribed by the State Department of Mental Hygiene, showing that the persons named therein are reputable physicians and graduates of incorporated medical colleges, and have been in active practice of their profession at least five years. When certified copies of such certificates have been filed with the department, it shall issue to such persons certificates or commissions, and the persons therein named shall be known as "medical examiners." There shall at all times be at least two such medical examiners in each county. The certificate may be revoked by the department for incompetency or neglect, and shall not be again granted without the consent of the department.

5001. The department shall keep in its office a record showing the name, residence, and certificate of each duly qualified medical examiner. Immediately upon the receipt of each duly certified copy of a medical examiner's certificate, it shall file the same, and advise him of its receipt and filing.

CHAPTER 2. COUNSELORS IN MENTAL HEALTH

5025. The office of counselor in mental health may be created in any county in this state by the board of supervisors thereof. The counselors in mental health to serve under the provisions of this chapter shall be nominated and appointed by the judge of the superior court by written order entered in the minutes of the court.

5026. In each county where the office of counselor in mental health has been created under the provisions of this chapter, the judge of the superior court may appoint two such counselors. In counties of the first class having a charter the numbers, compensation and benefits of officers and employees shall be as provided in Section 69894.1 of the Government Code.

5027. The term of office of the counselors in mental health shall be during the pleasure of the court, and they may at any time be removed by the court in its discretion. Such counselors shall devote their entire time and attention to the duties of their office.

5028. In any county in which counselors in mental health have been appointed, the clerk of the court shall, before any mentally disordered or mentally ill person is brought before the court under the provisions of Article 2 (commencing with Section 5550) of Chapter 1 of Part 1.5 of Division 6, notify one of the counselors in mental health of the court.

5029. The counselor in mental health shall inquire into the antecedents, character, family history, environment, and superinducing cause of the mental disorder or mental illness of every alleged mentally disordered or mentally ill person brought before the court and shall make his report to the

judge thereof, in writing or verbally, in open court or in chambers, as directed by the judge of the court. Every counselor, assistant counselor, and deputy counselor in mental health shall have the powers of a peace officer. At any time, at his discretion, such counselor may bring any mentally disordered or mentally ill person committed to his care before the court for such further or other action as the court deems proper.

5030. Wherever in this code or in any other statute reference is made to psychopathic probation officers, such reference shall be deemed to mean and refer to the counselors in mental health provided for in this chapter; and wherever in this code or in any other statute reference is made to probation of the mentally ill or the mentally disordered or other incompetent persons, such reference shall mean and refer to supervision of such persons.

CHAPTER 3. CONSTRUCTION OF THIS CODE AND OTHER LAWS

5050. Nothing in this part or Chapter 1 (commencing with Section 5500) of Part 1.5 of Division 6 shall be held to change or interfere with the provisions of the Penal Code and other laws relating to mentally ill persons charged with crime or to the criminally insane.

This part and Chapter 1 (commencing with Section 5500) of Part 1.5 of Division 6 shall be liberally construed so that, as far as possible and consistent with the rights of mentally ill persons and others, such mentally ill persons shall be treated, not as criminals, but as sick persons.

Any person complained against in any petition or proceeding started by virtue of the provisions of Chapter 1 (commencing with Section 5500) of Part 1.5 of Division 6 shall not forfeit or suffer any legal disability by reason of the provisions of this part or that chapter or of any proceedings pursuant to this part or that chapter during the time of the pendency of the petition or while said person is under the jurisdiction of the court.

5051. No person who is being treated by prayer in the practice of the religion of any well recognized church, sect, denomination or organization, shall be ordered detained or committed under the provisions of Chapter 1 (commencing with Section 5500) of Part 1.5 of Division 6 unless the court shall determine that he is or would likely become dangerous to himself or to the person or property of others, or unless, being an adult, he shall consent to such detention or commitment, or, being a minor, his parent or guardian having custody of his person shall consent thereto.

CHAPTER 4. PUBLIC GUARDIAN

5075. In any county the board of supervisors may by ordinance create the office of public guardian and such subordinate positions as may be necessary and fix compensation

therefor. Such board of supervisors may appoint a public guardian to fill such office and provide for the appointment to the subordinate positions.

5076. Such board of supervisors may provide by ordinance that the public administrator shall be ex officio public guardian.

5077. The board of supervisors may by ordinance terminate the office of public guardian.

5078. Whenever the public administrator has been designated ex officio public guardian the board of supervisors may by ordinance terminate such designation and appoint another public guardian and all authority shall vest in the successor.

5079. Whenever the board of supervisors has not designated the public administrator as ex officio public guardian but has appointed another to the office of public guardian it may terminate such appointment and by ordinance may designate that the public administrator shall be ex officio public guardian and all authority shall vest in the successor.

5080. The authority of the public guardian or ex officio public guardian shall cease upon the termination of his office as such public guardian or ex officio public guardian and his authority shall vest in his successor.

5081. In proper cases any such public guardian may apply to a court of competent jurisdiction for appointment as guardian of the person and estate or person or estate of any person in the county who is a patient under the provisions hereof or who is a recipient of aid under any of the provisions of this code where it appears that such person requires a guardian.

5082. When the public guardian makes application under Section 5081 of this code for guardianship of the person and estate or person or estate of any person who is under the jurisdiction of the State Department of Mental Hygiene such application may be granted, if sufficient under said Section 5081, with the written consent of said department.

5083. The public guardian shall file an official bond in such amount as may be fixed, from time to time, by the board of supervisors, which bond shall inure to the joint benefit of the several guardianship estates and the county, and such public guardian shall not be required to file bonds in individual guardianship estates.

5084. All funds coming into the custody of the public guardian shall be deposited in the county treasury and disbursed by proper warrant, or shall be deposited in one or more banks or invested in one or more insured savings and loan associations authorized to do business within the county and withdrawn only upon an order of the public guardian, countersigned by a judge of the superior court. In counties having a population of over 270,000, such withdrawals need not be countersigned by a judge of the superior court.

5085. If necessary the public guardian in his discretion may employ private attorneys where the cost thereof can be defrayed out of guardianship estate funds.

5086. Where the market value of the real and personal property of the guardianship estate appears to be less than fifty dollars (\$50) it shall not be necessary to have such property appraised and no appraisal shall be required in any guardianship estate handled by the public guardian where the estate consists of money only or money and other property of a market value of fifty dollars (\$50) or less.

5087. The public guardian upon the death of his ward may pay in full or in part from any assets of such ward which are under his control the unpaid expenses of his ward's burial and last illness. After the payment of such expenses the public guardian may transfer any remaining assets in accordance with and subject to the provisions of Section 630 of the Probate Code. The value of the deceased ward's property for the purpose of ascertaining the right to transfer under said section shall be determined after deduction of said expenses paid.

5088. Upon the death of the ward or other termination of the guardianship, the public guardian shall have a claim against the ward's estate for his reasonable expenses incurred in the execution of the guardianship, and such compensation for his services and those of his attorney as the court in which his accounts are settled deems just and reasonable.

5089. No fees shall be charged or received by the county clerk for the filing of any such guardianship petition nor for any official service performed by him in the course of the guardianship proceedings.

5090. Necessary expenses of the public guardian in the conduct of any guardianship estate may be advanced by the county and if so ordered by the board of supervisors such expenses shall be a county charge, but the county shall be reimbursed therefor out of any funds or property of the estate by the public guardian.

5091. Insofar as the provisions of this chapter may be in conflict with the provisions of Section 5225 of this code, the latter section is hereby repealed.

CHAPTER 5. RESEARCH CONCERNING SEXUAL DEVIATION AND SEX CRIMES

5125. The Department of Mental Hygiene, acting through the Superintendent of the Langley Porter Clinic, shall plan, conduct, and cause to be conducted scientific research into the causes and cures of sexual deviation, including deviations conducive to sex crimes against children, and the causes and cures of homosexuality, and into methods of identifying potential sex offenders.

5126. Upon the recommendation of the Superintendent of the Langley Porter Clinic, the Department of Mental Hygiene may enter into contracts with the Regents of the University of California for the conduct, by either for the other, of all or any portion of the research provided for in this chapter.

5127. Each state agency shall cooperate with the Superintendent of the Langley Porter Clinic, or with the University of California, as the case may be, to the fullest extent that its facilities will permit without interfering with the carrying out of its primary purposes and functions.

5128. The Department of Mental Hygiene with the approval of the Director of Finance may accept gifts or grants from any source for the accomplishment of the objects and purposes of this chapter. The provisions of Section 16302 of the Government Code do not apply to such gifts or grants and the money so received shall be expended to carry out the purposes of this chapter, subject to any limitation contained in such gift or grant.

CHAPTER 6. FIREARMS

5150. No person who is a mental patient in any hospital or institution or on leave of absence from any hospital or institution shall own or have in his possession or under his custody or control any firearms whatsoever.

5151. Any person who shall knowingly supply, sell, give, or allow possession or control of a firearm to any person who is a mental patient in any hospital or institution or on leave of absence from any hospital or institution, shall be punishable by imprisonment in a county jail not exceeding one year or by fine not exceeding five hundred dollars (\$500), or by both fine and imprisonment.

5152. Whenever a person who has been detained or apprehended for examination of his mental condition, or who is a mental patient in any hospital or institution or who is on leave of absence from such hospital or institution, is found to own, have in his possession or under his control, any firearm whatsoever, said firearm shall be confiscated by any law enforcement agency or peace officer, who shall retain custody of said firearm until the release without commitment of the person or the restoration to capacity of the person, or until the appointment of a guardian for the person, or shall make such other disposition of the firearm as ordered by the court.

CHAPTER 7. COMMITMENTS OF MENTALLY ILL PERSONS CHARGED WITH CRIME

5175. Commitments of mentally ill persons charged with the commission of public offenses are provided for in Section 1026 of the Penal Code and in Chapter 6 (commencing with Section 1367), Title 10, Part 2 of the Penal Code.

CHAPTER 8. EXPENSE OF DENTENTION OR PROCEEDINGS CONCERNING COMMITMENTS

Article 1. Mentally Ill Persons

5200. The cost necessarily incurred in determining the mental illness calling for care or commitment under this code of an indigent person and securing his admission into a state hospital, and the expense of providing proper clothing for him in accordance with the rules and regulations adopted by the Department of Mental Hygiene, is a charge upon the county from which he is committed. Such costs include the fees of the medical examiners allowed by the judge before whom the testimony of the medical examiners is given.

5201. If the person alleged to be mentally ill or sought to be committed is not an indigent person, the costs of the proceedings are a charge upon his estate, or shall be paid by persons legally liable for his maintenance, unless the judge orders otherwise. The fees allowed the medical examiners, court appointed or otherwise, shall be included as charges against the estate of the person alleged to be mentally ill or against persons responsible for his maintenance only if such person is adjudged to be mentally ill.

5202. If the alleged mentally ill person is adjudged not to be mentally ill, the judge may, in his discretion, charge the costs of the proceedings to the person who signed the petition in respect to him, and judgment may be entered against him for the amount thereof and enforced by execution.

Article 2. Mentally Disordered Persons

5225. The reasonable cost of maintenance of a person committed under the provisions of Section 5568, in a sum to be fixed by the court at the time of the commitment, shall be defrayed out of the estate of the patient so committed or shall be a charge upon his relatives liable for his maintenance.

If, however, the patient is found to be an indigent resident of the county, in accordance with the definition of such residence prescribed in Article 2 (commencing with Section 2550) of Chapter 2 of Division 4 of the Welfare and Institutions Code, and without funds or relatives responsible for his maintenance able to pay such charge, then the expense of his maintenance shall be a charge upon the county in which the court has jurisdiction and shall be paid out of the county treasury upon a written order of the judge of the superior court of the county, directing the county auditor to draw his warrant upon the county treasurer specifying the amount of such expense.

All funds expended by the county for the maintenance of such patient, or such maintenance in a sum or rate per day or per month fixed by the board of supervisors where such patient is cared for in a county institution, shall be a charge against such patient or against his husband, wife, father,

mother, or children, in the order named and the county shall be entitled to reimbursement therefor. If such patient has property or acquires any the county shall have a claim against him or his estate, if deceased, to the amount of expense incurred and said claim shall be enforced, if necessary, by action against him or his estate, if deceased, upon order of the board of supervisors of the county incurring such expense. If the patient has such husband, wife, father, mother, or children liable to him for his maintenance, the county shall have a claim against such relatives, or any of them, in the order named, to the amount of expense incurred, and said claim shall be enforced, if necessary, by action against such relatives, or any of them, upon order of the board of supervisors of the county incurring such expense.

If the indigent patient is a nonresident of the county or if a relative or a friend of the patient is found outside the county, of whose ability and willingness to assume the responsibility and the expense of the proper care of the patient the court is satisfied, the court may release the patient to the custody of such relative or friend and the cost and expense of transporting the patient to the home of the relative or friend or to the county or state where the patient has a legal residence shall be a charge upon the county in which the court has jurisdiction and shall be paid in the manner prescribed in this section for the payment of other expenses for the care of such patients.

If an indigent patient is confined in a medical institution as the result of a diagnosis of tuberculosis, and it is suspected that the patient is or has become mentally ill, he shall be returned for commitment proceedings to that county from which he entered the medical institution.

Where the county has incurred expense upon order of court or is likely to incur such expense for the maintenance of such patient and he has estate for which no guardian has been appointed out of which the county is or may be entitled to reimbursement, the district attorney or county counsel, as the case may be, shall apply to the proper court for the appointment of a guardian of the estate of such patient. It shall be competent for a county employee to act as such guardian. Where such county employee is appointed and acts as such guardian he shall act without guardianship fees being charged or received from said estate, and the board of supervisors may order that expenses necessary in the conduct of the guardianship and the necessary premiums on the bonds of the guardian be advanced by the county, and if so ordered by said board of supervisors such expenses shall be a charge against the county, but the county shall be reimbursed therefor out of any funds or property of the estate of such patient by said guardian.

Any such guardian may sell or encumber the property of the estate of such patient under the provisions of Section 1530 of the Probate Code and from the proceeds of any such sale or encumbrance or from any other funds of the estate which

may come into his possession, he shall pay to the county the expense incurred by it for the maintenance of such patient and shall pay, when available, the expense subsequently incurred by the county for any such maintenance.

No fee shall be charged or received by the county clerk for the filing of any such guardianship petition nor for any official service performed by him in the course of the guardianship proceedings.

Article 3. Mentally Deficient Persons

5250. The court shall inquire into the financial condition of the parent, guardian, or other person charged with the support of any person committed as a mentally deficient person, and if it finds him able to do so, in whole or in part, it shall make a further order, requiring him to pay, to the extent the court considers him able to pay, the expenses of the proceedings in connection with the investigation, detention, and commitment of the person committed, and the expenses of his delivery to the institution, and to pay to the county, at stated periods, such sums as the court deems proper, during such time as the person remains in the institution or on leave of absence to a licensed hospital, facility or home for the care of such persons. This order may be enforced by such further orders as the court deems necessary, and may be varied, altered, or revoked in its discretion.

The court shall designate some county officer to keep a record of such payments ordered to be made, to receive, receipt for, and record such payments made, to pay over such payments to the county treasurer, to see that the persons ordered to make such payments comply with such orders, and to report to the court any failure on the part of such persons to make such payments.

5251. In any case in which the probation officer is charged with the duty of collecting amounts payable to the county under this article, upon the verified application of the probation officer the board of supervisors may make an order discharging the probation officer from further accountability for the collection of any such amount in any case as to which the board determines that the amount is too small to justify the cost of collection; that the statute of limitations has run; or that the collection of such amount is improbable for any reason. Such order is authorization for the probation officer to close his books in regard to such item, but such discharge of accountability of the probation officer does not constitute a release of any person from liability for payment of any such amount which is due and owing to the county. The board may request a written opinion from the district attorney or county counsel as to whether any particular amount is too small to justify the cost of collection, whether the statute of limitations has run, or whether collection of any particular item is improbable.

5252. The cost necessarily incurred in determining whether a person is a fit subject for admission to a home for the mentally deficient and securing his admission thereto, is a charge upon the county whence he is committed. Such costs include the fees of witnesses, medical examiners, psychiatrists and psychologists allowed by the judge ordering the examination. If the person sought to be committed is not an indigent person, the costs of the proceedings are a charge upon his estate, or shall be paid by persons legally liable for his maintenance, unless otherwise ordered by the judge.

5253. Each county auditor shall include in his state settlement report rendered to the Controller in the months of January and June the amount due the state by reason of commitments to the home for the mentally deficient; and the county treasurer, at the time of the settlement with the state in such months, shall pay to the State Treasurer, upon the order of the Controller, the amounts found to be due to the state by reason of such commitments. In the event of the failure of the county auditor or county treasurer to do or perform any of the things required in this section, the State Department of Mental Hygiene may require the county treasurer by writ of mandate to pay to the State Treasurer upon an order of the Controller all amounts found to be due to the state at the time of the next settlement of the county treasurer with the state, and it shall be no defense to such a proceeding that the county auditor has failed to include such sums in his report rendered to the Controller, and it shall not be necessary for the department to allege or prove any fact with relation to the condition of the funds of the county. The department may recover sums due from counties as in this article provided, by the presentation of claims against the board of supervisors, and recovery may be had on all sums due the state for a period of three years next prior to the presentation of any such claims.

Article 4. Narcotic Drug Addicts

5275. At the hearing involving a person alleged to be a narcotic drug addict the court shall inquire into the financial condition of the person committed or, if the person is a minor, of the parent, guardian, or other person charged with his support. If the court finds such person or persons able to do so in whole or in part, a further order shall be made requiring him or them to pay, to the extent the judge considers just, the expenses of the proceedings in connection with his commitment, and to pay to the county of which he is a bona fide resident, such sums as the court deems proper, during such time as the person committed remains in the hospital or on parole to a licensed home for the care of such person. The court shall make a further order requiring such person or persons to pay to the Department of Mental Hygiene the expense of delivery of the patient to the state hospital for placement in which he was committed, which shall be paid

to and collected by the department and credited to the appropriation for transportation of patients.

The county auditor shall keep a record of such payments ordered to be made to the county, and shall receive, receipt for, and record such payments made, pay over such payments to the county treasurer, see that the persons ordered to make such payments comply with such orders, and report to the court any failure on the part of such persons to make such payments.

5276. The county from which each person is committed under Section 5630 shall pay the state the cost of care of such person, for the time the person committed remains an inmate of the institution or on leave of absence to a licensed home for the care of such person, at the monthly rate therefor as fixed and determined by the Director of Mental Hygiene from time to time, but in no case shall it exceed the rate of forty dollars (\$40) per month.

5277. Each county auditor shall include in his state settlement report rendered to the Controller in the months of January and June, the amount due under the provisions of Section 5276, and the county treasurer, at the time of the settlement with the state in such months, shall pay to the State Treasurer, upon the order of the Controller, the amounts so due.

Article 5. Inebriates, and Habit-forming Drug Addicts

5300. The reasonable cost of maintenance of a person committed or confined under the provisions of Section 5656 or 5677 to a branch of the county jail, in a sum to be fixed by the court at the time of the commitment or confinement, shall be a charge against the person committed or confined, or if such person be indigent against his relatives liable for his maintenance.

Prior to the making of the order of confinement provided for in Section 5656 or 5677, the court shall inquire into the financial condition of the person confined and of the relatives liable for his maintenance. If the court finds such person or persons able to do so in whole or in part, a further order shall be made requiring him or them to pay to the county making the confinement to the extent the judge considers just, the expense of the proceedings in connection with his confinement, and to pay to the county maintaining the branch of the county jail, such sums as the court deems proper during such time as the person confined remains in said branch of the county jail.

The county auditor shall keep a record of such payments ordered to be made to the county, and shall receive, receipt for, and record such payments made, pay over such payments to the county treasurer, see that the persons ordered to make such payments comply with such orders, and report to the court any failure on the part of such persons to make such payments.

5301. At the hearing involving a person alleged to be an inebriate, or addicted to the use of habit-forming drugs the court shall inquire into the financial condition of the person committed and of the relatives liable for his maintenance. If the court finds such person or persons able to do so in whole or in part, a further order shall be made requiring him or them to pay to the county making the commitment, to the extent the judge considers just, the expense of the proceedings in connection with his commitment, and to pay to the county maintaining the institution if the commitment be to an industrial farm or road camp or branch of the county jail, such sums as the court deems proper during such time as the person committed remains in the industrial farm or road camp or branch of the county jail.

The county auditor shall keep a record of such payments ordered to be made to the county, and shall receive, receipt for and record such payments made, pay over such payments to the county treasurer, see that the persons ordered to make such payments comply with such orders, and report to the court any failure on the part of such persons to make such payments.

Responsibility for cost of maintenance of persons confined in Department of Corrections regional jail camps shall be governed by the laws relating to such institutions and regulations of the Department of Corrections issued thereunder.

Article 6. Mentally Abnormal Sex Offenders

5325. The charges for the care, treatment or services rendered to persons committed as mentally abnormal sex offenders shall be in accordance with the provisions of Article 1 (commencing with Section 5200) of this chapter.

CHAPTER 9. EXECUTION OF COMMITMENT ORDERS

Article 1. Mentally Ill Persons

5400. The mentally ill person, together with certified copies of the petition, order for detention, report of the apprehending officer concerning the safeguarding and disposition of the mentally ill person's property, the order for hearing and examination, order of commitment of the judge, and the certificate of the physicians, shall be delivered to the sheriff of the county and by him shall be delivered to the officer in charge of the designated state hospital or licensed hospital or sanitarium, to which the mentally ill person is committed. No female mentally ill person shall be taken to any state or other hospital without the attendance of some other female or of some relative of the mentally ill person.

The sheriff in transporting mentally ill persons delivered to him may use a vehicle that is not visibly marked as an official county vehicle and may wear apparel other than his uniform.

5401. All moneys found on the person of a mentally ill person at the time of apprehension shall be certified to by the judge, and sent with the mentally ill person to the hospital, there to be delivered to the medical superintendent and by him deposited in a fund to be known as the patients' personal deposit fund, and to be disposed of in the same manner as other funds deposited in the patients' personal deposit fund.

5402. The superintendent or person in charge of any state hospital may refuse to receive any person upon any order, if the papers presented do not comply with the provisions of Section 5400.

Article 2. Mentally Deficient Persons

5425. The court shall attach to the order of commitment of a mentally deficient person its findings and conclusions, together with all the social and other data it has bearing upon the case, and the same shall be delivered to the home with the order.

5426. The sheriff or probation officer, whichever may be designated by the court, may execute the order of commitment with respect to any mentally deficient person.

In any case in which the probation officer executes the order of commitment, he shall be compensated for transporting such person to a state hospital in the amount and manner in which a sheriff is compensated for similar services under Section 7059.

Article 3. Narcotic Drug Addicts

5450. The sheriff of any county wherein an order is made by any court committing any person as a narcotic drug addict or returning such person to the court, or any other person designated by the court, shall execute the writ of commitment or order of return, and receive as compensation therefor such fees as are now or may hereafter be provided by law for the transportation of prisoners to the state prison, which shall be payable in the same manner. Subject to the approval of the judge in all cases the parent, guardian, or other person charged with the support of a minor person committed may, and if he is able or the estate of such person is sufficient, shall execute the writ of commitment without expense to the county or state, after being duly sworn therefor. Where the writ is so executed, the person executing it shall for that purpose have the powers of a sheriff, and the execution by him shall have the same effect as if performed by the sheriff. No female person committed shall be taken to the hospital by any male person not her husband, father, brother, or son, without the attendance of some woman of good character and mature age, chosen for the purpose by the court, which woman shall, if the court sees fit, be paid therefor such reasonable remuneration as the court allows.

Article 4. Inebriates, and Habit-forming Drug Addicts

5475. Any person committed as an inebriate, or habit-forming drug addict shall be delivered to the state hospital for the mentally ill to which he has been committed in compliance with the provisions of Article 1 (commencing with Section 5400) of this chapter, providing for the commitment and delivery of a mentally ill person.

Article 5. Mentally Abnormal Sex Offenders

5480. The sheriff of any county wherein an order is made by the court committing a person as a mentally abnormal sex offender for an indeterminate period to a state hospital or returning such person to the court, or any other peace officer designated by the court, shall execute the writ of commitment or order of return, and receive as compensation therefor such fees as are now or may hereafter be provided by law for the transportation of prisoners to the state prison, which shall be payable in the same manner. No female person committed shall be taken to or from any state or other hospital without the attendance of some woman of good character and mature age or of a relative of the person.

5481. Certified copies of the affidavit, certification from the trial court, warrant of apprehension, order for hearing and examination, report of the probation officer and of the court-appointed psychiatrists, and the order of placement for observation or order of commitment for an indeterminate period, as the case may be, shall be delivered to the person transporting the person to the state hospital, and shall be delivered by that person to the officer in charge of the hospital.

CHAPTER 10. DUTIES OF PEACE OFFICERS

5490. All peace officers and other persons having similar duties relating to the mentally ill poor shall see that all poor and indigent mentally ill persons within their respective municipalities are speedily granted the relief conferred by this part and Chapter 1 (commencing with Section 5500) of Part 1.5 of this division. When so ordered by a superior judge, they shall see that such mentally ill persons are, without unnecessary delay, transferred to the proper state hospitals provided for their care and treatment. Before sending a person to any such hospital, they shall see that he is in a state of bodily cleanliness and comfortably clothed with new clothes. The department may by order direct that any person whom it deems unsuitable therefor shall not be employed as an attendant for any mentally ill person. After the patient has been delivered to the proper officers of the hospital, the care and custody of the county or municipality from which he is sent cease.

SEC. 5. Part 1.5 (commencing with Section 5500) is added to Division 6 of said code, to read:

PART 1.5. COMMITMENTS AND ADMISSIONS

CHAPTER 1. JUDICIAL COMMITMENTS

Article 1. Mentally Disordered Sex Offenders

5500. As used in this article, "mentally disordered sex offender" means any person who by reason of mental defect, disease, or disorder, is predisposed to the commission of sexual offenses to such a degree that he is dangerous to the health and safety of others. Wherever the term "sexual psychopath" is used in any code, such term shall be construed to refer to and mean a "mentally disordered sex offender."

5500.5. This article shall not apply to any person sentenced to death nor to any person ineligible for probation under the Penal Code. This article shall not apply to any person convicted of an offense the punishment for which may be death until after a sentence other than death has been imposed, at which time this article shall apply to such person and he may be certified to the superior court as provided in Section 5501.

5501. (a) When a person is convicted of any criminal offense, whether or not a sex offense, the trial judge, on his own motion, or on motion of the prosecuting attorney, or on application by affidavit by or on behalf of the defendant, if it appears to the satisfaction of the court that there is probable cause for believing such person is a mentally disordered sex offender within the meaning of this article, may adjourn the proceeding or suspend the sentence, as the case may be, and may certify the person for hearing and examination by the superior court of the county to determine whether the person is a mentally disordered sex offender within the meaning of this article. Conviction upon a charge of violation of Section 290 of the Penal Code by failure to register as required thereby is conviction of a criminal offense within the meaning of this subdivision.

(b) When a person is convicted of a sex offense involving a child under 14 years of age and it is a misdemeanor, and the person has been previously convicted of a sex offense in this or any other state, the court shall adjourn the proceeding or suspend the sentence, as the case may be, and shall certify the person for hearing and examination by the superior court of the county to determine whether the person is a mentally disordered sex offender within the meaning of this article.

(c) When a person is convicted of a sex offense involving a child under 14 years of age and it is a felony, the court shall adjourn the proceeding or suspend the sentence, as the case may be, and shall certify the person for hearing and examination by the superior court of the county to determine whether the person is a mentally disordered sex offender within the meaning of this article.

When an affidavit is filed under (a) it shall be substantially in the form specified for the affidavit of mental illness in Section 5553 of this code except that the title and body of the

affidavit shall refer to such person as "an alleged mentally disordered sex offender" and shall state fully the facts upon which the allegation that the person is a mentally disordered sex offender is based. If the person is then before the court or is in custody, the court may order that the person be detained in a place of safety until the issue and service of a warrant of apprehension as provided by this article.

When the court certifies the person for hearing and examination by the superior court of the county to determine whether the person is a mentally disordered sex offender, the court shall transmit to the superior court its certification to that effect, accompanied by a statement of the court's reasons for finding that there is probable cause for believing such person is a mentally disordered sex offender within the meaning of this article in cases certified under (a), or a statement of the facts making such certification mandatory under (b) or (c).

The judge or justice presiding in such court, whenever it is deemed necessary or advisable, may issue and deliver to some peace officer for service, a warrant directing that the person be apprehended and taken before a judge of the superior court for a hearing and examination to determine whether the person is a mentally disordered sex offender. The officer shall thereupon apprehend and detain the person until a hearing and examination can be had. At the time of the apprehension a copy of the affidavit if one was filed, the certification, accompanied by the court's statement, and the warrant shall be personally delivered to the person and copies thereof shall also be delivered to the superior court to which the person was certified and to the district attorney of the county.

The warrant of apprehension shall be substantially in the form provided by Section 5555 of this code for the apprehension of a person alleged to be mentally ill.

5501.5. Whenever a person is certified to the superior court for hearing and examination under Section 5501 the certification may be made in substantially the following form:

(Title of court and cause)

Order Adjourning Proceedings and Certifying Alleged Mentally Disordered Sex Offender to the Superior Court

Upon the court's own motion, the motion of the prosecuting attorney, application by or on behalf of the defendant (strike the conditions not applicable), it appearing to the satisfaction of the court that the above-named defendant has been convicted of a criminal offense, to wit, violation of _____ of the State of California, and that there is probable cause for believing that said defendant is a mentally disordered sex offender within the meaning of Article 1 of Chapter 1 of Part 1.5 of Division 6 of the Welfare and Institutions Code of the

State of California, as amended, in that—he is a person who by reason of mental defect, disease, or disorder, is predisposed to the commission of sexual offenses to such a degree that he is dangerous to the health and safety of others.

Now, therefore, the above proceeding is adjourned and it is hereby ordered that the above-named defendant is certified to the Superior Court of the State of California, in and for the County of _____ for hearing and examination by said court to determine whether said defendant is a mentally disordered sex offender within the meaning of said Article 1 of Chapter 1 of Part 1.5 of Division 6 of the Welfare and Institutions Code of the State of California, as amended. The above-named defendant shall be taken before said court, as provided in Section 5503 of said code, on the _____ day of _____, 19____, at the hour of _____.* A copy of this certification of said defendant to said superior court shall be delivered to said defendant.

Dated this _____ day of _____, 19____.

Judge

* This sentence may be included if such date and hour have been set by the superior court upon the request of the certifying judge.

5503. The person certified or alleged to be a mentally disordered sex offender shall be taken before a judge of the superior court of the county. The judge shall then inform him that he is certified or alleged to be a mentally disordered sex offender, and inform him of his rights to make a reply and to produce witnesses in relation thereto. The judge shall by order fix such time and place for the hearing and examination in open court as will give reasonable opportunity for the filing of the probation officer's report as provided in Section 5503.5, and for the production and examination of witnesses. If, however, the person is too ill to appear in court, or if appearance in court would be detrimental to the mental or physical health of the person, the judge may hold the hearing at the bedside of the person. The order shall be entered at length in the minute book of the court or shall be signed by the judge and filed, and a certified copy thereof served on the person. The judge shall order that notice of the apprehension of the person and of the hearing of mentally disordered sex offender be served on the district attorney of the county and on such relatives of the person known to be residing in the county as the judge deems necessary or proper.

If the alleged mentally disordered sex offender has no attorney the judge may appoint an attorney to represent him, or if a request is made for an attorney by the alleged mentally disordered sex offender, the judge shall appoint an attorney to represent him, and, in a county where there is no public defender, fix the compensation to be paid by the county for such

services if the court determines that the person is not financially able to employ counsel.

5503.5. The court shall refer the matter to the probation officer, along with a copy of the certification accompanied by the certifying court's statement, and the name and address of each psychiatrist appointed pursuant to Section 5504, to investigate and report to the court within a specified time, upon the circumstances surrounding the crime and the prior record and history of the person. The report shall include the criminal record, if any, of the person, obtained from the State Bureau of Criminal Identification and Investigation. The probation officer shall furnish to the psychiatrists pertinent information concerning the circumstances surrounding the crime and the prior record and history of the person.

5504. The judge shall appoint not less than two nor more than three psychiatrists, each of whom shall be a holder of a valid and unrevoked physician's and surgeon's certificate who has directed his professional practice primarily to the diagnosis and treatment of mental and nervous disorders for a period of not less than five years, and at least one of whom shall be from the medical staff of a state hospital or county psychopathic hospital, to make a personal examination of the alleged mentally disordered sex offender, directed toward ascertaining whether the person is a mentally disordered sex offender.

5505. Each psychiatrist so appointed shall file with the court a separate written report of the result of his examination, together with his conclusions and recommendations and his opinion as to whether or not the person would benefit by care and treatment in a state hospital. At the hearing each psychiatrist shall hear the testimony of all witnesses, and shall testify as to the result of his examination, and to any other pertinent facts within his knowledge.

5506. Any psychiatrist so appointed by the court may be called by either party to the proceeding or by the court itself and when so called shall be subject to all legal objections as to competency and bias and as to qualification as an expert. When called by the court, or by either party to the proceeding, the court may examine the psychiatrist, as deemed necessary, but either party shall have the same right to object to the questions asked by the court and the evidence adduced as though the psychiatrist were a witness for the adverse party. When the psychiatrist is called and examined by the court the parties may cross-examine him in the order directed by the court. When called by either party to the proceeding the adverse party may examine him the same as in the case of any other witness called by such party.

5507. The psychiatrists so appointed by the court shall be allowed such fees as in the discretion of the court seem just and reasonable, with regard to the services rendered by the psychiatrists, but in no event shall such fees exceed the sum of forty dollars (\$40) per day in addition to actual traveling

expenses. The fees allowed shall be paid by the county in which the hearing is held.

5508. The provisions of this article relating to psychiatrists appointed by the court shall not be deemed or construed to prevent any party to a proceeding under this article from producing any other expert evidence as to the mental condition of the alleged mentally disordered sex offender.

5509. The judge shall also cause to be examined as a witness any other person whom he believes to have knowledge of the mental condition of the alleged mentally disordered sex offender, or of the financial condition of the alleged mentally disordered sex offender and of any person liable for his support.

5510. The judge may, for any hearing, order the clerk of the court to issue subpoenas and compel the attendance of witnesses from any place within the boundaries of this state; but no person is obliged to attend as a witness in such a hearing out of the county where he resides or is served unless the judge, upon affidavit to the effect that affiant believes that the evidence of the witness is material and his attendance at the hearing necessary, indorses on the subpoena an order for the attendance of the witness.

All witnesses, other than psychiatrists appointed by the court, attending a hearing upon a subpoena issued under this section shall be entitled to the same fees and expenses as in criminal cases, to be paid upon the same conditions and in like manner.

5511. The alleged mentally disordered sex offender shall be present at the hearing, and if he has no attorney, the judge may appoint an attorney to represent him, or the judge may order the county public defender to represent him at the hearing, if he determines that the person is not financially able to employ counsel.

5511.7. If, upon the hearing, the person is found by the superior court not to be a mentally disordered sex offender, the superior court shall return the person to the court in which the case originated for such disposition as that court may deem necessary and proper.

If the court finds the person is a mentally disordered sex offender, but would not benefit by care and treatment in a state hospital, the court may return the person to the court in which the case originated for such disposition as that court may deem necessary and proper.

5512. If, after examination and hearing, it appears there is sufficient cause to believe that the person is a mentally disordered sex offender within the meaning of this article, the judge may make and sign an order that the person be placed temporarily in a suitable psychiatric facility maintained by a county or in a state hospital of the Department of Mental Hygiene designated by the court for observation and diagnosis for a period not to exceed 90 days, with the further provision in said order that the superintendent of the

hospital or person in charge of the county facility shall report to the court the diagnosis and recommendations concerning such person within the 90-day period. The court shall attach to the order for observation its findings and copies of the certification and statement from the other court, any affidavits filed, the written reports of the court-appointed psychiatrists, and the report of the probation officer, together with such social and other data that it has available bearing upon the case, and the same shall be delivered to the institution with such order.

The superintendent of the hospital or person in charge of the county facility shall within 90 days cause the person to be examined and forward to the committing court his opinion as to whether or not the person is a mentally disordered sex offender, whether or not he is a danger to the health and safety of others, and whether or not he will benefit by care and treatment in a state hospital, including therein a report, diagnosis and recommendation concerning the person's future care, supervision and treatment.

If the superintendent of the hospital or person in charge of the county facility reports to the court that the person is not a mentally disordered sex offender, the person shall be returned to the court for further disposition of his case. The court shall then cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge.

If the superintendent of the hospital or person in charge of the county facility reports to the committing court that the person is a mentally disordered sex offender but will not benefit by care or treatment in a state hospital and is a danger to the health and safety of others, the court shall then cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge. Such court shall resume the proceedings and shall impose sentence or make such other suitable disposition of the case as the court deems necessary. If, however, such court is satisfied that the person is a mentally disordered sex offender but would not benefit by care or treatment in a state hospital and is a danger to the health and safety of others, it may recertify the person to the superior court of the county. If the superior court, after hearing, finds that the person is a mentally disordered sex offender but would not benefit by care or treatment in a state hospital and is a danger to the health and safety of others, it may make an order committing the person for an indefinite period to the Department of Mental Hygiene for placement in a state institution or institutional unit for the care and treatment of mentally disordered sex offenders designated by the court and provided pursuant to Section 5518. At such hearing or hearings, the person shall be entitled to present witnesses in his own behalf, to be represented by counsel and to cross-examine any witnesses who testify against him. The person shall remain in such insti-

tution or institutional unit until he is no longer a danger to the health and safety of others. Thereupon, the proceedings set forth in Section 5517 shall be followed with respect to the certifying of an opinion to the committing court and the release of the person thereby.

If the superintendent of the hospital or person in charge of the county facility reports to the court that the person is a mentally disordered sex offender and that the person could benefit by treatment in a state hospital, the court in its discretion has the alternative to return the person to the criminal court for further disposition or may make an order committing the person to the department for placement in a state hospital for an indeterminate period and a copy of such commitment shall be personally served upon said person within five days after the making of such order and such person may within 10 days demand a hearing in court and upon such demand said court shall order the return of said person to said court and fix a time and place for a hearing. Upon such hearing the court may accept the report of the superintendent of the hospital or person in charge of the county facility, if verified, in lieu of the examination by and testimony of court-appointed psychiatrists, or may consider the report as additional evidence. Upon such further hearing the court may make an order committing the person to the department for placement in a state hospital designated by the court for an indeterminate period, or may make other suitable disposition of the case.

No person shall be committed for an indeterminate period as a mentally disordered sex offender unless an observation placement has been made and reported, diagnosed and recommended upon as provided by this section.

5512.3. If the court orders the commitment of the person to the department for placement in a state hospital for an indeterminate period, the court may, in the order of commitment, require the superintendent of the state hospital to make periodic reports to the court concerning the person's progress towards recovery.

5512.5. Persons committed as mentally disordered sex offenders to the department for placement in a state hospital following an observation placement under this article shall have the same rights to jury trial as provided in this code for mentally ill persons.

5513. The sheriff of any county wherein an order is made by the court committing a person for an indeterminate period to a state hospital or returning such person to the court, or any other peace officer designated by the court, shall execute the writ of commitment or order of return, and receive as compensation therefor such fees as are now or may hereafter be provided by law for the transportation of prisoners to the state prison, which shall be payable in the same manner. No female person committed pursuant to this article shall be taken to or from any state or other hospital without the attendance of

some woman of good character and mature age or of a relative of the person.

The expense of transporting a person to a county facility or state hospital temporarily for an observation placement under this article and returning such person to the court is a charge upon the county in which the court is situated.

5514. Certified copies of the affidavit, certification from the trial court, warrant of apprehension, order for hearing and examination, report of the probation officer and of the court-appointed psychiatrists, and the order of placement for observation or order of commitment for an indeterminate period, as the case may be, shall be delivered to the person transporting the mentally disordered sex offender to the county facility or state hospital, and shall be delivered by that person to the officer in charge of the facility or hospital.

5516. The provisions of Article 5 of Chapter 1 of Part 4 of Division 6 relative to the property and support of mentally ill persons and inebriates in state hospitals, the liability for such support, and the powers and duties of the Department of Mental Hygiene and all officers and employees thereof in connection therewith shall apply to persons committed to state hospitals pursuant to this article the same as if such persons were expressly referred to in said Article 5.

5517. Whenever a person who is committed for an indeterminate period to the department for placement in a state hospital as a mentally disordered sex offender (a) has been treated to such an extent that in the opinion of the superintendent the person will not benefit by further care and treatment in the hospital and is not a danger to the health and safety of others, or (b) has not recovered, and in the opinion of the superintendent the person is still a danger to the health and safety of others, the superintendent of the hospital shall file with the committing court a certification of his opinion under (a) or (b), as the case may be, including therein a report, diagnosis and recommendation concerning the person's future care, supervision or treatment. If the opinion so certified is under (a) the committing court shall forthwith order the return of the person to said committing court and shall thereafter cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge.

Such court shall resume the proceedings, upon the return of the person to the court, and after considering all the evidence before it may place the person on probation for a period of not less than five years if the criminal charge permits such probation and the person is otherwise eligible for probation. As a condition of such probation the person shall totally abstain from the use of alcoholic liquor or beverages. In any case, where the person is sentenced on a criminal charge, the time the person spent under indeterminate commitment as a

mentally disordered sex offender shall be credited in fixing his term of sentence.

5518. If the opinion so certified is under subdivision (b) of Section 5517, the committing court shall forthwith order the return of the person to said committing court and shall thereafter cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge.

Such court shall resume the proceedings and after considering all the evidence before it shall impose sentence or make such other disposition of the case as the court may deem necessary and proper; provided, that said court, if satisfied that the person has not recovered from his mental disorder and is still a danger to the health and safety of others, may recertify the person to the superior court of the county. If said court after hearing makes a finding that the person is still a mentally disordered sex offender and is still a danger to the health and safety of others, it may make an order recommitting the person for an indeterminate period to the Department of Mental Hygiene for placement in a state institution or institutional unit for the care and treatment of such mentally disordered sex offenders designated by the court. At such hearing or hearings, the person shall be entitled to present witnesses in his own behalf, to be represented by counsel and to cross-examine any witnesses who testify against him.

The Director of Mental Hygiene, with the approval of the Director of Corrections and the Director of Finance, may provide on the grounds of a state institution or institutions under the jurisdiction of the Department of Corrections or the Department of Mental Hygiene one or more institutional units to be used for the custodial care and treatment of mentally disordered sex offenders. Each such unit shall be administered in the manner provided by law for the government of the institution in which such unit is established.

The court shall cause the person so recommitted to be delivered to the state institution or the institutional unit so designated. The person shall remain therein or in any other such institution or institutional unit to which he may be transferred by the Director of Mental Hygiene until the person is no longer a danger to the health and safety of others. Thereupon the proceedings set forth in Section 5517 shall be followed with respect to the certifying of an opinion to the committing court and the release of the person thereby.

5519. After a person has been committed for an indeterminate period to the department for placement in a state hospital as a mentally disordered sex offender and has been confined for a period of not less than six months from the date of the order of commitment, the committing court may upon its own motion or on motion by or on behalf of the person committed, require the superintendent of the state hospital to which the person was committed to forward to the committing court,

within 30 days, his opinion under (a) or (b) of Section 5517, including therein a report, diagnosis and recommendation concerning the person's future care, supervision, or treatment. After receipt of the report, the committing court may order the return of the person to the court for a hearing as to whether the person is still a mentally disordered sex offender within the meaning of this article.

The hearing shall be conducted substantially in accordance with Sections 5504 to 5511, inclusive. If, after the hearing, the judge finds that the person has not recovered from his mental disorder and is still a danger to the health and safety of others, he shall order the person returned to the Department of Mental Hygiene under the prior order of commitment for an indeterminate period, or, if the opinion of the superintendent of the state hospital was under (b) of Section 5517, he may make and sign an order recommitting the person for an indeterminate period to the Department of Mental Hygiene for placement in a state institution or institutional unit for the care and treatment of such mentally disordered sex offenders designated by the court and provided pursuant to Section 5518. A subsequent hearing may not be held under this section until the person has been confined for an additional period of six months from the date of his return to the department. If the court finds that the person has recovered from his mental disorder to such an extent that he is no longer a danger to the health and safety of others, or that he will not benefit by further care and treatment in the hospital and is not a danger to the health and safety of others, the committing court shall thereafter cause the person to be returned to the court in which the criminal charge was tried to await further action with reference to such criminal charge.

5520. The superintendent of a state hospital or person in charge of a county psychiatric facility may extend to any person confined therein pursuant to this article such of the privileges granted to other patients of the hospital or facility as are not incompatible with his detention or unreasonably conducive to his escape from custody.

5521. The district attorney of the county may appear on behalf of the people at any of the hearings held pursuant to this article.

5522. Every person ordered placed in a county facility or state hospital temporarily for observation pursuant to this article or committed for an indeterminate period to a state hospital or state institution as a mentally disordered sex offender, who escapes or attempts to escape therefrom, or who escapes or attempts to escape while being conveyed to or from such county facility, state hospital or state institution, is punishable by imprisonment in the state prison not to exceed five years or in the county jail not to exceed one year.

Article 2. Mentally Ill Persons

5550. "Mentally ill persons," as used in this code, means persons who come within either or both of the following descriptions:

(a) Who are of such mental condition that they are in need of supervision, treatment, care, or restraint.

(b) Who are of such mental condition that they are dangerous to themselves or to the person or property of others, and are in need of supervision, treatment, care, or restraint.

Wherever in this code the term "insane" or its variants are used, such terms shall be construed to refer to and mean "mentally ill" or its variants, as defined in this section.

5551. Any person may file in the superior court a verified petition, alleging that there is in the county a person who is mentally ill and in need of supervision, care, or treatment, and asking that examination be made of the mental health of the person, and that provision be made for the welfare of the person as provided in this article.

When no relative, friend, or other person can be found in the county who is able and willing to make and file the petition herein provided, any peace officer, probation officer, physician attending the patient, physician attached to a public hospital or institution, if the person is a patient therein, or public guardian may make and file the petition herein provided. The district attorney or his deputy shall prepare the petition and all other forms required in the proceeding when requested by the party who is to file the petition or other form. When a petition is filed by any such person, neither the person making or filing the petition, nor his superiors, nor the department, hospital, or institution to which he is attached nor any of its employees, shall be rendered liable thereby either civilly or criminally if there was probable cause for the making and filing of said petition.

5552. The petition shall contain the following:

(a) The name and address of the petitioner and his interest therein.

(b) The name of the person alleged to be mentally ill, and, if known to the petitioner, the address, age, sex, marital status, and occupation of the person alleged to be mentally ill.

(c) The facts upon which the allegation that the person is mentally ill and in need of supervision, care or treatment is based.

(d) A statement whether, in the opinion of the petitioner, the alleged mental illness of the person is such as to render him in need of supervision, care or treatment, or to render him dangerous to health, person or property.

(e) The name of as a respondent thereto, every person known or believed by the petitioner to be legally responsible for the care, support, and maintenance of the person alleged to be mentally ill and the address of every such person, if known to the petitioner.

(f) Such other information as the court may require.
5553. The petition shall be in substantially the following form:

In the Superior Court of the State of California
in and for the County of _____

The People
For the Best Interest and Protection of
-----,
as a Mentally Ill Person,
and Concerning
----- and
----- Respondents

_____, residing at _____ (tel. _____), being duly sworn deposes and says: That there is now in the county, in the City or Town of _____ a person named _____, who resides at _____, and who is believed to be mentally ill and in need of supervision, care, or treatment.

That the person is _____ years of age; that ___he is _____ (sex); and that ___he is _____ (single, married, widowed, or divorced); and that _____ occupation is _____

That the facts because of which petitioner believes that the person is mentally ill and in need of supervision, care or treatment are as follows: That ---he, at ----- in the county, on the ----- day of -----, 19---, -----

That petitioner's interest in and case is

That petitioner believes that said person is so mentally ill
(a) as to be in need of supervision, care or treatment under
the provisions of this act,

OR

(b) as to render him dangerous to himself or to the person or property of others.

(Strike out (a) or (b), whichever is not applicable.)

That the persons responsible for the care, support, and maintenance of the mentally ill person, and their relationship to the person are, so far as known to the petitioner, as follows: (Give names, addresses, and relationship of persons named as respondents)

Wherefore, petitioner prays that examination be made to determine the state of the mental health of _____, alleged to be mentally ill, and that such measures be taken for the best interest and protection of said _____, in respect to

his supervision, care and treatment, as may be necessary and provided by law.

Petitioner
Subscribed and sworn to before me this ----- day of
----- 19-----
-----, County Clerk
By -----, Deputy

5554. Whenever it appears, by petition pursuant to this article, to the satisfaction of a judge of the superior court in any county that any person therein is mentally ill, and in need of supervision, treatment, care or restraint the judge shall so far as consistent with Section 5051 of this code, make such orders as may be necessary to provide for examination into the state of mental health of the person, and for the safe-keeping, necessary medical treatment, care or restraint of the person, pending hearing, in the county psychopathic hospital, in his own home, in a state hospital, or in such other place as will afford access to medical examiners for the purpose of examination and suitable provisions for the safety and comfort of the person. The judge shall by order appoint two medical examiners to make a personal examination of the person and to report thereon to the court.

If the judge is satisfied that the person is sufficiently mentally ill that examination should be made into the state of his mental health, the judge shall issue an order notifying the person to submit to examination at such time and place as designated by the judge. The order for examination shall be served as provided in Section 5556 by a peace officer or counselor in mental health of the county at least one day before the time fixed for the examination. The person shall be permitted to remain in his home or other place of domicile pending the examination, and shall be permitted to be accompanied by one or more of his relatives or friends to the place of examination.

If it appears to the judge from a certificate of a licensed physician and surgeon dated not more than three (3) days prior to the presentation of the petition and filed with the court, certifying that he has examined the person and is of the opinion the person is mentally ill, and because of his illness is likely to injure himself or others if not immediately hospitalized or detained, or if it otherwise affirmatively appears that said person is likely to injure himself or others, the judge may issue and deliver to a peace officer or counselor in mental health of the county an order directing that the person be forthwith detained in a place designated in the order for examination and hearing as provided in this article. The judge may issue a similar order if the person fails or refuses to appear for examination when notified.

5555. The order for examination or detention shall be in substantially the following form:

In the Superior Court of the State of California
in and for the County of _____

The People
For the Best Interest and Protection of

as a Mentally Ill Person
and Concerning
----- and

Respondents

Order
for
Examination
or
Detention

The people of the State of California to -----
-----:
(peace officer, counselor in mental health)

The petition of ----- having been presented this day to me, a Judge of the Superior Court in and for the County of -----, State of California, from which it appears that there is now in this county, at -----, a person by the name of -----, who is mentally ill and in need of supervision, treatment, care or restraint.

And it satisfactorily appearing to me that said person is sufficiently mentally ill and in need of supervision, treatment, care or restraint, that examination should be made into the state of his mental health, and hearing held, if demanded, to determine the supervision, treatment, care or restraint, if any, necessary for his best interest and protection, and the protection of the people.

I do hereby appoint ----- and ----- as medical examiners to make a personal examination of -----, the person alleged to be mentally ill, and to report thereon to the court, pursuant to Section 5566 of the Welfare and Institutions Code.

*Now, therefore, you are commanded to notify said -----, to submit to an examination into the state of his mental health at ----- on or before the ----- day of -----, that thereafter he may be taken before a judge of the superior court in this county for examination and hearing to determine the measures to be taken for the best interest and protection of said -----, as a mentally ill person, as provided by law.

*And it affirmatively appearing to me that said person is sufficiently mentally ill that he is likely to injure himself or others if not immediately hospitalized or detained, you are therefore commanded to forthwith detain said -----, or cause him to be detained for examination and hearing, pending the further order of the judge, at -----, and there be cared for in a humane manner as a mentally ill person and

provided with any medical treatment deemed necessary to his physical well-being.

*And it satisfactorily appearing to me that said person has failed or has refused to appear for examination when notified by order of this court, you are therefore commanded to forthwith detain said _____ or cause him to be detained for examination and hearing, pending the further order of the judge, at _____, and there be cared for in a humane manner as a mentally ill person.

I hereby direct that a copy of this order together with a copy of the said petition be delivered to said person and his representative, if any, at the time of his notification; and I further direct that this order may be served at any hour of the night.

Witness my hand, this _____ day of _____, 19____.

Judge of the Superior Court

*Strike out when not applicable.

Return of Order

I hereby certify that I received the above order for examination or detention, and on the _____ day of _____, 19____, served it by notifying and delivering to said _____ personally, and to his representative, if any, to wit, _____, a copy of the order and of the petition,* or by apprehending said person and causing him to be detained for examination and hearing and for humane care as an alleged mentally ill person at _____; until further ordered and directed by the judge.

*I hereby certify that prior to the service of the above order for detention and the apprehension of _____ I served notice on the person and his representative, if any, as required under Section 5557 of the Welfare and Institutions Code.

Dated: _____, 19____.

Signature of officer

*Strike out when not applicable.

5556. As promptly as possible, and at least one day before the time of the examination as fixed by the court order, a copy of the petition and order for examination shall be personally delivered to the person and his representative, if any, and, unless the petition is filed by such a relative to the wife, husband, father, mother, or other nearest relative of the person alleged to be mentally ill, if any such relative is known to be within the county; if no such relative is known to be within the county, a copy of the petition and order for examination shall be personally delivered to the person with whom such alleged mentally ill person resides or at whose home he is, or in the absence of that person, to a friend of the alleged mentally ill person.

When an order for the forthwith detention of the person as issued by the court is executed by the officer, a copy of the petition and order for detention shall be personally delivered to the persons designated in this section.

5557. At the time of service of the petition and order for examination or detention, the officer making the service shall also deliver to each person served a copy of a notice which shall read substantially as follows:

The petition which accompanies this notice has been filed in the Superior Court in and for the County of _____, alleging that _____ is mentally ill and in need of supervision, treatment and care.

* _____ is notified to present himself at the time and place designated in the attached order to submit to an examination into the state of his mental health. He is permitted to be accompanied by one or more of his relatives or friends to the place of examination. If he fails or refuses to appear for such examination, the court may issue an order for his forthwith detention for such examination.

* _____ has been affirmatively alleged to be sufficiently mentally ill that he is likely to injure himself or others if not immediately hospitalized or detained. The court has therefore issued the attached order for detention and for examination and hearing before the court.

_____ has the right to a hearing, to bring in witnesses and to have compulsory process therefor, and to be represented by an attorney.

If _____ or a relative, friend, counsel or representative desires to be heard by the court, he must within four days after service of this notice file a request for a hearing with the clerk of the Superior Court in and for the County of _____.

* Strike out when not applicable.

5558. The officer shall, pursuant to the order for detention, apprehend the person, as provided in this article, and cause him to be delivered at the place designated in the order until examination can be had, as herein provided. At the time of such apprehension, or within a reasonable time thereafter, unless a responsible relative or the guardian or conservator of the person is in or has taken possession of his personal property, the officer shall take all necessary precautions with respect to the personal property in the actual possession of or in the premises occupied by such mentally ill person to preserve and safeguard the same pending the determination of the proceedings. The officer shall then furnish to the court a full, complete, and itemized report of the patient's property so preserved and safeguarded and of its disposition, in substantially the form set forth in this section; except that if a responsible relative or the guardian or conservator of the patient is in or has taken possession of the patient's property, the report shall include only the name of the relative or guardian or conservator and the location of the property; thereupon

the responsibility imposed herein upon the officer shall terminate. Pending the examination, such order may be made relative to the care, custody, confinement and the preservation and safeguarding of the property of the alleged mentally ill person as to the judge seems for the best interests, welfare and health of the patient.

As used in this section, "responsible relative" includes the spouse, parent, adult child or adult brother or sister of the patient, except that such term does not include the person who filed the petition to commence proceedings under this article.

Report of Officer

I hereby report to the above entitled court that the personal property of the person apprehended herein consisting of _____ was preserved and safeguarded by _____.

(Insert name of officer, responsible relative, guardian,
or conservator)

The said property is now located at _____.

Dated: _____19____.

Signature of officer

5559. If no demand is made for a hearing by or in behalf of the alleged mentally ill person after four days from the service of the notice, petition and orders for examination or detention as provided in this article, or if a hearing is waived by the person, or by his attorney, during such four-day period, the judge may proceed immediately to determine the mental status of the alleged mentally ill person.

The judge shall consider the report of the two medical examiners appointed by the court to make a personal examination of the person and to report to the court. The judge may require other proof in addition to the petition and the report of the medical examiners.

If the judge is satisfied that the person is so mentally ill as to be in need of supervision, treatment, care or restraint, the judge may adjudge the person to be mentally ill and order the person committed or cared for as provided in Section 5567 of this code. No order for commitment to an institution for the mentally ill shall issue unless two medical examiners have personally made an examination of the person alleged to be mentally ill and have filed with the judge a report upon a form substantially as set forth in Section 5566 of this code containing the facts and circumstances upon which the judgment of the examiners is based and stating that the condition of the person examined is such as to require care and treatment in an institution for the mentally ill.

If it appears to the judge that the person is harmless and his relatives or guardian are willing or able properly to care

for him at some place other than such institution, the judge may order the person to be placed in the care and custody of his relatives or guardian.

5560. If a request is made for a hearing on behalf of the alleged mentally ill person, the judge shall, or he may upon his own motion, by order fix such time and place for the hearing and examination as will give reasonable opportunity for the production and examination of witnesses. Notice of the time and place of the hearing shall be given each person upon whom the petition was served and such other persons as the court may order; such notice may be sent by registered mail with return receipt requested to the last known address of each such person. The order shall be entered at length in the minute book of the court or shall be signed by the judge and filed.

5561. Upon sufficient showing that the interest of the patient as to his mental and physical condition would best be subserved thereby, the court may continue the hearing. Upon demand made at any time during the continuance by the patient or any of his relatives, friends, counsel or representative, the court shall set the hearing at a date not more than five days from the time the demand was made. Notice of the time and place of the hearing shall be given as provided in Section 5560.

5562. If an order for continuance is made, unless a demand for hearing is made during the continuance, the clerk shall place the case on the court calendar for hearing on the 30th day following the date of the order and notice shall be given as provided in Section 5560. The court shall then hear and dispose of the case, unless the case is again continued. In the event of successive continuances the clerk shall set the case for hearing on the 30th day following the date of each order and notice shall be given.

5563. For the purpose of conducting hearings pursuant to this article the court may be convened at any time and place within the county, suitable to the mental and physical health of the person, except that the time and place for hearing shall not be different from the time and place for the trial of civil actions if any party to the proceeding, prior to the hearing, objects to any different time or place; and provided, that if the hearing is held at any place other than a regular courtroom of the superior court five days' notice be given thereof to the patient and the petitioner, unless waived by the person or his representative, and appropriate minute order made thereof on the records of the court.

Any such hearing may be held in the psychiatric ward or unit of a county hospital and it shall be deemed that such hearing is held in a place for the trial of civil actions and in a regular courtroom of the superior court.

Any other provision of this section notwithstanding, the alleged mentally ill person may demand that the hearing be public, and be held in a suitable place for attendance by the public.

5564. The judge of the superior court may, for any hearing, order the clerk of the court to issue subpoenas and compel the attendance of witnesses from any place within the boundaries of this state and shall issue such subpoenas and compel attendance of witnesses as requested by the alleged mentally ill person; but no person is obliged to attend as a witness in such a hearing out of the county where he resides or is served unless the judge, upon affidavit to the effect that affiant believes that the evidence of the witness is material and his attendance at the hearing necessary, indorses on the subpoena an order for the attendance of the witness.

The judge shall compel the attendance of at least two medical examiners, who shall hear the testimony of all witnesses, make a personal examination of the alleged mentally ill person, and testify before the judge as to the result of the examination, and to any other pertinent facts within their knowledge. The judge shall also cause to be examined before him as a witness, any other person who he has reason to believe has any knowledge of the mental condition of the alleged mentally ill person, or of his financial condition or that of the persons liable for his maintenance.

All witnesses attending a hearing upon a subpoena issued under this section shall be entitled to the same fees and expenses as in criminal cases, to be paid upon the same conditions and in like manner.

5565. The alleged mentally ill person shall be present at the hearing, and if he has no attorney, the judge may appoint an attorney to represent him, or if a request is made for an attorney by the alleged mentally ill person, the judge shall appoint an attorney to represent him and in a county where there is no public defender fix the compensation to be paid by the county for such services, or the judge may order the county public defender to represent him at the hearing if he determines the person is not financially able to employ counsel.

5566. The medical examiners, after making the examination and hearing the testimony, shall make and sign a certificate showing as nearly as possible the facts herein indicated, in substantially the following form:

In the Superior Court of the State of California
in and for the County of -----

The People

For the Best Interest and Protection of

-----,
as a mentally Ill Person and

Concerning -----,

and -----,

Respondents

Certificate
of Medical
Examiners

We, Dr. _____ and Dr. _____, medical examiners in the County of _____, duly appointed and certified as such, do hereby certify under our hands that we have examined _____, alleged to be mentally ill, and have attended before a judge of said court at the hearing on the petition concerning said person, and have heard the testimony of all witnesses, and, as a result of the examination, have testified under oath before the court to the following facts concerning the alleged mentally ill person:

Name _____

Address _____

Age _____ Sex _____

Occupation _____ Marital Status _____

(Single, married, widowed, divorced)

Religious belief _____

Pertinent case history _____

General physical condition _____

Present mental status _____

Laboratory reports (if any) _____

Tentative diagnosis of mental health _____

Recommendation for disposition or supervision, treatment and care _____

Reasons for the recommendation _____

Date _____

Medical Examiner

Medical Examiner

5567. If, after examination and certificate have been made, the judge believes that the person is either (a) of such mental condition that he is in need of supervision, treatment, care, or restraint, or (b) of such mental condition that he is dangerous to himself or to the person or property of others, and is in need of supervision, treatment, care, or restraint, the judge may adjudge the person to be mentally ill, and may, so far as is consistent with Section 5051 of this code, make and sign an order.

(a) That the person be cared for and detained in a county psychopathic hospital, in a community mental health service

established under the provisions of Division 8 of this code, or a licensed sanitarium or hospital for the care of the mentally ill entitled by law to receive and care for such persons, or that the person be otherwise cared for, until the further order of the court, or

(b) That the person be committed to the Department of Mental Hygiene for placement in a state hospital designated by the court, or

(c) That the person be committed to a facility of the Veterans Administration, or other agency of the United States Government, in accordance with the provisions of Section 1663 of the Probate Code.

The order shall be in substantially the following form, and shall be filed with the clerk.

In the Superior Court of the State of California
in and for the County of _____

The People

For the Best Interest and Protection of

_____ as a Mentally Ill Person,

and Concerning

_____ and
_____, Respondents

Judgment of Men-
tal Illness and
Order for Care,
Hospitalization
or Commitment

The petition dated _____, alleging that _____ is mentally ill, having been presented to this court on the _____ day of _____, 19____, and an order of detention issued thereon by a judge of the superior court of this county, and a return of the said order;

And it further appearing that the provisions of Sections 5551 to 5566, inclusive, of the Welfare and Institutions Code have been complied with;

And it further appearing that Dr. _____ and Dr. _____, two regularly appointed and qualified medical examiners of this county, have made a personal examination of the alleged mentally ill person, and have made and signed the certificate of the medical examiners, which certificate is attached hereto and made a part hereof;

Now therefore, after examination and certificate made as aforesaid the court is satisfied and believes that _____ is

*(a) Of such mental condition that ___he is in need of supervision, treatment, care, or restraint, or

*(b) Of such mental condition that ___he is dangerous to himself or to the person or property of others, and is in need of supervision, treatment, care, or restraint.

It is ordered, adjudged and decreed:

That _____ is a mentally ill person and that ---he

*(a) Be cared for and detained in _____, a county psychopathic hospital, a community mental health service, or a licensed sanitarium or hospital for the care of the mentally ill until the further order of the court, or

*(b) Be cared for at _____, until the further order of the court, or

*(c) Be committed to the Department of Mental Hygiene for placement in a state hospital, to wit: _____ State Hospital at _____, California, or

*(d) Be committed to a facility of the Veterans Administration or other agency of the United States, to wit: _____ at _____ in accordance with the provisions of Section 1663 of the Probate Code of the State of California.

It is further ordered and directed that _____ of this county, take, convey and deliver _____ to the proper authorities of the hospital or establishment designated herein to be cared for as provided by law.

Dated this _____ day of _____, 19____.

Judge of the Superior Court

* Strike out where inapplicable.

5568. If, on the examination as provided by law, the court finds a person to be mentally disordered and bordering on mental illness but not dangerously mentally ill, the court may commit him to the care and custody of the counselor in mental health and may allow him to remain in his home subject to the visitation of a counselor in mental health and subject to return to the court for further proceedings whenever such action appears necessary or desirable; or the court may commit him to be placed in a suitable home, sanitarium, or rest haven home, subject to the supervision of the counselor in mental health and the further order of the court.

5569. Whenever a person has been adjudged to be mentally ill and ordered by the court to be cared for and detained in a licensed sanitarium or hospital or otherwise cared for, the court may thereafter make such further order or orders for hearing or other disposition concerning the person as the court may deem necessary and proper. The court may accept a written report and recommendation concerning the person made by a licensed physician treating the person, if verified, in lieu of the examination by and testimony of court-appointed physicians and in lieu of the personal appearance in court of the person; provided, however, that upon request made to the court by or on behalf of the person he shall have the right to a personal appearance in court. The court may order the person to be discharged if he has improved to such an extent that he is no longer in need of supervision, treatment, care or restraint; the court may order the person to continue under care and treatment, in the same or another licensed sanitarium

or hospital, or the court may order the person to be otherwise cared for, until the further order of the court; provided, however, that before making an order when necessary for commitment of the person to a state hospital, the court shall require that a hearing be held and that a written report and recommendation be made by two medical examiners appointed by the court, and if the person is committed to a state hospital he shall have the right to a jury trial as provided in Section 5572 of this code.

5570. The county clerk shall keep an index, alphabetically arranged, which shall show the name and age of each person examined as to mental illness, the date of the order of commitment or hospitalization and the name of the hospital, community mental health service, or sanitarium to which the person was ordered confined and cared for or the name of the designated state hospital to which the person was committed.

5571. No case of harmless chronic mental unsoundness or mental deficiency shall be committed to the Department of Mental Hygiene for placement in any state hospital for the care and treatment of the mentally ill. When any such person becomes mentally ill, however, he may be committed to the department for placement in a designated state hospital for the mentally ill or to a licensed hospital or sanitarium, as provided in this article.

5572. If a person ordered under Section 5567 to be cared for or detained in any licensed hospital or sanitarium as a mentally ill person or committed to a state hospital, or any friend in his behalf, is dissatisfied with the order of the judge so detaining or committing him, he may, within 10 days after the making of such order, demand that the question of his mental illness be tried by a judge or by a jury in the superior court of the county in which he was committed or the order of detention was issued. Thereupon the court shall set the case for hearing at a date, or shall cause a jury to be summoned and to be in attendance at a date stated, not less than five nor more than 10 days from the date of the demand for a court or jury trial. The court shall adjudge whether the person is mentally ill, or if it is a trial by jury shall submit to the jury the question: Is the person mentally ill?

5573. Proceedings under Section 5567 under the order of detention in a hospital or sanitarium or commitment to a state hospital shall not be stayed, pending the proceedings for determining the question of mental illness by a judge or jury, except upon the order of a superior judge, with provision made therein for such temporary care and custody of the person as the judge deems necessary. If the superior judge, by the order granting the stay, commits the person to the custody of any person other than a peace officer, he may, by such order, require a bond for his appearance at the trial.

5574. At the trial the petition and its allegations that the person is a mentally ill person shall be presented by the district attorney of the county.

5575. The trial shall be had as provided by law for the trial of civil causes, and if tried before a jury the person shall be discharged unless a verdict that he is mentally ill is found by at least three-fourths of the jury. If the judge adjudges or the verdict of the jury is that he is mentally ill the judge shall adjudge that fact and make an order similar to the original order for detention in a licensed hospital or sanitarium or for commitment to a state hospital. If such order is for the supervision, treatment, care or restraint of the mentally ill person in a hospital or sanitarium, a peace officer shall deliver the person and present a copy of the order to the superintendent or other official of such institution; if the order is for the commitment of a mentally ill person to a state hospital, such order shall be presented, at the time of commitment of the mentally ill person, to the superintendent or person in charge of the state hospital to which the mentally ill person is committed.

5576. If a judge refuses to grant an application for an order of supervision, commitment, detention or hospitalization of a mentally ill person alleged to be dangerous to himself and others if without supervision and treatment by physicians, detention and hospital or sanitarium care he shall state his reasons for such refusal, and any person aggrieved thereby may demand a trial of the question of the mental illness of the person alleged to be mentally ill, in the manner provided for a jury trial when demanded by or on behalf of the alleged mentally ill person.

5577. Any person committed to the care and custody of the counselor in mental health under the provisions of Section 5568, and for whom no guardian has been appointed under the provisions of the Probate Code, or a relative or a friend in his behalf, may make application, by petition duly verified, to a judge of the superior court of the county where such commitment was ordered, for an order adjudging that such person is competent. Such petition shall be filed in the proceedings in which such commitment was ordered, and no fees shall be charged by the county clerk for the filing of the petition nor for any official service rendered in said proceedings. The judge shall set the application for hearing and notice of the hearing of the application shall be given, in the manner directed by the court, to the counselor in mental health, to the person committed if he is not the applicant, and to such relative or relatives of such person residing in the county as the court directs, and those to whom notice is given shall be given an opportunity to appear and be heard on the hearing of the application.

The hearing shall be conducted in the same manner as civil cases, and on demand by the petitioner shall be tried by a jury in the same manner as civil cases. If on the hearing the decision of the court or the verdict of the jury is that the person is competent, an appeal may be taken as in civil cases. If the court decides or the jury renders a verdict declaring the person is competent, the court shall make an order declaring the person to be competent and discharging his commitment. If three

fourths of the jury fail to unite in a verdict, or the court or the jury decides that the person is not then competent, the proceeding shall be dismissed and no new application to have the person declared competent shall be made for six months thereafter.

Article 3. Mentally Deficient Persons

5590. As used in this code, "mentally deficient persons" means those persons, not psychotic, who are so mentally retarded from infancy or before reaching maturity that they are incapable of managing themselves and their affairs independently, with ordinary prudence, or of being taught to do so, and who require supervision, control, and care, for their own welfare, or for the welfare of others, or for the welfare of the community.

Wherever in this code or in any provision of statute heretofore or hereafter enacted the terms "feeble-minded" and "feeble-mindedness" are used, they shall be construed to refer to and mean "mentally deficient" and "mental deficiency," respectively, as defined in this section. All persons heretofore committed or admitted as feeble-minded to any state home for the feeble-minded, or committed to the Department of Mental Hygiene for placement therein, shall be deemed to have been committed or admitted thereto as mentally deficient persons.

5591. Any mentally deficient person may be committed to the Department of Mental Hygiene for placement in a designated state home for the mentally deficient if he has been a resident of the state for the period of one year next preceding the presentation of the petition, or, in the case of a person under the age of one year who was born in the state, if the parent in whose custody he is has been a resident of the state for the period of one year next preceding the presentation of the petition.

Residence acquired in this or in another state shall not be lost by reason of military service in the armed forces of the United States. The residence of minor children during the period of such military service shall be determined in accordance with the residence of the parent in such service or in accordance with the residence of the child.

5592. A petition for the commitment of a mentally deficient person to the Department of Mental Hygiene for placement in a designated state home for the mentally deficient may be filed in the superior court of the county in which such person resides, by any of the following persons:

- (a) The parent, guardian, or other person charged with the support of the mentally deficient person.
- (b) Any district attorney or probation officer.
- (c) The Youth Authority.
- (d) Any person designated for that purpose by the judge of the court.

(e) The Director of Corrections.

The petition shall state the petitioner's reasons for supposing the person to be eligible for admission thereto, and shall be verified by the affidavit of the petitioner.

5593. The court shall fix a time and place for the hearing of the petition. The hearing may, in the discretion of the court, be held at any time and place which the court deems proper, and which will give opportunity for the production and examination of witnesses.

5594. In all cases the court shall require due notice of the hearing of the petition to be given to the alleged incompetent. Whenever a petition is filed by a probation officer, district attorney, the Youth Authority or the Director of Corrections, the court shall require such notice of the hearing of the petition as it deems proper to be given to any parent, guardian, or other person charged with the support of the person mentioned in the petition.

5595. Whenever the court considers it necessary or advisable, it may cause a warrant to issue for the apprehension and delivery to the court of the alleged mentally deficient person, and may have the warrant executed by any peace officer.

5596. Pending the hearing the alleged mentally deficient person may be left in the charge of his parent, guardian, or other suitable person, or may be placed in the county psychopathic hospital.

5597. The court shall inquire into the condition or status of the alleged mentally deficient person. For this purpose it may by subpoena require the attendance before it of a physician who has made a special study of mental deficiency and is qualified as a medical examiner, and of a clinical psychologist, or of two such physicians, or of two such psychologists, to examine the person and testify concerning his mentality. The court may also by subpoena require the attendance of such other persons as it deems advisable, to give evidence.

5598. Each psychologist and physician shall receive for each attendance mentioned in Section 5597 the sum of five dollars (\$5) for each person examined, together with his necessary actual expenses occasioned thereby, and other witnesses shall receive for such attendance such fees and expenses as the court in its discretion allows, if any, not exceeding the fees and expenses allowed by law in other cases in the superior court.

Any fees or traveling expenses payable to a psychologist, physician, or witness as provided in this section and all expenses connected with the execution of any process under the provisions of this article, which are not paid by the parent, guardian, or person charged with the support of the supposed mentally deficient person, shall be paid by the county treasurer of the county in which the person resides, upon the presentation to the treasurer of a certificate of the judge that the claimant is entitled thereto.

5599. If the court finds that the person is mentally deficient, and that he has been a resident of the state for one year next preceding the presentation of the petition, or, if the person is under the age of one year, that he was born in the state and that the parent in whose custody he is has been a resident of the state for the period of one year next preceding the presentation of the petition, or, if the person is the child of a person in military service as provided in Section 5391, the court may make an order that the person be committed to the Department of Mental Hygiene for placement in the Sonoma State Home or to the Pacific Colony and that he be received, maintained, and educated therein. The court, however, may commit a mentally deficient person who has been in the state less than one year for the purpose of transportation of such person to the state of his legal residence pursuant to Section 160. On the presentation of the order the superintendent of the institution to which the person is committed shall receive him therein, unless the institution is already full, or the fund available for its support is exhausted, or, in the opinion of the Department of Mental Hygiene, the person is not a suitable subject for admission thereto.

5600. In case of the dismissal of the petition, the court may, if it considers the petition to have been filed with malicious intent, order the petitioner to pay the expenses in connection therewith, and may enforce such payment by such further orders as it deems necessary.

5601. Any person who knowingly contrives to have any person adjudged mentally deficient under the provisions of this article, unlawfully or improperly, is guilty of a misdemeanor.

5602. If, when a boy or girl is brought before a juvenile court under the juvenile court law, it appears to the court, either before or after adjudication, that the person is mentally deficient, or if, on the conviction of any person of crime by any court it appears to the court that the person is mentally deficient, the court may adjourn the proceedings or suspend the sentence, as the case may be, and direct some suitable person to take proceedings under this article against the person before the court, and the court may order that, pending the preparation, filing, and hearing of the petition, the person before the court be detained in a place of safety, or be placed under the guardianship of some suitable person, on his entering into a recognizance for the appearance of the person upon trial or under conviction when required. If, upon the hearing of the petition, or upon a subsequent hearing, the person upon trial or under conviction is not found to be mentally deficient, the court may proceed with the trial or impose sentence, as the case may be.

Article 4. Epileptics

5610. Persons who are afflicted with epilepsy, as such condition is defined in medical practice, may be committed to state

hospitals when such persons are in need of care and treatment for their epilepsy, or when such persons are also suffering from mental illness. Whenever an epileptic person is found to be mentally deficient he may be committed to a state home for the mentally deficient as provided in Article 3 of this chapter, and "mentally deficient person," as used in that article shall be construed to be an epileptic person.

5611. Epileptic persons committed to state hospitals shall be subject to the same rules and laws governing the rights, care, property and support, transfer, leave of absence and discharge of mentally ill persons committed to state hospitals the same as if such persons were expressly mentioned therein.

Article 5. Narcotic Drug Addicts

5625. A "narcotic drug addict" within the meaning of this article is any person who habitually takes or otherwise uses to the extent of having lost the power of self-control any opium, morphine, cocaine, or other narcotic drug as defined in Article 1 of Chapter 1 of Division 10 of the Health and Safety Code.

Wherever in this article the term "drug addict" is used, such term shall be construed to refer to and mean "narcotic drug addict" as defined in this section. All persons heretofore committed or admitted as drug addicts to any state hospital, or committed to the Department of Mental Hygiene for placement therein, shall be deemed to have been committed or admitted as narcotic drug addicts.

5626. Whenever it appears by affidavit to the satisfaction of a magistrate of a county that any person is a narcotic drug addict, he shall issue and deliver to some peace officer for service, a warrant directing that the person be apprehended and taken before a judge of the superior court for a hearing and examination on such charge. The officer shall thereupon apprehend and detain the person until a hearing and examination can be had. At the time of the apprehension a copy of the affidavit and warrant of apprehension shall be personally delivered to the person.

5627. Such affidavit and warrant of apprehension shall be substantially in the form provided by Sections 5553 and 5555 of this code for the examination of a person alleged to be mentally ill.

5628. The person charged shall be taken before a judge of the superior court, to whom the affidavit and warrant of apprehension shall be delivered to be filed with the clerk. The judge shall then inform him of his rights to make a defense to such charge and to produce witnesses in relation thereto. The judge shall by order fix such time and place for the hearing and examination in open court as will give a reasonable opportunity for the production and examination of witnesses. Such order shall be entered at length in the minute book of the court or shall be signed by the judge and

filed and a certified copy thereof shall be served on the person. The judge may order that such notice of the apprehension of the person and the hearing of the charge be served on such relatives of the person known to be residing in the county as the court deems necessary or proper.

5629. The judge may cause witnesses to be summoned and examined before him. The hearing and examination shall be had in substantial compliance with the provisions of Sections 5564, 5565, and 5566 of this code.

5630. If, after a hearing and examination, the judge believes the person charged is a narcotic drug addict, he shall make an order committing such person to the Department of Mental Hygiene for placement in a designated hospital for an indeterminate period of not less than three months nor more than two years.

If satisfactory evidence is submitted to the trial judge showing that the person to be committed is of bad repute or bad character, apart from his habit for which the commitment is made, and that there is reasonable ground for believing that the person if committed will not be benefited by treatment, the judge shall not commit the person to a state hospital.

5631. If a person ordered committed to a state hospital, or any friend in his behalf, is dissatisfied with the order of the judge committing him, he may, within 10 days after the making of the order of commitment, demand that the issue be tried by a judge or by a jury in the superior court of the county in which he was committed. Thereupon a trial shall be had in compliance with the provisions of Sections 5572 to 5576, inclusive, of this code.

If the alleged narcotic drug addict has no attorney the judge may appoint an attorney to represent him, or if a request is made for an attorney by the alleged narcotic drug addict, the judge shall appoint an attorney to represent him and, in a county where there is no public defender, fix the compensation to be paid by the county for such services if the judge determines that the person is not financially able to employ counsel.

5632. Witnesses at hearings for the commitment of narcotic drug addicts shall receive the usual fees and expenses allowed by law in other cases in the superior courts. Any fees or traveling expenses payable to any witness in any proceeding for the commitment of a narcotic drug addict, and all expenses connected with the execution of any process under this article, which are not paid by the narcotic drug addict or his parent, guardian, or other person charged with his support, if he is a minor, shall be paid by the county treasurer of the county in which the person resides.

5633. Any person committed as a narcotic drug addict except such persons as have been committed under the provisions of Section 5634, may be placed on leave of absence after the expiration of three months under the same rules and conditions under which the mentally ill are placed on leave

of absence, and the superintendent, on filing his written certificate with the Director of Mental Hygiene, may discharge any person committed under this article after the expiration of three months and before the expiration of the maximum term of confinement when such superintendent is satisfied that the person will not receive substantial benefit from further hospital treatment.

5634. If, when a girl or boy is brought before a juvenile court under the Juvenile Court Law, or if, on the arrest of any person charged with crime in any court, it appears to the court, either before or after adjudication, that such person is a narcotic drug addict within the meaning of this article, the court may adjourn the proceedings or suspend the sentence, as the case may be, and direct some suitable person to take proceedings under this article against the person before the court, and the court may order that, pending the preparation, filing, and hearing of the petition, the person before the court be detained in a place of safety, or if a minor, be placed under the guardianship of some suitable person on his entering into a recognizance for the appearance of the person upon trial or under conviction when required. If, upon the hearing of the petition, or upon a subsequent hearing, the person before the court, upon trial, or under conviction, is found not to be a narcotic drug addict, the court may proceed with the trial or impose sentence, as the case may be. If the person is committed to the hospital as a narcotic drug addict and has been detained therein for a period of not less than three months whenever thereafter the superintendent of the institution wherein the addict is confined certifies to the committing court that the person has been sufficiently treated, or gives any other reason which is deemed by the court to be adequate and sufficient, the court may order the discharge of the person so committed, or may order his return to await the further action of the court.

5635. Any person who knowingly and maliciously attempts to have any person adjudged a narcotic drug addict under this article, unlawfully, is guilty of a misdemeanor.

Article 6. Habit-forming Drug Addicts

5650. A "habit-forming drug addict," within the meaning of this article, is any person who is so far addicted to the intemperate use of habit-forming drugs, other than narcotic drugs as provided in Section 5625 of this code, as to have lost the power of self-control.

As used in this article the term "habit-forming drugs" shall be construed to refer to and mean those dangerous drugs designated in Article 8 (commencing with Section 4210) of Chapter 9, Division 2 of the Business and Professions Code, which are habit-forming drugs.

5651. Whenever it appears by affidavit to the satisfaction of a magistrate of a county that any person is so far addicted

to the intemperate use of habit-forming drugs as to have lost the power of self-control, he shall issue and deliver to some peace officer for service a warrant directing that the person be apprehended and taken before a judge of the superior court for a hearing and examination. The officer shall thereupon apprehend and detain the person until a hearing and examination can be had. At the time of the apprehension a copy of the affidavit and warrant of apprehension shall be personally delivered to the person.

Wherever in this article the term "stimulants" is used, such term shall be construed to refer to and mean "habit-forming drugs" as provided in Section 5650. All persons heretofore committed as stimulant addicts shall be deemed to have been committed as habit-forming drug addicts.

5652. The affidavit and warrant of apprehension shall be substantially in the form provided by Sections 5553 and 5555 of this code for the examination of a person alleged to be mentally ill.

5653. The person charged shall immediately be taken before a judge of the superior court to whom the affidavit and warrant of apprehension shall be delivered to be filed with the clerk. The judge shall then inform him of the charge against him, and inform him of his rights to make a defense to such charge and to produce witnesses in relation thereto.

The judge shall by order fix such time and place for the hearing and examination in open court as will give a reasonable opportunity for the production and examination of witnesses. This order shall be entered at length in the minute book of the court by the clerk or shall be signed by the judge and filed and a certified copy thereof shall be served on the person. The judge may order that notice of the apprehension of the person and of the hearing of the charge be served on such relatives of the person known to be residing in the county, as the court deems necessary or proper.

5654. Where a rehabilitation center for the care and treatment of inebriates is maintained in a branch of the county jail within the county, the judge may, upon the written recommendation of one medical examiner and the written consent of the person charged, order the person confined to such rehabilitation center immediately and without further hearing or examination for a term not exceeding one year. Any person confined pursuant hereto, may, upon written demand filed with the clerk at any time during the period of confinement, request hearing and examination as provided in Article 2 (commencing with Section 5550) of this chapter. Upon the filing of any such request, the judge shall by order, fix a time and place for hearing and examination and proceed as in cases where no order of commitment has been made pursuant to the consent of a medical examiner and the person charged.

5655. The hearing and examination shall be had in compliance with the provisions of Sections 5564, 5565, and 5566 of this code.

5656. If the judge, after such hearing and examination, believes the person is so far addicted to the intemperate use of habit-forming drugs, as provided in this article, as to have lost the power of self-control, he shall make an order that the person be committed to the Department of Mental Hygiene for placement in a hospital for the care and treatment of the mentally ill designated in such order, or that such person be confined in a regional jail camp maintained by the Department of Corrections or in an industrial farm or industrial road camp within the county or, in the event that the county maintains a branch of the county jail at which inmates thereof are required to perform agricultural and other out-of-doors labor, in such branch of the county jail. The order of commitment and statement of financial condition shall be in substantially the form provided by Section 5567 of this code for the commitment of mentally ill persons.

Before a person is committed to a state hospital, however, satisfactory evidence shall be submitted to the trial judge showing that the person to be committed is not of bad repute or bad character, apart from his habit for which the commitment is made, and that there is reasonable ground for believing that the person, if committed, will be permanently benefited by treatment.

5657. If the court orders that the person be confined in a state hospital, the court shall commit the person to the Department of Mental Hygiene for placement in a designated hospital for a definite period not to exceed two years, but he may be placed on leave of absence by the medical superintendent under the same rules and conditions under which the mentally ill are placed on leave of absence, and the superintendent, on filing his written certificate with the Director of Mental Hygiene, may discharge any person committed under this article when he is satisfied that the person will not receive substantial benefit from further hospital treatment, with the same power as contained in Article 8 (commencing with Section 6725), Chapter 1, Part 4, Division 6 of this code. In the event that the person shall have been committed to an industrial farm or industrial road camp or branch of the county jail, as provided in Section 5654 or 5656 of this code, he may, after recommendation by the medical director of the county that the person will not receive substantial benefit from further confinement, be paroled by the county board of parole commissioners in the same manner as prisoners in county jails are paroled.

5658. If a person ordered committed to a state hospital, or any friend in his behalf, is dissatisfied with the order of the judge committing him, he may, within 10 days after the making of the order of commitment, demand that the issue be tried by a judge or by a jury in the superior court of the county in which he was committed. Thereupon a trial shall be had in compliance with the provisions of Sections 5272 to 5276, inclusive, of this code.

Article 7. Inebriates

5675. Proceedings for the commitment of a person alleged to be an inebriate shall be instituted and conducted in the manner prescribed in Article 6 (commencing with Section 5650) of this chapter. The procedure shall be modified only to the extent necessary to reflect that the person whose commitment is sought is alleged to be an inebriate rather than a habit-forming drug addict.

5676. Where a rehabilitation center for the care and treatment of inebriates is maintained in a branch of the county jail within the county, the judge may, upon the written recommendation of one medical examiner and the written consent of the person charged, order the person confined to such rehabilitation center immediately and without further hearing or examination for a term not exceeding one year. Any person confined pursuant hereto, may, upon written demand filed with the clerk at any time during the period of confinement, request hearing and examination as provided in Article 2 (commencing with Section 5550) of this chapter. Upon the filing of any such request, the judge shall by order, fix a time and place for hearing and examination and proceed as in cases where no order of commitment has been made pursuant to the consent of a medical examiner and the person charged.

5677. If the judge, after such hearing and examination, believes the person is subject to inebriety in such a degree as to require custodial care and treatment, he shall make an order that the person be committed to the Department of Mental Hygiene for placement in a hospital for the care and treatment of the mentally ill designated in such order, or that such person be confined in a regional jail camp maintained by the Department of Corrections or in an industrial farm or industrial road camp within the county or, in the event that the county maintains a branch of the county jail at which inmates thereof are required to perform agricultural and other out-of-doors labor, in such branch of the county jail.

Before a person is committed to a state hospital, however, satisfactory evidence shall be submitted to the trial judge showing that the person to be committed is not of bad repute or bad character, apart from his habit for which the commitment is made, and that there is reasonable ground for believing that the person, if committed, will be permanently benefited by treatment.

5678. If the court orders that the person be confined in a state hospital, the court shall commit the person to the Department of Mental Hygiene for placement in a designated hospital for a definite period not to exceed two years, but he may be placed on leave of absence by the medical superintendent under the same rules and conditions under which the mentally ill are placed on leave of absence, and the superintendent, on filing his written certificate with the

Director of Mental Hygiene, may discharge any person committed under this article when he is satisfied that the person will not receive substantial benefit from further hospital treatment, with the same power as contained in Article 8 (commencing with Section 6725), Chapter 1, Part 4, Division 6 of this code. In the event that the person shall have been committed to an industrial farm or industrial road camp or branch of the county jail, as provided in Section 5676 or 5677 of this code, he may, after recommendation by the medical director of the county that the person will not receive substantial benefit from further confinement, be paroled by the county board of parole commissioners in the same manner as prisoners in county jails are paroled.

5679. If the judge, after the hearing and examination, believes the person is subject to inebriety, but that the condition of the person is not such as to require custodial care or treatment, the judge may place the person on probation, subject to the supervision of the probation officer, in the same manner in which persons who are mentally disordered but not dangerous to health, person, or property are placed on probation, and the laws relating to the probation, commitment, or other disposition of such mentally disordered persons shall apply to and govern the commitment, probation, or disposition of persons subject to inebriety in a degree not requiring custodial care or treatment in the same manner and to the same extent as if such persons so subject to inebriety were specifically referred to therein.

Article 8. Mentally Abnormal Sex Offenders

5700. The term "mentally abnormal sex offender" as used in this article means any person who is not mentally ill or mentally defective, and who by an habitual course of misconduct in sexual matters has evidenced an utter lack of power to control his sexual impulses and who, as a result is likely to attack or otherwise inflict injury, loss, pain or other evil upon the objects of his uncontrolled and uncontrollable desires.

5701. A petition alleging that a person named therein is a mentally abnormal sex offender and is in need of supervision, care or treatment and asking that provisions be made for the welfare of such person as provided in this article, may be filed in the superior court of the county in which such person resides only by the following persons:

- (a) The parent, spouse or child of such person; or
- (b) The person himself.

The petition shall state the petitioner's reasons for believing that the person may be a mentally abnormal sex offender and in need of supervision, care or treatment. The petition shall be accompanied by the written consent of the person himself voluntarily requesting examination and hearing by the court as provided in this article. The petition shall also be accompanied by a written statement of at least one medical examiner,

stating that in his opinion the person is a mentally abnormal sex offender as defined in this article and recommending that examination be made of such person in accordance with the provisions of this article.

5702. The court shall fix a time and place for the hearing of the petition. The court shall require due notice of the hearing of the petition to be given to the person

5703. The person alleged to be a mentally abnormal sex offender shall be taken before a judge of the superior court of said county, and the hearing and examination shall thereafter be had in substantial compliance with the provisions of Sections 5503 to 5511, inclusive, of this code.

5704. If, after examination and hearing, the judge believes that the person is a mentally abnormal sex offender, as defined in this article, he may order that the person be committed to the Department of Mental Hygiene for placement in a state hospital designated by the court for a period of time not to exceed two years for supervision, care and treatment, or the judge may dismiss the petition. The petition, the reports, the court orders and other court documents filed in the court shall not be open to inspection by any other than the parties to the proceeding, the attorneys for the party or parties, and the State Department of Mental Hygiene, except upon the written authority of a judge of the superior court of the county in which the proceedings were had.

5705. Whenever a person is committed to the department and confined in a state hospital under the provisions of this article, the superintendent of the state hospital shall maintain complete records of the supervision, care and treatment given to each such person. Such records shall not be open to the inspection of any person not in the employ of the department or of the state hospital, except that a judge of the superior court may by order permit examination of such records. The superintendent of the state hospital may, at any time after admission, discharge such person, or grant him a leave of absence upon such terms and conditions as he deems proper.

5706. Proceedings under this article shall not be brought, and a petition under this article may not be filed, by or in behalf of any person against whom a criminal charge has been made which has not been prosecuted to final judgment.

Article 9. Juvenile Court Wards

5725. If the court, after finding that the minor is a person described by Sections 600, 601, or 602, is in doubt concerning the state of mental health or the mental condition of the person, the court may continue the hearing and commit the person to the Department of Mental Hygiene for placement in a state hospital or state home for the mentally deficient for an indeterminate period of not more than 90 days, for observation of the mental health or the mental condition of the person and recommendations concerning his future care, supervision, and

treatment. If the Department of Mental Hygiene has designated a particular state institution to receive minors so committed for observation, all commitments shall be made to the department for placement in the institution so designated. The superintendent of the institution to which the minor is so committed shall receive him, unless the institution is already full or the funds available for its support are exhausted, or if, in the opinion of the superintendent, the person is not a suitable subject for admission. Before such person is conveyed to the institution, it shall be ascertained from the superintendent thereof if the person may be accepted as herein set forth.

The medical superintendent or other person in charge of the state hospital or state home for the mentally deficient in which a minor person is placed for observation pursuant to this section shall, as soon as possible and within 90 days, examine the person to determine the state of his mental health or his mental condition, and submit to the juvenile court a report on the state of his mental health or mental condition which shall include a diagnosis of the nature of his mental illness or disability, if any, and recommendations concerning his future care, supervision, and treatment.

If the medical superintendent or other person in charge of the state institution in which the minor has been placed for observation reports to the court that the minor is not affected with any mental illness, disorder, or other mental disability for which he might be committed to the Department of Mental Hygiene for placement in any state institution under this chapter, such superintendent or other person in charge of the state institution shall return the minor to the juvenile court within seven days after the date of the report and the court shall proceed with the case in accordance with the provisions of the Juvenile Court Law.

When the juvenile court directs the filing in any other court of a petition for the commitment of a minor to the Department of Mental Hygiene for placement in any state institution, the juvenile court shall transmit to the court in which the petition is filed a copy of the report of the medical superintendent or other person in charge of the state institution in which the minor was placed for observation. The court in which the petition for commitment is filed may accept the report of the medical superintendent or other person in charge of the state institution in lieu of the appointment, certificate, and testimony of medical examiners or other expert witnesses appointed by the court, if the laws applicable to such commitment proceedings provide for the appointment by court of medical examiners or other expert witnesses or may consider the report as evidence in addition to the certificates and testimony of medical examiners or other expert witnesses.

The jurisdiction of the juvenile court over the minor shall be suspended during such time as the minor is subject to the jurisdiction of the court in which the petition for commitment is filed or under commitment ordered by that court.

CHAPTER 2. EMERGENCY APPREHENSION

5880. When any person becomes so mentally ill as to be likely to cause injury to himself or others and to require immediate care, treatment, or restraint, a peace officer, health officer, county physician or assistant county physician, who has reasonable cause to believe that such is the case, may take the person into custody for his best interest and protection and place him as provided in this section. The person believed to be mentally ill may be admitted and detained in the quarters provided in any county hospital or state hospital upon application of the peace officer, health officer, county physician, or assistant county physician. The application shall be in writing and shall state the circumstances under which the person's condition was called to the officer's or physician's attention and shall also state that the officer or physician believes, as a result of his personal observation, that the person is mentally ill and because of his illness is likely to injure himself or others if not immediately hospitalized.

The superintendent or physician in charge of the quarters provided in such county hospital or state hospital may care for and treat the person for a period not to exceed seventy-two (72) hours, excluding Saturdays, Sundays, and holidays. Within said seventy-two (72) hours the person shall be discharged from the institution unless a petition of mental illness is presented to a judge of the superior court and the court issues an order for detention of such person, or unless the person is admitted as a patient under any other provision of law.

CHAPTER 3. ADMISSION ON CERTIFICATION

Article 1. State Hospitals on Application
of Local Health Officer

6000. This article shall be construed as providing an additional, but not an exclusive, procedure for the admission of mentally ill persons to state hospitals. Except as in this article otherwise expressly provided, nothing in this article shall be construed as repealing any other provision of law providing for the admission of mentally ill persons to state hospitals, or providing for the commitment of mentally ill persons to state hospitals.

6001. The superintendent of a state hospital may admit to the hospital any person believed to be mentally ill and in need of supervision, care, or treatment, on application for his admission and certification of his mental illness made pursuant to this article, subject to general rules and regulations prescribed by the Department of Mental Hygiene, but the superintendent shall not admit any person under this article if the person to be admitted, or any relative or friend acting in his

behalf, protests against his admission to the superintendent either before or at the time of admission.

6002. Application for the admission of a person to a state hospital pursuant to this article shall be made only by the local health officer. As used in this article, "local health officer" means the county, city, or district health officer charged with the preservation of the public health in the county, city, or district.

6003. Any relative or friend of a person believed to be mentally ill and in need of supervision, care, or treatment may report that fact to the local health officer, together with the name and place of residence of the person. The local health officer may make or cause to be made such investigations as he deems to be necessary to ascertain the facts. If it appears to the health officer that there is reasonable cause for believing that admission to a state hospital under this article will be for the best interest of the person he may make the application to a state hospital. Proceedings under this article shall be stopped whenever the person believed to be mentally ill or any relative or friend acting in his behalf protests against such proceedings to the investigating health officer or to the examining physicians.

Any local health officer or his employee who makes or assists in making an application under this article shall not be rendered criminally liable thereby when there is reasonable cause for believing that such application will be for the best interest of the person.

6004. Each such application shall be accompanied by certificates, dated not more than seven (7) days prior to the presentation of the application to the superintendent, by each of two physicians certifying that he has examined the person within three (3) days of the date of the certificate and believes the person to be mentally ill and in need of supervision, care, or treatment. Each such physician shall further certify that he holds a valid and unrevoked physician's and surgeon's certificate issued under the provisions of Division 2, Chapter 5, of the Business and Professions Code, and that he is not related to the person by blood or marriage and is not connected in any way with a state hospital.

6005. The department shall prescribe and publish instructions and forms of application, physicians' certificates of mental illness, and all other documents provided for in this article, and may include in them such questions as it deems necessary or useful. Such instructions and forms may be furnished to the health officers of the several counties, cities, and health districts in the state and to any other person applying therefor.

6006. If the alleged mentally ill person or the person responsible for his maintenance and support is financially unable to pay the cost of obtaining the physicians' certificates such cost shall be paid by the county in which the health officer is employed; provided, that such health officer shall have, prior

to the employment of such examining physicians, approved such employment and that the cost of such physicians' service for such alleged mentally ill person shall not exceed the sum of ten dollars (\$10).

6007. No person shall be delivered to a state hospital for admission thereto under this article until the application for his admission has been accepted by the superintendent of the hospital. The superintendent may refuse to accept any application or to admit any person to the hospital if he believes the person is not mentally ill nor in need of supervision, care or treatment, if there is no room for him in the hospital, or if his admission would violate any rule of the Department of Mental Hygiene.

6008. Upon acceptance of the application by the superintendent of the hospital, the person shall be delivered to the hospital within five (5) days under the direction of the local health officer. No female person shall be taken to a state hospital, except by a relative, without the attendance of some woman of good character and mature age. The application for admission and the accompanying certificates shall be delivered to the hospital before or at the time of the delivery of the person to the hospital.

1. Every public officer or public employee who delivers or assists in the delivery of a person to a state hospital pursuant to this section shall receive therefor such fees and expenses as are payable to the sheriff for conveyance of patients to state institutions, which shall be paid in the same manner.

6009. Any public officer or employee who transports or delivers or assists in transporting or delivering or detains or assists in detaining any person pursuant to this article shall not be rendered criminally liable thereby unless it be shown that such officer or employee acted maliciously or in bad faith or that his negligence resulted in bodily injury to such person.

6010. Except as expressly otherwise provided in this article, persons admitted to state hospitals pursuant to this article shall be entitled to the same rights and care, shall be subject to the same rules, and the liability for their support shall be the same, as if such persons had been duly committed thereto by a court of competent jurisdiction, and the laws governing the rights, care, property and support, transfer, leave of absence, and discharge of mentally ill persons committed to state hospitals shall apply to persons admitted to state hospitals pursuant to this article the same as if such persons were expressly mentioned therein.

6011. Prior to transporting any person to a state hospital or his admission thereto, pursuant to this article, the local health officer shall cause to be delivered to such person a notice in writing informing the person that application has been made for his admission to a state hospital and of his right to object thereto. At any time after the admission of a person to a state hospital pursuant to this article, the person, or any

relative or friend in his behalf, may file with the superintendent of the hospital in which the person is confined, a written request for a court hearing to determine whether or not the person is mentally ill and in need of supervision, care, or treatment in the hospital.

6012. The department shall make such rules and issue such instructions to hospital personnel as will insure the provision of facilities for making written demand for court hearing to every person admitted to the hospital pursuant to this article upon indication of his desire to make such request, and for the immediate transmission of every such request to the superintendent of the hospital. The department shall provide blank forms of such requests for the use of such patients or relatives or friends acting in their behalf.

6013. Upon receipt of each written request for a court hearing, the superintendent of the hospital shall notify the Director of Mental Hygiene and the local health officer who made the application for the admission of the person of the request. The superintendent shall immediately send the request for hearing to the superior court of the county from which the application for the admission of the person was made, together with all the following:

(a) A true copy of the application for admission of the person to the hospital

(b) A true copy of the certificates which accompanied the application.

(c) A report on and diagnosis of the mental condition of the person by the superintendent of the state hospital.

6014. The written request for court hearing, together with the documents specified in Section 6013, shall have the force and effect of a verified petition and of a demand for court hearing under the provisions of Article 2 of Chapter 1 of Part 15 of Division 6 of this code, and proceedings thereon shall be had as provided in that article. In such proceedings, however, the court may dispense with the observation period provided for therein, and may accept the report and diagnosis of the superintendent and medical staff of the state hospital in lieu of the appointment, certificates, and testimony of medical examiners. In addition to the notices of time and place of the hearing given to the person or his representative and a relative or friend pursuant to Section 5560, the clerk of the court shall give notice of the time and place of the hearing to the superintendent of the hospital in which the person is confined, by registered mail or otherwise.

6015. Pending the hearing, the person shall be detained in the state hospital to which he was admitted. The superintendent shall cause the person to be delivered by employees of the hospital to the court for the hearing.

If, after hearing, the court commits the person to the Department of Mental Hygiene for placement in a state hospital, the person shall be delivered by state hospital employees to the hospital designated by the court.

6016. Whenever the superintendent of a state hospital to which a person has been admitted pursuant to this article is of the opinion that the person is no longer in need of supervision, care, or treatment in the hospital, he may release the person on leave of absence or discharge him upon any of the grounds provided in this code for the release or discharge of mentally ill persons committed to state hospitals.

6017. Nothing in this article limits the right of any person admitted to a state hospital pursuant to this article to a writ of habeas corpus upon a proper application made at any time by such person or a relative or friend on his behalf.

6018. This article does not authorize any examination as provided in Section 6004 or the admission to a state hospital of any person who is being treated by prayer in the practice of the religion of any well recognized church, sect, denomination or organization, if he, or any relative or friend acting in his behalf, protests against such examination or admission to the local health officer investigating the case.

6019. A local health officer may make application under this article on behalf of a person believed to be mentally ill to a facility of the Veterans Administration within this state upon receipt of a certificate from the Veterans Administration showing that such person is eligible for care or treatment therein. The chief officer of any facility of the Veterans Administration within this state may admit such person under this article and thereupon shall be vested with the same powers and obligations as superintendents of state hospitals have under this article with respect to retention of custody, leave of absence, discharge or notification of court when demanded by the person.

Article 2. State Hospitals on Certification of Physicians

6022. The superintendent of a state hospital may admit to the hospital for a period not to exceed ninety (90) days for observation, care or treatment, any person who is believed to be mentally ill and who does not object to such admission or for whom no such objection is made by a member of his family, relative, or friend, upon

(a) The written application made on behalf of the person by a member of his family, relative, friend with whom he resides or guardian of the person, a health or welfare officer of the community, or the head of a hospital, sanitarium or other institution in which the person may be, and accompanied by

(b) The certificates of two physicians that they have examined such person and believe him to be mentally ill and in need of observation, care or treatment, and because of his illness lacks sufficient insight or capacity to make responsible application himself. Each such physician shall be duly licensed in this state and not related to the person by blood or marriage. Each

such certificate shall show that such person was examined by the physician not more than ten (10) days prior to the presentation of the application and certificates to the superintendent.

6023. At any time after such person has been admitted to the state hospital, he, or anyone on his behalf, may give notice in writing to the superintendent of his desire to leave the hospital. Such person shall be discharged within fifteen (15) days after receipt of the notice unless the superintendent is of the opinion that the person is mentally ill and in need of further care, treatment or supervision. In such event the superintendent shall forthwith in writing inform the patient, and the person who gave the notice or who made the written application on behalf of the patient, of such opinion and of the proceedings to follow, and shall retain the patient in the hospital during such fifteen (15) day period.

The superintendent may within such fifteen (15) days release the patient on leave of absence if the patient makes written request for the same and if such leave will benefit the patient in the opinion of the superintendent, otherwise he shall within such fifteen (15) days file, in the superior court of the county from which the application was made, the following:

- (a) A true copy of the notice of desire to leave the hospital.
- (b) A true copy of the application for admission to the hospital.
- (c) A true copy of the physician's certificate which accompanied the application.
- (d) A report and diagnosis setting forth the opinion of the superintendent concerning the mental condition of the patient.

6024. The documents specified in Section 6023 shall, upon being filed in court, have the force and effect of a verified petition and of a demand for court hearing under the provisions of Article 2 (commencing with Section 5550) of Chapter 1 of this division, and proceedings thereon shall be had as provided in that article. In such proceedings, however, the court may dispense with the observation period provided for therein, and may accept the report and diagnosis of the superintendent and medical staff of the state hospital in lieu of the appointment, certificates, and testimony of medical examiners. In addition to the notices of time and place of the hearing given to the person or his representative and a relative or friend pursuant to Section 5560, the clerk of the court shall give notice of the time and place of the hearing to the superintendent of the hospital in which the person is confined, by registered mail or otherwise.

Pending the hearing, the person shall be detained in the state hospital to which he was admitted. The superintendent shall cause the person to be delivered by employees of the hospital to the court for the hearing.

If, after hearing, the court commits the person to the Department of Mental Hygiene for placement in a state hospital,

the person shall be delivered by state hospital employees to the hospital designated by the court.

6025. At any time after such person has been admitted to a state hospital the superintendent may discharge him, or may release him on leave of absence with the patient's written consent, whenever the patient is no longer in need of observation, care or treatment in the hospital. Except as expressly otherwise provided in this article, a person admitted under this article shall be entitled to the same rights and care, shall be subject to the same rules and regulations of the hospital, and the liability for his support shall be the same, as if such person had been duly committed by a court of competent jurisdiction.

6026. At the expiration of ninety (90) days following a person's admission under this article, the superintendent shall discharge him from the hospital if the person has not previously been discharged or released, unless the patient is mentally ill and in need of further hospital care and treatment in the opinion of the superintendent. In such event he shall forthwith give written notice of such opinion and of the proceedings to follow to the patient, to the person who made the application for admission, and to the known spouse, parents or children of the patient residing in this state, and shall retain the patient in the hospital for not more than fifteen (15) additional days. If no relative, friend or other person takes steps in behalf of the patient within the fifteen (15) days, either to care for the person on leave of absence with the person's written consent, or to have him otherwise admitted to a suitable hospital in accordance with law, the superintendent shall file in the superior court of the county from which the application was made the documents specified in Section 6023. Thereafter the proceedings in court and pending the court hearing shall be in accordance with the provision of Section 6024.

A person who is released under this article on leave of absence from a state hospital shall not be returned to the hospital without his consent. If such person becomes in need of further hospital care or treatment steps may be taken in his behalf to have him otherwise admitted to a suitable hospital in accordance with law.

6027. The Department of Mental Hygiene shall prescribe and publish instructions, forms of application, physician's certificates, notices and other documents necessary for the proper execution of this article, and may furnish them to the health and welfare officers of the several cities and counties of the state, and to any organization, institution, physician or person requiring them. The Director of Mental Hygiene shall require reports from the state hospital superintendents concerning persons admitted under this article at such times and in such form as he deems advisable.

6028. Nothing in this article limits the right of any person admitted to a state hospital pursuant to this article to a writ of habeas corpus upon a proper application made at any time by such person or a relative or friend on his behalf.

Article 3. Private Institutions

6030. No person, except one who voluntarily desires and seeks admission as a patient, shall be admitted or taken by any person to a private psychopathic institution, hospital, sanitarium, department, or ward for the care or treatment of persons who are mentally ill or deranged, without a written statement from at least one licensed physician, who has no financial interest in nor membership on the paid regular or consultant staff of such private psychopathic institution, hospital, sanitarium, department, or ward, that he has made a mental examination of the patient and that the patient should be admitted to such place for care or treatment.

6031. At any time after the admission of a patient to a private institution, hospital, or sanitarium pursuant to the provisions of Section 6030 of this code, the patient, or any relative or friend in his behalf, may file with the person in charge of the institution, hospital, or sanitarium in which the patient is confined, a written request for a court hearing to determine whether or not the person is mentally ill and in need of supervision, care or treatment in such institution, hospital, or sanitarium, and proceedings thereon shall be had as provided in Article 1 of Chapter 3 of this part.

6032. No person shall be admitted to such private institution, hospital, or sanitarium pursuant to Section 6030 of this code unless the physician's statement is in certificate form and is presented within three days of the physician's mental examination, and no person so admitted shall be detained or permitted to remain in such institution, hospital, or sanitarium for a period longer than 90 days, unless during such period he has filed a request to remain in such institution, hospital, or sanitarium as a voluntary patient, or unless during such period a petition has been presented to the superior court under the provisions of Article 2, Chapter 1 of Part 1.5 of Division 6 of this code and an order issued requiring such person to be detained in such institution, hospital, or sanitarium, or unless proceedings are pending under Section 6031 of this code to determine whether or not the patient is mentally ill and the patient has been ordered detained in such institution, hospital, or sanitarium pending the outcome of such hearing, or unless prior to the end of such period such private institution, hospital, or sanitarium has received a written application from a friend or relative of such person to retain such person therein for further care or treatment accompanied by two certificates executed by two physicians as required under Section 6030 and this section.

6033. No physician who shall execute, in good faith, a certificate under this article, and no private institution, hospital, or sanitarium, or its agents, servants, or employees, which shall admit and detain such person, in good faith, upon the authority of such application, or applications, and certificate, or certificates, shall be liable in damages to such person,

or to his heirs, executors or administrators, for false imprisonment or otherwise; provided, however, that such physicians, institutions, hospitals, or sanitariums shall not be exempt from liability for negligence in the care or treatment of such persons.

CHAPTER 4. OTHER TYPES OF CONFINEMENT WITHOUT COURT ORDER

Article 1. Voluntary Admissions to State Hospitals

6050. Pursuant to rules and regulations established by the State Department of Mental Hygiene, the superintendent of a state hospital for the mentally ill or mentally deficient may receive and detain in such hospital, as a boarder and patient, any person who is a suitable person for care and treatment in such hospital, upon receipt of a written application for the admission of the person into the hospital for care and treatment made in accordance with the following requirements:

(a) In the case of an adult person, the application shall be made voluntarily by the person, at a time when he is in such condition of mind as to render him competent to make it.

(b) In the case of a minor person, the application shall be made by his parents, or by the parent, guardian, or other person entitled to his custody to any of such mental hospitals as may be designated by the Director of Mental Hygiene to admit minors on voluntary applications.

Any such person received and detained in a state hospital shall be deemed a voluntary patient.

Upon the admission of a voluntary patient to a state hospital, the superintendent shall immediately forward to the office of the State Department of Mental Hygiene the record of such voluntary patient, showing the name, residence, age, sex, place of birth, occupation, civil condition, date of admission of such patient to such hospital, and such other information as is required by the rules and regulations of the department.

The charges for the care and keeping of a mentally ill person in a state hospital shall be governed by the provisions of Article 5 (commencing with Section 6650) of Chapter 1 of Part 4 relating to the charges for the care and keeping of mentally ill persons in state hospitals. The county where a mentally deficient person resided at the time of admission, as determined by the Department of Mental Hygiene, shall pay the cost to the state of the care of such person as provided by Sections 7009 and 7010 of this code. The responsibility of the mentally deficient patient and his kindred for reimbursement to the county shall be governed by Articles 3 and 4 (commencing with Section 2576) of Chapter 2 of Division 4 of this code.

No adult person received into a state hospital under such voluntary application shall be detained therein for more than seven days, after having given notice, in writing, to the superintendent of his desire to leave such hospital unless, within

such period, a petition has been filed with the superior court for commitment of such person as a mentally ill person.

No minor person received into a state hospital as a voluntary patient shall be detained therein for more than seven days after notice is given, in writing, to the superintendent by the parents, or the parent, guardian, or other person entitled to the custody of the minor, of their desire to remove him from the hospital.

No person received into a state hospital as a voluntary patient during his minority shall be detained therein after he reaches the age of majority, but any such person, after attaining the age of majority, may apply for admission into the hospital for care and treatment in the manner prescribed in this section for applications by adult persons.

The department shall establish such rules and regulations as are necessary properly to carry out the provisions of this section.

No person shall be admitted to a state hospital for the mentally deficient under this article unless he meets the residence requirements set forth in Section 5591 of this code.

6051. Admissions to the Langley Porter Neuropsychiatric Institute or to the Neuropsychiatric Institute, U.C.L.A. Medical Center, may be on a voluntary basis after approval by the medical superintendent of the clinic or institute, as the case may be.

Article 2. Voluntary Admissions to Private Institutions

6060. The person in charge of any private institution, hospital, or sanitarium which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill or deranged may receive and detain therein as a voluntary patient any person suffering from mental illness or derangement who is a suitable person for care and treatment in the institution, hospital, or sanitarium, who voluntarily makes a written application to the person in charge for admission into the institution, hospital or sanitarium, and who is at the time of making the application mentally competent to make the application.

After the admission of a voluntary patient to a private institution, hospital, or sanitarium the person in charge shall forward to the office of the State Department of Mental Hygiene a record of the voluntary patient showing such information as may be required by rule by the department.

No voluntary patient in a private institution, hospital, or sanitarium shall be detained therein for more than seven days, after having given notice, in writing, to the person in charge of the institution, hospital, or sanitarium of his desire to leave the institution, hospital, or sanitarium, unless within such period a petition has been filed with the superior court for commitment of such person as a mentally ill person.

Article 3. Voluntary Admissions to County Psychopathic Hospitals

6070. As used in this article, "county psychopathic hospital" means the hospital, ward, or facility provided by the county pursuant to the provisions of Section 6300.

6071. The superintendent or person in charge of the county psychopathic hospital may receive, care for, or treat in the hospital any person who voluntarily makes a written application to the superintendent or person in charge thereof for admission into the hospital for care, treatment, or observation, and who is a suitable person for care, treatment, or observation, and who in the case of an adult person is in such condition of mind, at the time of making application for admission, as to render him competent to make such application. In the case of a minor person, the application shall be made by his parents, or by the parent, guardian, or other person entitled to his custody.

6072. No adult person received into the county psychopathic hospital under the provisions of Section 6071 of this code shall be detained therein for more than seven days, after having given notice, in writing, to the superintendent or person in charge, of his desire to leave such hospital.

No minor person received into the county psychopathic hospital under the provisions of Section 6071 of this code shall be detained therein for more than seven days, after notice is given, in writing, to the superintendent or person in charge of the hospital by the parents, or the parent, guardian or other person entitled to the custody of the minor, of their desire to remove the minor from the hospital unless, within such period, a petition has been filed with the superior court for commitment of such person as a mentally ill person.

Article 4. Transfers From Other Jurisdictions

6075. The Department of Mental Hygiene may give written permission for the return of any resident of this state confined in a public institution in another state, corresponding to any state hospital for the mentally ill or to any state home for the mentally deficient of this state. When a resident is returned to this state pursuant to this section, he may be delivered to any institution of the department as designated by the Director of Mental Hygiene. Such person shall be admitted by the superintendent of the institution for care and treatment for a period not exceeding seven days during which time the person shall be released at the earliest possible time or committed in accordance with law.

6076. The Department of Mental Hygiene may admit to any state hospital for the mentally ill, if there is room therein, any mentally ill soldier or sailor in the service of the United States on such terms as are agreed upon between the department and the properly authorized agents, officers, or representatives of the United States government.

SEC. 6. Section 5699 of said code is amended and renumbered to read:

6200. As used in this part, "establishment" and "institution" include every hospital, sanitarium, home, or other place receiving or caring for any mentally ill or other incompetent person referred to in this division.

SEC. 7. Section 5700 of said code is amended and renumbered to read:

6201. No person, association, or corporation, shall establish or keep, for compensation or hire, an establishment for the care, custody, or treatment of the mentally ill or other incompetent persons referred to in this division without first having obtained a license therefor from the Department of Mental Hygiene, and having paid the license fee provided in this chapter.

Any person who carries on, conducts, or attempts to carry on or conduct an establishment for the care or treatment of the mentally ill or incompetents without first having obtained a license from the Department of Mental Hygiene, as in this chapter provided, is guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in a county jail not exceeding six months or by a fine not exceeding one thousand dollars (\$1,000), or by both such fine and imprisonment. The managing and executive officers of any corporation violating the provisions of this section shall be liable under the provisions of this section in the same manner and to the same effect as a private individual violating the same.

The provisions of this chapter do not apply to any hospital which maintains and operates organized medical or surgical facilities primarily for the diagnosis, care, and treatment of physical human illness, including convalescence, and including care during and after pregnancy, and to which persons may be admitted for overnight stay or longer, and holds a license in good standing issued under the provisions of Chapter 2 of Division 2 of the Health and Safety Code.

SEC. 8. Section 5700.5 of said code is amended and renumbered to read:

6202. The district attorney of every county shall, upon application by the State Department of Mental Hygiene or its authorized representatives, institute and conduct the prosecution of any action brought for the violation within his county of any of the provisions of this chapter.

SEC. 9. Section 5701 of said code is amended and renumbered to read:

6203. Every application for a license shall be accompanied by a plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of grounds appurtenant thereto, and the number of patients proposed to be received therein, with such other information, and in such form, as the department requires. The department shall adopt such rules and regulations as are necessary to properly enforce and apply the provisions of this code

relating to licensed private mental institutions, and may classify the establishments and prescribe minimum standards of safety, sanitation, diagnostic, medical, nursing, therapeutic and other facilities and equipment for each class of establishment.

The application shall be accompanied by the proper license fee. The amount of the license fee for each fiscal year is that fixed by the following schedule:

(a) For establishments licensed to receive not more than ten (10) patients, the fee is twenty dollars (\$20).

(b) For establishments licensed to receive more than ten (10) but not more than thirty (30) patients, the fee is forty dollars (\$40).

(c) For establishments licensed to receive more than thirty (30) but not more than fifty (50) patients, the fee is seventy-five dollars (\$75).

(d) For establishments licensed to receive more than fifty (50) patients, the fee is one hundred dollars (\$100).

In case of the issuance of a license on or after the first day of January next succeeding the beginning of the fiscal year, the license fee for the remainder of the fiscal year is one-half the sum fixed for the entire fiscal year. The department shall require a license fee, in situations where licensed establishments increase their number of patients during any fiscal year, based upon a pro rata charge under the schedule set forth herein.

An additional fee shall be required in accordance with the schedule set forth herein in the event of an application for transfer of a license to another person to operate the same establishment or for the transfer of a license issued in the name of one person to operate an establishment at a certain location where an application is received to transfer that license to the same person to operate an establishment at a different location.

SEC. 10. Section 5701.3 of said code is amended and re-numbered to read:

6204. The provisions of this chapter do not apply to private homes certified for family care of patients on leave of absence from state hospitals or state homes. The department may dispense with any requirements of this chapter in an establishment licensed to receive not more than three (3) patients. Licenses may be issued without payment of a fee to establishments which do not have the capacity to receive or care for more than six mentally ill or other incompetent persons, which establishments are classified as family homes in the regulations of the department.

SEC. 11. Section 5701.4 of said code is amended and re-numbered to read:

6205. The provisions of this chapter do not apply to any private institution conducted by and for persons who adhere to the faith of any well recognized church or religious denomination for the purpose of providing facilities for the care or

treatment of the sick who rely upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

SEC. 12. Section 5702 of said code is amended and renumbered to read:

6206. The department shall not grant any such license until it has made an examination of the premises proposed to be licensed, and is satisfied that they are substantially as described, and are otherwise fit and suitable for the purposes for which they are designed to be used, and that such license should be granted.

SEC. 13. Section 5703 of said code is amended and renumbered to read:

6207. The department may at any time examine and ascertain how far a licensed establishment is conducted in compliance with the license therefor. If the interests of the inmates of the establishment so demand, the department may, for just and reasonable cause, suspend or revoke any such license. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

SEC. 14. Section 5704 of said code is amended and renumbered to read:

6208. All licenses issued under the provisions of this chapter shall expire on the first day of July next succeeding the date of issue. Application for renewal of the license, accompanied by the necessary fee, shall be filed with the department annually, not less than 10 days prior to its expiration and if application is not so filed, the license shall be automatically canceled.

SEC. 15. Section 5705 of said code is amended and renumbered to read:

6209. The department may at any time cause any hospital, establishment or home caring for or treating mentally ill or incompetent persons to be visited and examined.

SEC. 16. Section 5706 of said code is amended and renumbered to read:

6210. Each such visit may include an inspection of every part of each establishment, and all the outhouses, places, buildings and grounds used in connection therewith. The representatives of the department may make an examination of all records, methods of administration, the general and special dietary, the stores and methods of supply, and may cause an examination and diagnosis to be made of any person confined therein.

The patients who require it shall be given suitable opportunity to converse with the representatives of the department, apart from the officers and attendants.

The representatives of the department may examine the officers, attendants, and other employees, and make such inquiries as will determine their fitness for their respective duties.

SEC. 17. Section 5707 of said code is amended and renumbered to read:

6211. The representatives of the department may, from time to time, at times and places designated by the Department, meet the managers or responsible authorities of such establishments in conference, and consider in detail all questions of management and improvement of the establishments, and may send to them from time to time, written recommendations in regard thereto.

SEC. 18. Section 5708 of said code is amended and renumbered to read.

6212. The authorities of each establishment for mentally ill persons or other incompetents shall place on file in the office of the establishment the recommendations made by the department as a result of such visits, for the purpose of consultation by such authorities, and for reference by the departmental representatives upon their visits.

Every private institution, hospital, sanitarium, or establishment licensed by the department for the care and treatment of mentally ill or other incompetent persons referred to in this division shall keep records of every person admitted thereto, in the manner and form prescribed by rule and regulation of the department, and shall furnish all or any portion of such records to the department when required.

SEC. 19. Section 5709 of said code is amended and renumbered to read:

6213. The provisions of this part shall not prevent local authorities of any county, city or city and county, within the reasonable exercise of the police power, from adopting rules and regulations, by ordinance or resolution, prescribing standards of sanitation, health and hygiene for private institutions for the care, custody or treatment of mentally ill or other incompetent persons, not in conflict with the provisions of this part, and requiring a certificate by the local health officer, that the local health, sanitation and hygiene laws have been complied with before maintaining or conducting any such institution within such county, city or city and county.

SEC. 20. Section 5750 of said code is repealed.

SEC. 21. Section 5750.1 of said code is repealed.

SEC. 22. Section 5750.2 of said code is repealed.

SEC. 23. Section 5750 3 of said code is repealed.

SEC. 24. Section 5750 5 of said code is repealed.

SEC. 25. Section 5751 of said code is amended and renumbered to read:

6250. No person in a private institution, hospital, sanitarium, department, or ward for the care or treatment of the mentally ill shall be restrained from sending written communications of the fact of his detention in such institution to a friend, relative, or other person. The physician in charge of such person and the person in charge of such hospital shall send each such communication to the person to whom it is

addressed. If, however, the physician in charge finds it inadvisable to send any such communication because it contains other matter which would do harm to the reputation of, and would later cause mental anguish to, the person detained, or if the physician finds it impossible to send any such communication within 24 hours, then both the physician in charge of the patient and the person in charge of the institution shall give notice of the detention of such patient to the district attorney of the county from which the patient came at time of admission and the district attorney of the county in which the institution is located, and to the Department of Mental Hygiene, giving the name and address of the patient and the names and addresses of the person or persons who arranged for his admission. Such district attorney or district attorneys shall investigate the detention of such patient and advise the patient concerning his legal rights and shall report in full concerning such patient to the Department of Mental Hygiene. The person in charge of the institution may detain a patient only when there has been compliance with the provisions of this section.

SEC. 26. Section 5752 of said code is amended and renumbered to read:

6251. No court proceedings shall be had in relation to the mental condition of a patient in a private institution, hospital, sanitarium, department or ward for the care or treatment of the mentally ill unless the patient is either present or represented by an attorney. The judge of the superior court before whom the proceedings are to be heard shall appoint two licensed medical examiners who are not connected with any private psychopathic institution to make a personal examination of the patient and to testify before the judge as to the results of such examination. The provisions of this section shall not be applicable to proceedings for the appointment of a guardian under the Probate Code of this state.

SEC. 27. Section 5753 of said code is amended and renumbered to read:

6252. Upon proof of the violation of any provision of Part 2 of Division 6 of this code, the license to any person to operate such private institution, hospital, establishment, home, or sanitarium may be suspended or revoked by the Department of Institutions. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the department shall have all the powers granted therein.

SEC. 28. Section 5754 of said code is amended and renumbered to read:

6253. The Director of Mental Hygiene may bring an action to enjoin the threatened violation, or continued violation of the provisions of this part, including the operation of an establishment or institution without a license, or of any of the regulations promulgated under this part, in the superior court located in the county in which the violation occurred or is

about to occur. Any proceeding under the provisions of this section shall conform to the requirements of Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure, except that the director shall not be required to allege facts necessary to show or tending to show the lack of an adequate remedy at law or to show or tending to show irreparable damage or loss.

At least 30 days prior to the filing of a complaint against a licensee, the director shall serve the licensee with a written notice specifying each deficiency in the licensed establishment or institution, and of the violation or continued violation by such establishment or institution of this part or any of the regulations promulgated under this part. No restraining order or injunction, either temporary or permanent, shall be granted by the court which would cause a licensed establishment or institution to cease operations or which would seriously impede the continued operation of the establishment or institution, unless the operator thereof has been accorded a prior judicial hearing with respect to whether or not such restraining order or injunction shall issue.

SEC. 29. Section 6000 of said code is amended and renumbered to read:

6300. The board of supervisors of each county may maintain in the county hospital or in any other hospital situated within or without the county, suitable facilities and hospital service for the detention, supervision, care, and treatment of persons who are mentally ill, mentally disordered, mentally deficient or retarded, or who are alleged to be such.

The county may contract with public or private hospitals for such facilities and hospital service when they are not suitably available in any institution or establishment maintained or operated by the county.

The facilities and services shall be subject to the approval of the State Department of Mental Hygiene, and each person having charge and control of any such hospital shall allow the department to make such investigations thereof as it deems necessary at any time.

Nothing in this chapter means that mentally ill, mentally disordered, mentally deficient or retarded persons may not be detained, supervised, cared for, or treated, subject to the right of inquiry or investigation by the department, in their own homes, or the homes of their relatives or friends, or in a licensed establishment.

SEC. 30. Section 6001 of said code is amended and renumbered to read:

6301. As used in this chapter "county psychopathic hospital" means the hospital, ward, or facility provided by the county pursuant to the provisions of Section 6300.

SEC. 31. Section 6002 of said code is amended and renumbered to read:

6302. The superintendent or person in charge of the county psychopathic hospital may receive, detain, supervise,

care for or treat in the hospital any person who comes within any of the following descriptions:

(a) Who has been placed therein pursuant to a court order or court commitment under the provisions of this code or the Penal Code.

(b) Who has been placed therein pursuant to the provisions of Section 5880 of this code.

(c) Who voluntarily makes a written application as provided in Article 2 (commencing with Section 6060) of Chapter 4 of Part 1.5 of this division.

SEC. 32. Section 6002.5 of said code is amended and re-numbered to read:

6303. Any adult person detained in such hospital, who is in such condition of mind as to render him competent to make such application shall at his request be exempt from medical or psychopathic treatment, upon filing with the superintendent a statement that he depends upon prayer or spiritual means for healing in the practice of the religion of a well-recognized religious church, sect, denomination, or organization. In case of an adult not found to be in such condition of mind, a similar statement may be filed on his behalf by another and thereupon similar exemption shall be granted. Any minor detained in such hospital shall be exempt from medical or psychopathic treatment, if his parent or guardian shall file with said superintendent an affidavit stating that he relies upon prayer or spiritual means for healing in the practice of the religion of a well-recognized religious church, sect, denomination, or organization.

SEC. 33. Section 6003 of said code is repealed.

SEC. 34. Section 6003.1 of said code is amended and re-numbered to read:

6304. A superintendent or person in charge of the county psychopathic hospital may discharge any patient who is not a proper case for treatment therein, or whose discharge, in the judgment of the superintendent or person in charge, will not be detrimental to the public welfare or injurious to the patient.

SEC. 35. Section 6003.2 of said code is amended and re-numbered to read:

6305. The superior court of the county shall review the cases of all persons held under court commitment in a county psychopathic hospital for a period of six months and shall re-review such cases at six months intervals thereafter. Section 5100.5 of this code shall be applicable to such review.

SEC. 36. Section 6004 of said code is amended and re-numbered to read:

6306. In case such mental patient or the person legally liable for his maintenance is or becomes the owner of property, real, personal, or mixed, the county furnishing such care, treatment, or observation, shall be reimbursed therefrom for its charges. The board of supervisors of the county shall fix and determine a schedule of charges for the care, treatment,

or observation of such mental patients, and reimbursement to the county shall be made upon the basis of the charges so fixed.

SEC. 37. Section 6005 of said code is amended and re-numbered to read:

6307. Any superintendent or person in charge of the county psychopathic hospital, and any public officer, public employee, or public physician who either admits, causes to be admitted, delivers, or assists in delivering, detains, cares for, or treats, or assists in detaining, caring for or treating, any person pursuant to this chapter shall not be rendered criminally liable thereby.

SEC. 38. Article 3.4 (commencing with Section 6605) of Chapter 1 of Part 4 of Division 6 of said code is repealed.

SEC. 39. Article 3.5 (commencing with Section 6610) of Chapter 1 of Part 4 of Division 6 of said code is repealed.

SEC. 39.5. The provisions of Section 9605 of the Government Code shall not apply to this act.

In the event any provision of the Welfare and Institutions Code enacted by the Legislature at the 1965 Regular Session which is amended or repealed by any of the preceding sections of this act, is also affected by any other enactment of the Legislature at the 1965 Regular Session, the conflicting section of this act shall not be operative.

SEC. 40. 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 proposes an extensive nonsubstantive revision of the provisions of the Welfare and Institutions Code relating to the mentally ill, and affects a great many sections of the code. In order that other bills affecting these sections can be directed to the code as revised, thereby eliminating the necessity of amending both the old code sections and the proposed new sections, it is essential that this act go into effect immediately.

CHAPTER 392

An act to amend Section 5556 of, and to add Section 5721 to, the Education Code, relating to school districts.

[Approved by Governor May 25, 1965 Filed with
Secretary of State May 25, 1965]

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

SECTION 1. Section 5556 of the Education Code is amended to read:

5556. The governing board of any district offering a nursing program, or related program in the healing arts, either in regular graded classes or in classes for adults, may maintain

classes in such a program at hospitals located within or without the district for the purpose of providing the hospital training for students in such classes.

SEC. 2 Section 5721 is added to said code, to read:

5721. The governing board of any district offering a nursing program, or related program in the healing arts, either in regular graded classes or in classes for adults, may maintain classes in such a program at hospitals located within or without the district for the purpose of providing the hospital training for students in such classes.

SEC. 3. Section 2 of this act shall take effect only if Senate Bill No. 740 of the 1965 Regular Session is enacted into law. In such case Section 5556 of the Education Code as amended by Section 1 of this act is repealed, and Section 5721 as added to the Education Code by Section 2 of this act shall supersede Section 5721 as added by the said Senate Bill No. 740.

CHAPTER 393

An act to amend Sections 554 and 658 of the Welfare and Institutions Code, relating to juvenile courts.

[Approved by Governor May 25, 1965. Filed with
Secretary of State May 25, 1965.]

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

SECTION 1. Section 554 of the Welfare and Institutions Code is amended to read:

554. A referee shall hear such cases as are assigned to him by the presiding judge of the juvenile court, with the same powers as a judge of the juvenile court. A referee shall promptly furnish to the presiding judge of the juvenile court and the minor, if the minor is 14 or more years of age or if younger has so requested, and shall serve upon the minor's attorney of record and the minor's parent or guardian or adult relative a written copy of his findings and order and shall also furnish to the minor, if the minor is 14 or more years of age or if younger has so requested, and to the parent or guardian or adult relative, with the findings and order, a written explanation of the right of such persons to seek review of the order by the juvenile court. Service, as provided in this section, shall be by mail to the last known address of such persons or to the address designated by such persons appearing at the hearing before the referee.

SEC. 2 Section 658 of said code is amended to read:

658. Upon the filing of the petition, the clerk of the juvenile court shall issue a notice, to which shall be attached a copy of the petition, and he shall cause the same to be served upon the minor, if the minor is 14 or more years of age, and upon each of the persons described in subsection (e) of Section

656 whose residence addresses are set forth in said petition and thereafter before the hearing upon all such persons whose residence addresses become known to the clerk.

CHAPTER 394

An act to add Section 55335.5 to, and to amend Sections 55200, 55650, and 55675 of, the Water Code, relating to county waterworks districts.

[Approved by Governor May 25, 1965. Filed with
Secretary of State May 25, 1965.]

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

SECTION 1. Section 55335.5 is added to the Water Code, to read:

55335.5. A district may construct, maintain, and operate sewage collection and treatment facilities and dispose of the effluent therefrom in any lawful manner and also do all things necessary or proper to accomplish such powers.

SEC. 2. Section 55200 of said code is amended to read:

55200. A separate petition for the formation of a zone or zones within a proposed district for any of the purposes specified in Section 55650 may be presented to the board of supervisors at the same time and in conjunction with a formation petition.

SEC. 3. Section 55650 of said code is amended to read:

55650. Zones may be established within a district for any of the following purposes:

(a) Incurring a bonded indebtedness within the zone sufficient to pay the cost of constructing a water system and any other necessary improvements incidental thereto for the purpose of supplying the inhabitants of the zone with water, where the water system and the improvements, in the judgment of the board, will not be of district-wide benefit, and levying a special tax within the zone for the payment of the principal and interest on the bonds.

(b) Fixing and collecting special rates or charges for the use and supply of water furnished by the system of the district within the zone, and applying the receipts from the special rates or charges to the expense of constructing a water system, replacing a water system, acquiring an existing water system, or extending or enlarging the mains of an existing water system, where, in the judgment of the board, the improvement will not be of district-wide benefit.

(c) Incurring a bonded indebtedness and levying a special tax within the zone for payment of the principal and interest on the bonds or fixing and collecting special rates or charges to finance the construction, maintenance, and operation of

sewage collection and treatment facilities and disposal of effluent therefrom, where, in the judgment of the board, the improvement will not be of district-wide benefit.

SEC. 4. Section 55675 of said code is amended to read:

55675. The proposition submitted shall be in accordance with the petition and shall be either:

(a) "Shall the proposed zone described in the resolution of the board of ----- adopted on the ----- day of -----, 19--, be established within County Waterworks District No. ---, and shall the zone incur a bonded indebtedness in the sum of ----- dollars (\$-----) for the purpose of (stating the purpose for which the amount so raised is to be used) ?" or

(b) "Shall the proposed zone described in the resolution of the board of ----- adopted on the --- day of -----, 19--, be established within County Waterworks District No. ---, and shall special rates or charges for (the use and supply of water or sewage facilities, as the case may be), not to exceed -----, be fixed and collected in the zone for the period of time not to exceed -----, to pay the cost and expense of (describing generally the proposed improvement) ?"

CHAPTER 395

An act to amend Sections 826 and 827 of the Insurance Code, and to amend Section 25100 of the Corporations Code, relating to securities of insurers.

[Approved by Governor May 25, 1965. Filed with
Secretary of State May 25, 1965]

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

SECTION 1. Section 826 of the Insurance Code is amended to read:

826. "Insurer" for the purposes of this article includes every organization organized for the purpose of assuming the risk of loss under contracts of insurance or reinsurance, and also includes any of the following organizations:

- (a) An admitted insurer,
- (b) A nonadmitted domestic insurer,
- (c) A nonadmitted foreign insurer,
- (d) A nonadmitted alien insurer,
- (e) An underwritten title company, or an organization organized for the purpose of doing an underwritten title business, whether licensed or not,
- (f) An attorney in fact of a reciprocal or interinsurance exchange, whether it be admitted or not, or an organization organized for the purpose of acting as the attorney in fact of a reciprocal, or interinsurance exchange, whether the same be admitted or not, and

(g) An organization organized for the purpose, but not necessarily the sole purpose, of acting as the exclusive manager of any organization, formed or to be formed, as a domestic insurer;

But shall not include, unless specified in subdivisions (a) through (g), inclusive, an organization, which though required to obtain a certificate or license from the commissioner, is organized or to be organized primarily for purposes other than assuming the risk of loss under contracts or agreements of insurance.

The amendments of this section by the Legislature at the 1965 Regular Session, except as they relate to underwritten title companies, attorneys in fact, and exclusive managers, shall be construed as a restatement and continuation of the law existing prior to such amendment. Every permit issued by the commissioner or the Commissioner of Corporations to an insurer as defined in this section prior to its amendment by the Legislature at 1965 Regular Session shall be valid and effective for all purposes stated therein, from the date of its issuance until the date of expiration stated therein.

SEC. 2. Section 827 of said code is amended to read:

827. An insurer shall not sell in this state, except upon a sale for delinquent assessment made in accordance with the provisions of Chapter 3 (commencing with Section 2700) of Part 5 of Division 1 of Title 1 of the Corporations Code, or offer for sale, negotiate for the sale of, or take subscriptions for any security of its own issue until it shall have first applied for and secured from the commissioner a permit authorizing it so to do.

SEC. 3. Section 25100 of the Corporations Code is amended to read:

25100. Except as otherwise expressly provided in this division, the Corporate Securities Law does not apply to any of the following classes of securities:

(a) Any security issued or guaranteed by the United States of America, or any territory or insular possession thereof, or by the District of Columbia, or by any state, territory, county, municipality, community redevelopment agency, or taxing district therein.

(b) Any security issued or guaranteed by any foreign government with which the United States of America is, at the time of the sale or offer of sale thereof maintaining diplomatic relations, or by any state, province, or political subdivision thereof having the power of taxation or assessment, which security is recognized, at the time it is offered or sold in this state, as a valid obligation by the foreign government or by the state, province, or political subdivision thereof issuing it.

(c) Any security issued by and representing an interest in or a direct obligation of a national bank, or issued by any federal land bank or joint land bank, or a national farm loan association, under the provisions of the Federal Farm Loan Act of July 17, 1916, or any amendment thereof or thereto,

or by any company created and acting as an instrumentality of the government of the United States of America pursuant to the authority granted by the Congress of the United States of America, or by any company organized and existing under and by virtue of any act of Congress

(d) Any security issued by and representing an interest in or a direct obligation of a state bank, trust company, or savings institution incorporated under the laws of this state.

(e) Any security the issuance of which has been authorized by the Public Utilities Commission of this state or by the Interstate Commerce Commission or by the Federal Power Commission.

(f) Any stock (as defined in the Savings and Loan Association Law), issued by a company organized for the purpose of conducting a savings and loan association within this state, the issuance of which has been authorized by the Savings and Loan Commissioner.

(g) Any shares, investment certificates, or borrowers' membership certificates (as defined in the Savings and Loan Association Law) issued by a savings and loan association holding a license then in force issued by the Savings and Loan Commissioner.

(h) Any security issued by an organization defined as an insurer in Section 826 of the Insurance Code for the purposes of Article 8 (commencing with Section 820) of Chapter 1 of Part 2 of Division 1 of the Insurance Code.

(i) Any security which has been certified as a legal investment for savings banks under the laws of this state.

(j) Any certificate of deposit for any security which has been approved by the California District Securities Commission for certification as a legal investment for savings banks and trust companies under the laws of this state.

(k) Any security issued under or pursuant to a plan of reorganization which, pursuant to any of the provisions of the act of Congress entitled "An Act to Establish a Uniform System of Bankruptcy Throughout the United States" approved June 1, 1898, and acts amendatory thereof and supplementary thereto, has been confirmed by the decree or order of a court of competent jurisdiction.

(l) Any partnership interest in a general partnership, or in a limited partnership where certificates are executed, filed, and recorded as provided by Sections 15502 and 15525 of the Corporations Code of the State of California, except partnership interests when offered to the public.

(m) Any bona fide joint adventure interest, except such interests when offered to the public.

(n) Any certificate of interest or participation in an oil or gas title or lease (including subsurface gas storage and payments out of production) if each person who is a party to the transaction involving such certificate:

(1) Is and has been during the preceding two years engaged primarily in the business of drilling for, producing or refining

oil or gas (or whose corporate predecessor, in the case of a corporation, has been so engaged), or

(2) Is or has been found by the commissioner upon written application to have been during the preceding two years, either directly or through a predecessor, substantially engaged in the business of drilling for, producing or refining oil or gas so as to not require the protection provided by the issuance of a permit.

In the event any security is issued which would have required a permit but for the provisions of this subsection (n) any such security or any interest therein may not thereafter be offered or sold until a permit shall be first obtained with respect to any such security (and subject to such terms and conditions as may therein be imposed by the commissioner) unless each person who is a party to any such subsequent transaction meets the requirements of this subsection (n).

CHAPTER 396

An act to amend Sections 7483 and 7485 of the Revenue and Taxation Code, relating to motor vehicle fuel licenses.

[Approved by Governor May 25, 1965. Filed with
Secretary of State May 25, 1965.]

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

SECTION 1. Section 7483 of the Revenue and Taxation Code is amended to read:

7483. Before January 1st of each year, each producer or broker shall make application for renewal of his license for the next succeeding calendar year. The application shall be accompanied by the license fee as provided in Section 7481.

SEC. 2. Section 7485 of said code is amended to read:

7485. If any person becomes a producer or broker without first securing a producer's or broker's license or fails to make application for renewal of the license and pay the fee specified prior to January 1st of each year, as provided in Section 7483 and continues to engage in business as a producer or broker after the expiration of the license, a penalty of 25 percent of the fee shall be added thereto on account of the delinquency.

CHAPTER 397

An act to add Section 94 to Chapter 25 of the Statutes of 1907, relating to protection districts.

[Approved by Governor May 25, 1965 Filed with
Secretary of State May 25, 1965.]

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

SECTION 1. Section 94 is added to Chapter 25 of the Statutes of 1907, to read:

Sec. 94. No additional districts shall be created or organized under this act after the effective date of this section.

CHAPTER 398

An act to amend Section 985 of the Military and Veterans Code, relating to veteran home loans.

[Approved by Governor May 28, 1965 Filed with
Secretary of State May 28, 1965.]

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

SECTION 1. Section 985 of the Military and Veterans Code is amended to read:

985. Definitions.

(a) "Board" and "department" means the Department of Veterans Affairs.

(b) "Farm" means a tract of land, which, in the opinion of the board, is capable of producing sufficient to provide a living for the purchaser and his dependents.

(c) "Home" means a parcel of real estate upon which there is a dwelling house and such other buildings as will, in the opinion of the board, suit the needs of the purchaser and his dependents as a place of abode. It includes a "condominium," as defined in subdivision (j) of this section.

(d) "Purchaser" means a veteran or any person who has entered into a contract of purchase of a farm or home from the board.

(e) "Purchase price" means the price which the board pays for any farm or home.

(f) "Selling price" means the price which the board pays for any farm or home.

(g) "Initial payment" means the first payment to be made by a purchaser to the board for a farm or home.

(h) As used in this article, "veteran" includes, in addition to the persons described in Section 980, all members of the armed services who were residents of California under the provisions of Section 980.

(i) As used in this article, "progress payment plan" means payment by the department for improvements on real property in installments as work progresses.

(j) As used in this article, "condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential building on such real property, such as an apartment, which, in the opinion of the board, suits the needs of the purchaser and his dependents as a place of abode. A condominium may include in addition a separate interest in other portions of such real property.

CHAPTER 399

An act to amend Section 1170 of the Harbors and Navigation Code, relating to bar pilotage rates.

[Approved by Governor May 28, 1965. Filed with
Secretary of State May 28, 1965.]

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

SECTION 1. Section 1170 of the Harbors and Navigation Code is amended to read:

1170. Every vessel spoken inward or outward bound, shall pay the following rate of bar pilotage through the Golden Gate and into or out of the Bays of San Francisco, San Pablo and Suisun:

Seven dollars (\$7) per draft foot of the vessel's deepest draft and fractions of a foot pro rata. The vessel's deepest draft shall be the maximum draft attained, on a stillwater basis, at any part of the vessel during the course of such transit inward or outward.

SEC. 2. The Legislature in adopting this act at the 1965 session does so in concurrence with the recommendation of the Pilotage Rate Committee for San Francisco, San Pablo, and Suisun Bays constituted by Article 3 (commencing with Section 1200) of Chapter 2 of Division 5 of the Harbors and Navigation Code. The findings and recommendations of that committee were filed with the Legislature at the 1965 session and proposed the increase provided in the amendment of Section 1170 with the further provision that the Pilotage Rate Committee "... agrees that 30 percent of the increase of 50 cents per draft foot, or 15 cents per draft foot, should be set aside (over and above the amounts being presently set aside) for deposit in the Boat Building and Replacement Fund. The committee also agrees that not less than another 30 percent of the increase of 50 cents per draft foot, or not less than 15 cents per draft foot, should be set aside (over and above the amounts being presently set aside) for establishment of an actuarially sound pension plan." The references are made to funds maintained by the San Francisco Bar Pilots, which is an affiliation

of the 25 Bar Pilots appointed and licensed by the State Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.

It is the intent of the Legislature in approving the recommendation of the Pilotage Rate Committee that that committee in pursuance of its continuing function should ascertain whether the recommendation for allocation to the funds specified above has been made in compliance with this recommendation and that report should be made thereon by the Pilotage Rate Committee as a part of the biennial report to the Legislature required under the provisions of Article 3 (commencing with Section 1200) of Chapter 2 of Division 5 of the Harbors and Navigation Code.

CHAPTER 400

An act to amend Section 19594 of the Education Code, relating to state school building aid.

[Approved by Governor May 28, 1965 Filed with
Secretary of State May 28, 1965]

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

SECTION 1. Section 19594 of the Education Code is amended to read:

19594 Whenever a conditional apportionment has, prior to the 91st day after the adjournment sine die of the 1965 Regular Session of the Legislature, been made to an applicant school district pursuant to this chapter and thereafter the county superintendent of schools of the county having jurisdiction over such district has certified to the board and the State Controller that at an election called, held and conducted in the district for that purpose, two-thirds of the qualified electors of the district voting thereat authorized the governing board of the applicant school district to accept, expend and repay an apportionment under the provisions of this chapter, and whenever thereafter said county superintendent of schools has certified to the board and the State Controller that the amount of bonds, if any, required by the board, as a condition to the apportionment becoming final, have been issued and sold and the proceeds thereof made available for the purposes of the application and the board has certified to the State Controller that the apportionment to the applicant school district has become final, such final apportionment is hereby confirmed, ratified, and validated, and any expenditure of money from the State School Building Aid Fund according to the terms of such final apportionment is hereby confirmed, ratified, and validated.

CHAPTER 401

An act to amend Section 19563 of the Education Code and to add Section 14656 to the Government Code, relating to the succession to powers and duties by the Department of General Services.

[Approved by Governor May 28, 1965. Filed with Secretary of State May 28, 1965.]

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

SECTION 1. Section 14656 is added to the Government Code, to read:

14656. The director and the Department of General Services succeed to and are vested with all of the duties, powers, purposes, responsibilities, and jurisdiction vested in the Director of Finance, the Department of Finance, or any division, unit, or office of the Department of Finance under the following statutes:

(a) Chapter 47 of the Statutes of 1944, Fourth Extraordinary Session.

(b) Chapter 20 of the Statutes of 1946, First Extraordinary Session.

(c) Chapter 29 of the Statutes of 1946, First Extraordinary Session.

(d) Chapter 46 of the Statutes of 1946, First Extraordinary Session.

SEC. 2. Section 19563 of the Education Code is amended to read:

19563. In making applications for, and in expending apportionments of funds under this chapter, a school district acts as an agent of the state and all sites purchased and improved, all equipment purchased, and all buildings constructed, reconstructed, altered, or added to through the expenditure of funds apportioned under this chapter, are declared to be, and are, the property of the state.

The Director of General Services shall file with the county recorder of the county in which any site purchased or improved through the expenditure of funds apportioned under this chapter is located a certificate, properly acknowledged, indicating the state's interest in real property of the district by virtue of this section, without the necessity of particularizing such real property. The recorder shall record and index the certificate in the same manner as abstracts of judgments and the certificate shall constitute constructive notice of the state's interest in the particular real property affected. Such certificate shall as to any party thereafter acquiring real property or any interest therein in the county from said school district have the same force, effect and priority as if it had been a judgment lien imposed upon real property which was not

exempt from execution. Such effect shall commence upon recordation and continue until the certificate is discharged or released as provided herein.

Upon request the Director of General Services shall (1) issue a release of the state's interest in any real property or a portion thereof that the district has been authorized by the board to dispose of under Section 19632, provided that delivery of such release may be subject to such conditions as may be prescribed by the board to protect the state's interest; (2) issue a disclaimer of the state's interest in any real property or a portion thereof of the district, the disposition of which the board is not required to consent to under the terms of Section 19632, provided that the delivery of such disclaimer may be subject to such conditions as the board deems appropriate to protect the interests of the state, including conditions relating to the amount of consideration to be received from such disposition where the board asserts an interest in the proceeds of such disposition under other provisions of this chapter. Such release or disclaimer shall conclusively protect any third party relying upon the same and shall be acknowledged to permit recordation by the county recorder.

Upon payment by the district of all amounts required to be paid by it or on its behalf to the state under this chapter (1) the Director of General Services shall file with the recorder a release of any such certificate which release shall be recorded and indexed in the same index as the aforesaid certificate; and (2) the title to personal property purchased by such school district with funds apportioned under this chapter shall revert thereto without further action by the state.

CHAPTER 402

*An act to add Section 53202.25 to the Government Code,
relating to group insurance for public employees.*

[Approved by Governor May 23, 1965. Filed with
Secretary of State May 28, 1965.]

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

SECTION 1. Section 53202.25 is added to the Government Code, to read:

53202.25. When in the possession of the local agency, applications, claims and all individual records of persons entitled to benefits from any policies or plans established pursuant to this article shall be confidential and shall not be disclosed to anyone except to the extent expressly authorized in such application, claims, policies or plans or insofar as it may be necessary for the administration of this article, the policy or plan, or other policies or plans affecting a person covered under the policy or plan, or upon order of a court of competent jurisdiction.

CHAPTER 403

An act to amend Sections 17, 18 and 30 of, to add Section 31 to, and to repeal Section 29 of, the American River Flood Control District Act (Chapter 808, Statutes 1927), relating to flood control, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 28, 1965. Filed with Secretary of State May 28, 1965.]

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

SECTION 1. Section 17 of the American River Flood Control District Act (Chapter 808, Statutes 1927) is amended to read:

Sec. 17. The board of trustees of such district shall at the time for fixing the general tax levy for county purposes and in the manner of such general tax levy provided, levy and collect annually each year until said bonds are paid or until there shall be a sum in the treasury of such district set apart for that purpose to meet all sums coming due for principal and interest on said bonds, a tax sufficient to pay the annual interest on said bonds and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy in which tax may be included a sum sufficient, in the judgment of the board of trustees, to take care of anticipated delinquencies; provided, however, that if the maturity of the indebtedness created by the issuance of bonds be made to begin more than one year after the date of the issuance thereof, such tax shall be levied and collected at the time and in the manner aforesaid, annually each year, in an amount sufficient to pay the interest on said indebtedness as it falls due and also to constitute a sinking fund for the redemption thereof on or before maturity. The tax herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of said bonds and accruing interest.

Such tax shall be levied upon the land and improvements within the district including the operative land and improvements of any public utility and excluding any land and improvements belonging to any county, municipality, or political subdivision within said district, or land and improvements belonging to the State of California or the United States of America; provided, however, that nothing herein contained shall be deemed to exempt from assessment the land and improvements of any political subdivision the corporate boundaries of which are wholly outside the boundaries of said district, and all such land and improvements of any such political subdivision shall be subject to the taxes herein provided to be levied with the same force and effect as though such land and improvements were held by private individuals.

If the district has been divided into zones and the percentage of the amount to be raised for the redemption of principal and interest of said bonds from each such zone has been determined as provided in this act, the said amount of said tax levied shall be divided according to said percentage, and the percentage to be raised from the land and improvements within each zone shall be levied upon and against the land and improvements in such zone as hereinbefore provided.

The board of trustees may elect to avail itself of the assessment made by the assessor of the County of Sacramento and may take such assessment as the basis for district taxes and have its taxes collected by the county officials of such county; provided, the board of trustees shall declare its said election by resolution and file a certified copy of the same with the auditor of Sacramento County on or before the 1st day of August, and such board of trustees shall likewise file with such resolution a certified copy of the map or plat showing the zones and the percentages of the amount to be raised from each zone. Thereafter each year until otherwise provided by the board of trustees, all assessments shall be made and taxes collected for such district by the county assessor and tax collector, respectively, of said County of Sacramento. In such case, the auditor of such county must, on or before the 2nd Monday of August of each year, transmit to the board of trustees of the district a statement in writing showing the total value of all land and improvements within the district, which value shall be ascertained from the assessment book of such county for that year as equalized and corrected by the board of supervisors of said county; and which said statement shall also show the total value of all land and improvements in each of the said zones respectively.

All land and improvements situated within said district and subject to assessment and/or taxation for district purposes, and not included on said county rolls for taxation for county purposes, shall immediately upon the effective date of this act be placed upon and thereafter carried on said rolls, and the assessed valuation of said land and improvements shall be determined and fixed by said county assessor and the amount of such assessed valuation corrected and equalized by said board of supervisors at the same time or times and in the same manner as the assessed valuation of other land and improvements upon said assessment rolls are fixed, determined, corrected and equalized by said county officials.

In case the board of trustees shall so elect to avail itself of the assessment made by the assessor of the County of Sacramento, as hereinbefore provided, it shall, on or before the first weekday in September, or if such weekday falls upon a holiday, then upon the first business day thereafter, fix the rate of tax for each zone, and designate the number of cents upon each one hundred dollars (\$100) using as a basis the value of land and improvements as it is assessed by the county assessor and returned to the board of trustees of the district by the

county auditor as hereinabove provided, which rate of taxation shall be sufficient to raise the amount previously fixed by the board as hereinabove prescribed. Such acts by the board of trustees of the district shall constitute a valid assessment of the land and improvements and a valid levy of the tax so fixed. The board of trustees must immediately thereafter transmit to the county auditor a statement of the rate of taxes so fixed by said board for each zone into which the district may be divided and the county auditor shall enter such rate upon the county tax roll. Such taxes so levied shall be collected at the same time and in the same manner as county taxes and when collected the net amount ascertained as hereinafter provided shall be paid to the treasurer of the district under the general requirements and penalties provided by law for the settlement of other taxes.

Whenever any land and improvements situate in said district has been sold for taxes and has been redeemed the money paid for such redemption shall be apportioned and paid by the county treasurer to the said district in the proportion which the tax due to said district bears to the total tax for which such land and improvements was sold.

All taxes levied under the provisions of this act shall be a lien upon the land and improvements on which they are levied and unless the board of trustees has by resolution otherwise provided the enforcement of the collection of such taxes shall be had in the same manner and by the same means as provided by law for the enforcement of the liens for state and county taxes, all provisions of law relating to the enforcement of the latter being hereby made a part of this act.

The amount of compensation to be charged by and paid to the county for the performance of service, as in this section provided, for and on behalf of such district, shall be fixed by agreement between the board of supervisors of the County of Sacramento, and the board of trustees of the district; provided, however, that such compensation shall in no event exceed one-half of 1 percent of all moneys collected for such district as in this act provided. The amount so collected by such county shall be placed to the credit of the county salary fund.

Wherever in this act the word "tax" is used, such word shall not be deemed or construed as referring to a tax in the technical sense of that term but shall be deemed only to refer to such assessments of benefits as are provided for by Section 8 of this act.

SEC. 2. Section 18 of said act is amended to read:

Sec. 18. After the first bond election in said district, at which bonds shall be authorized by the electors of said district, as herein provided, the board of trustees of said district shall have power, in any year, to levy an assessment upon the land and improvements in said district at the time and in the manner set forth in Section 17 hereof, to carry out any of the objects or purposes of this act, and to pay the costs and expenses of maintaining, operating, extending and repairing any

work or improvement of said district for the ensuing fiscal year, and said board of trustees shall have power to control and order the expenditures for said purposes of all revenue so derived; provided, that such total assessments levied under this section for any one year shall not exceed ten cents (\$0 10) on each one hundred dollars (\$100) of the total assessed valuation of the land and improvements in said district as said assessed valuation is shown on the last preceding assessment records for state and county purposes; provided, further, that such assessment shall be in addition to any assessment levied to meet the bonded indebtedness of said district and all interest thereon; provided, further, that if said district has been divided into zones, the taxes to be levied as provided in this section shall be apportioned in accordance with the zones established for the levying and collection of taxes to pay the principal and interest of the bonds of the district.

SEC. 3. Section 29 of said act is repealed.

SEC. 4. Section 30 of said act is amended to read:

SEC. 30. The district is hereby authorized to give assurances and commitments to the United States and the State of California that it will operate, repair and maintain any flood control works constructed by the United States and the State of California within or adjacent to that portion of the district lying north of Arcade Creek, as hereinafter described.

The annual sum required to operate, repair and maintain and extend the works so constructed shall be assessed against all land and improvements benefited by the works in the manner set forth in Section 17 hereof. Assessments made pursuant to this section are not subject to the limitation prescribed in Section 18 of this act.

The following described lands are hereby found and declared to be benefited by any such flood control works so constructed, to wit: All land within the zone, the boundaries of which are hereby described as follows:

Beginning at the intersection of the easterly line of Reclamation District No. 1000 with the westerly projection of the southerly line of the Linda Creek levee and channel right of way acquired by Sacramento and San Joaquin Drainage District from Crystal Cream and Butter Co., recorded in Book 2837 of Official Records, Page 401, Sacramento County Records; thence easterly along said westerly projection and along the southerly boundary of rights of way acquired by said district to a point on the center line of 3rd Street at a point located 17.00 feet south of the center line of Claire Avenue, as said streets are shown on the plat of Robla Acres, recorded in the office of the Recorder of Sacramento County in Book 14 of Maps, Map No. 25; thence northerly along the center line of 3rd Street, and the northerly projection thereof, a distance of 327.56 feet; thence northeasterly along the southerly boundary of rights of way acquired by said Sacramento and San Joaquin Drainage District to a point on the west line of the Sacramento Northern Railroad right of way; thence northerly along said

west line to its intersection with the north line of Section 10 of Rancho Del Paso, as shown on the official map thereof, recorded in the office of the Recorder of Sacramento County in Book A of Surveys, Map No. 94; thence easterly along said north line to the northeast corner of said Section 10, which corner is in the center of a north and south public road; thence southerly along the center line of said road one and one-half miles, more or less, to the quarter-section corner common to sections eleven and eighteen of said Rancho Del Paso; said quarter-section corner being the northwest corner of Cope subdivision number eleven, according to the official map or plat thereof filed for record in the office of the County Recorder of the County of Sacramento, in Book fourteen of maps, map number thirty; thence easterly one-quarter mile, more or less, along the center line of a street designated as Jean Avenue on said plat of Cope subdivision number eleven to the northeast corner of said Cope subdivision number eleven; thence southerly one-half mile, more or less, along the easterly boundary of said Cope subdivision number eleven to the center line of North Avenue as the same is shown on said Cope subdivision number eleven; thence westerly along the center line of North Avenue to the center line of Cedar Street as said street is shown on the plat of Del Paso Heights, according to the official map or plat thereof filed for record in the office of the County Recorder of the County of Sacramento, in book twelve of maps, map number one; thence southerly one-quarter mile, more or less, along the center line of said Cedar Street to the center line of Grand Avenue as the same is shown on the plat of said Del Paso Heights; thence easterly one-quarter mile, more or less, along the center line of said Grand Avenue to the center line of Maple Street as the same is shown on the plat of said Del Paso Heights; thence southerly one-quarter mile, more or less, along the center line of said Maple Street to the north line of Lot 13 of Oak Ridge Acres, according to the official map or plat thereof filed for record in the office of the County Recorder of the County of Sacramento, in book thirteen of maps, map number forty-five; thence westerly along the northerly boundary line of said Lot 13 of Oak Ridge Acres to the northwest corner of said Lot 13; thence southerly along the lot lines common to Lots 13, 14, 22, 21, 46, 47, 53 and 52 of said Oak Ridge Acres to the center line of Los Robles Boulevard as said boulevard is shown on said plat of Oak Ridge Acres; thence easterly along the center line of said Los Robles Boulevard to the intersection of said center line with the center line of Marysville Boulevard as shown on said plat of said Oak Ridge Acres; thence southwesterly along the center line of said Marysville Boulevard to the northerly boundary of right of way acquired for levee purposes along the north bank of Arcade Creek; thence westerly along the landward boundary of said right of way to its junction with the easterly boundary line of Reclamation Dis-

trict No. 1000; thence northerly along the easterly boundary of Reclamation District No. 1000 to the point of beginning

SEC. 5. Section 31 is added to said act, to read:

Sec. 31. Warrants are contracts in writing for the payment of money.

The district may borrow money and incur indebtedness as provided in this section by action of the board of trustees and without the necessity of calling and holding an election in the district.

Indebtedness may be incurred pursuant to this section for any purpose for which the district is authorized to expend funds, including provisions for the payment of current expenses of the district and for the funding or refunding of any outstanding warrants.

Indebtedness incurred under this section shall be evidenced by warrants of the district payable in not to exceed five years from their date and bearing interest at a rate not exceeding 6 percent per annum, payable annually or semiannually.

Such warrants shall be issued in the name of the district after the adoption, by a four-fifths vote of all the members of the board of trustees, of a resolution setting forth the form of the warrant, the maturity date or dates thereof, and the manner of execution thereof.

The board of trustees may, in its resolution authorizing the issuance of such warrants, provide that the warrants shall be subject to call and redemption prior to maturity, at the option of the district, at such price or prices as may be fixed in the resolution, not exceeding a premium of 6 percent of the par value of the warrants so subject to redemption. The resolution shall fix the method of giving notice of redemption to the holders of warrants to be redeemed and the price or prices at which the warrants shall be subject to redemption. Warrants so subject to call and redemption prior to maturity shall contain a recital to that effect on their face, and no warrant issued under this section shall be subject to call or redemption prior to its fixed maturity date unless it contains such recital.

Coupons payable to bearer shall be in a form and signed as prescribed by the board of trustees and may be attached to warrants issued under this section to evidence their interest.

Warrants issued under this section shall be offered for public sale upon notice inviting sealed bids therefor. Such notice shall be given by publication pursuant to Section 6061 of the Government Code in a newspaper of general circulation printed and published in the district, and the sale shall not be held before 10 days after such publication. The board of trustees may reject all bids received on public sale and either readvertise or sell the warrants at private sale, but no sale at private sale shall be made for less than the par value of the warrants and accrued interest thereon.

Warrants issued under this section shall constitute general obligations of the district for the payment of both principal

and interest of which all lands and improvements in the district subject to assessment by the district shall be assessed as set forth in Section 17 hereof. It shall be the duty of the board of trustees, at the time and in the manner provided in this act for making the annual assessment, to fix an ad valorem rate of assessment sufficient to pay the principal of, and interest on, all warrants issued under this chapter coming due during the next year, and any sums that the board of trustees shall direct to be set aside in a special fund for the future payment of principal of and interest on any outstanding warrants issued under this chapter which will come due in any year following the next year. Such ad valorem assessment shall be in addition to all other assessments in this act provided for and when collected shall be used for no purpose other than the payment of the warrants and the interest thereon.

The provisions of this section shall constitute an addition to all other power of the district to borrow money, incur indebtedness, and issue warrants in connection therewith, and shall not be deemed a restriction or limitation on such other power.

The total amount of warrants issued under this section payable in any one year shall not exceed one-tenth of one (1) percent of the total valuation of the land and improvements in the district according to the last equalized assessment roll.

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 damage caused by the recent floods within the district have caused an emergency situation which requires immediate action which will be facilitated by this act and therefore it must be in effect immediately.

CHAPTER 404

An act to amend Section 31625 of the Water Code, relating to Kings County Water District improvement districts.

[Approved by Governor May 28, 1965. Filed with Secretary of State May 28, 1965.]

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

SECTION 1. Section 31625 of the Water Code is amended to read:

31625 One or more improvement districts may be formed in the Kings County Water District which may include all or any part of the land in the district in the manner prescribed in Chapter 5 (commencing with Section 31585) of this part for capital outlay purposes, including, but not limited to, the acquisition of stock of mutual water companies. If any such

improvement district is formed pursuant to this section, assessments shall be levied, collected, and enforced exclusively upon land within such improvement district to raise the funds necessary for the purposes of such improvement district. Such assessments shall be levied, collected, and enforced at the same time and as nearly as may be practicable as annual taxes for the purposes of the district. If bonds are to be issued on behalf of any such improvement district pursuant to Section 31610, the board may, in determining the amount of debt to be incurred, include the estimated cost of all stock of mutual water companies which the board determines should be acquired by such improvement district, even though all of such stock is not then available to be so acquired.

SEC. 2. It is hereby declared to be necessary to amend Section 31625 of the Water Code because of special facts and circumstances existing in Kings County Water District. There are shares of capital stock of several existing mutual water companies within the district which the district may have an opportunity to acquire in the future. These mutual water companies own water rights which will be of immeasurable benefit to the district in perpetuity. However, not all of the shares of such companies are immediately available to the district. In order to permit the district to authorize bonds which might later be sold when such stock becomes available, it is necessary that amendments contained in Section 1 of this act be enacted.

CHAPTER 405

An act to add Sections 12728, 12729, and 12730 to the Water Code, relating to flood protection, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 12728 is added to the Water Code, to read:

12728. The project for flood protection on Redwood Creek in Humboldt County is adopted and authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 497, 87th Congress, as authorized by Act of Congress approved October 23, 1962 (Public Law 87-874, 76 Stat. 1173, Title II, the "Flood Control Act of 1962"), at such estimated cost to the state as may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department.

SEC. 2. Section 12729 is added to said code, to read:

12729. The County of Humboldt shall give assurances satisfactory to the Secretary of the Army that the local cooperation, required by the Act of Congress approved October 23, 1962 (Public Law 87-874, 76 Stat. 1173, Title II, the "Flood Control Act of 1962"), will be furnished by the county in connection with the project for flood protection adopted and authorized in Section 12728.

SEC. 3. Section 12730 is added to said code, to read:

12730. The County of Humboldt, in conjunction with the Department of the Army, shall execute the plans and projects referred to in Section 12728, and may make modifications and amendments to the plans as may be necessary to execute them for the purposes of Chapters 1 (commencing with Section 12570) and 2 (commencing with Section 12639) of this part.

SEC. 4. 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 flood control protection necessary to preserve the public peace, health and safety in the Redwood Creek area, it is essential that state authorization for the Redwood Creek flood control project be provided immediately. Such authorization will facilitate the acquisition of land, easements and rights-of-way necessary for the construction of the project.

CHAPTER 406

An act to validate school district acts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Any interdistrict attendance agreement entered into pursuant to Section 10801 of the Education Code involving attendance of pupils in grades 13 and 14 for the fiscal year 1964-65 is hereby ratified, affirmed, and validated, irrespective of whether such interdistrict attendance agreement is made between the district of attendance and the district in which the pupil is actually living, or between the district of attendance and the district in which the pupil is permanently residing, or between the district of attendance and the district in which the pupil is a domiciliary.

Any apportionment, certification thereof, certification of amounts necessary to meet apportionments, estimate of apportionments, or withholding of apportionments for grades 13 and

14 for the fiscal year 1964-65 heretofore or hereafter made by the Superintendent of Public Instruction that is based, or in part based, upon the reporting of units of average daily attendance resulting from an interdistrict attendance agreement pursuant to Section 10801 of the Education Code is hereby ratified, affirmed, and validated, irrespective of whether such interdistrict attendance agreement is made between the district of attendance and the district in which the pupil is actually living, or between the district of attendance and the district in which the pupil is permanently residing, or between the district of attendance and the district in which the pupil is a domiciliary.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of 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 continued orderly and unhampered functioning of school districts, and such continued functioning depends, in part, upon the unquestionable validity of interdistrict agreements entered into pursuant to Section 10801 of the Education Code; and it is therefore essential and imperative that such agreements be validated so that during the period before this act would otherwise become effective the school district receive, and continue to receive, any apportionment of state school funds on the basis of average daily attendance resulting from such agreement, and continue to provide the school facilities required of it thereunder.

CHAPTER 407

An act to amend Section 1714.1 of the Civil Code, relating to liability of parents for torts of minors.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 1714.1 of the Civil Code is amended to read:

1714.1. Any act of willful misconduct of a minor which results in injury or death to another person or in any injury to the property of another shall be imputed to the parents having custody or control of the minor for all purposes of civil damages, and such parents having custody or control shall be jointly and severally liable with such minor for any damages resulting from such willful misconduct.

The joint and several liability of one or both parents having custody or control of a minor under this section shall not exceed five hundred dollars (\$500) for each tort of the minor, and in the case of injury to a person, such imputed liability

shall be further limited to medical, dental and hospital expenses incurred by such injured person, not to exceed five hundred dollars (\$500). The liability imposed by this section is in addition to any liability now imposed by law.

CHAPTER 408

An act to amend Section 3271 of the Fish and Game Code, relating to pheasant clubs.

[Approved by Governor May 29, 1965. Filed with Secretary of State May 29, 1965.]

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

SECTION 1. Section 3271 of the Fish and Game Code is amended to read:

3271. For the proper administration of this article the state is divided into two zones, Zone A and Zone B.

(a) Zone A consists of the following areas:

Diamond Valley (Alpine County); that portion of the SE. $\frac{1}{4}$ of T. 12 N., R. 19 E. in Alpine County; the E. $\frac{1}{2}$ of T. 11 N., R. 19 E.; that portion of T. 11 N., R. 20 E. in Alpine County; the N. $\frac{1}{2}$ of T. 10 N., R. 20 E.

San Joaquin-Sacramento Valleys; commencing at the junction of State Highway 41 and the common boundary between Kern and Kings County northerly on Highway 41 to Kettleman City; thence due west approximately two miles to the 500 foot contour; thence northerly and westerly along said contour to where the 500 foot contour intersects Washoe Avenue; thence northerly along Washoe Avenue approximately thirteen miles to California Avenue (approximately two miles south and four miles west of the Town of Mendota); thence westerly along California Avenue approximately twelve miles to the 500 foot contour; thence northerly and westerly along said contour to range line between 10 E. and 11 E.; thence north along said range line to the Delta-Mendota Canal; thence northerly and westerly along said canal to the crossing of the Southern Pacific Railroad tracks (about five miles south of Byron); thence northwesterly along said railroad to its intersection with State Highway 4 at Brentwood; thence north and west along said State Highway 4 to its intersection with State Highway 84; thence along said State Highway 84 to the Sacramento-Contra Costa boundary line on the Antioch Bridge; thence westerly along the Sacramento-Contra Costa county boundary line to its intersection with the Solano county boundary; thence northeasterly along the Sacramento County-Solano County line to Cache Slough; thence northwesterly along the South bank of Cache Slough to Haas Slough; thence northerly along the south bank of Haas Slough to its intersection with the Sacramento Northern Railroad tracks; thence

northeasterly along the Sacramento Northern Railroad tracks to Bunker Station; thence westerly along the Bunker Station-Binghamton Road to State Highway 113; thence northerly along State Highway 113 to Cooper School Road; thence westerly along Cooper School Road to Nut Tree Road; thence northwesterly along Nut Tree Road to Interstate Highway 80; thence southwesterly along Interstate Highway 80 to the range line between 1 W. and 2 W.; thence north along said range line to the Pacific Gas and Electric Pit Vaca electrical transmission lines approximately six (6) miles north and east of the town of Capay; thence northwesterly along said transmission lines to the township line between 14 N. and 15 N.; thence west along said township line to the SW. corner of the E. $\frac{1}{2}$ of T. 15 N., R. 4 W.; thence north along a line drawn to the NW. corner of the E. $\frac{1}{2}$ of T. 20 N., R. 4 W.; thence east along the township line between 20 N. and 21 N. to the U.S. Bureau of Reclamation Shasta-Tracy westside electrical transmission lines, approximately four (4) miles northwest of the town of Artois; thence north and northwesterly along said transmission lines to the township line between T. 31 N. and T. 32 N.; thence east on said township line to the range line between R. 3 W. and R. 2 W.; thence south on said range line to U.S. Highway 99E (approximately SW. corner T. 27 N., R. 2 W.); thence southeasterly along 99E through Chico to Savona; thence southeasterly along the Oroville-Chico Highway to Oroville; thence southeasterly on the Oroville-Bangor Highway to Bangor on the section line between S. 27 and S. 28, T. 18 N., R. 5 E.; thence south on said section line to the township line between T. 18 N. and T. 17 N.; thence east on said township line to the range line between R. 5 E. and R. 6 E.; thence south on said range line to State Highway 20; thence easterly along said Highway 20 through Smartville to the common boundary between Nevada and Yuba Counties; thence south along this boundary to Placer County; thence east along the common boundary of Nevada and Placer Counties to the range line between R. 6 E. and R. 7 E.; thence south along said range line to the township line between T. 11 N. and T. 10 N.; thence east along this township line to the common boundary between Placer and El Dorado Counties; thence south along said boundary to the common boundary between Sacramento and El Dorado Counties; thence southeasterly along said boundary between Sacramento and El Dorado Counties, Sacramento and Amador Counties, San Joaquin and Amador Counties, San Joaquin and Calaveras Counties, Stanislaus and Calaveras Counties, Stanislaus and Tuolumne Counties, Merced and Mariposa Counties, to Madera County; thence southwest on the common boundary of Merced and Madera Counties to the Madera Canal; thence southeasterly along said canal to Fresno county; thence southwest on the common boundary of Madera and Fresno Counties to Highway 99; thence southeast along Highway 99 to the common boundary

between Tulare and Kern Counties; thence west along the Kern county line to point of beginning.

Provided, however, that from October 1, 1963 to October 1, 1965, the Zone A area in the San Joaquin-Sacramento Valleys shall be the following area:

San Joaquin-Sacramento Valleys; commencing at the junction of State Highway 41 and the common boundary between Kern and Kings County northerly on Highway 41 to Kettleman City; thence due west approximately two miles to the 500 feet contour; thence northerly and westerly along said contour to where the 500 feet contour intersects Washoe Avenue; thence northerly along Washoe Avenue approximately thirteen miles to California Avenue (approximately two miles south and four miles west of the Town of Mendota); thence westerly along California Avenue approximately twelve miles to the 500 feet contour; thence northerly and westerly along said contour to range line between 10 E. and 11 E.; thence north along said range line to the Delta-Mendota Canal; thence northerly and westerly along said canal to the crossing of the Southern Pacific Railroad tracks (about five miles south of Byron); thence northwesterly along said railroad to its intersection with State Highway 4 at Brentwood; thence north and west along said State Highway 4 to its intersection with State Highway 84; thence along said State Highway 84 to the Sacramento-Contra Costa boundary line on the Antioch Bridge; thence westerly along the Sacramento-Contra Costa county boundary line to its intersection with the Solano county boundary; thence northeasterly along the Sacramento County-Solano County line to Cache Slough; thence northwesterly along the south bank of Cache Slough to Haas Slough; thence northerly along the south bank of Haas Slough to its intersection with the Sacramento Northern Railroad tracks; thence northeasterly along the Sacramento Northern Railroad tracks to Bunker Station; thence westerly along the Bunker Station-Binghamton Road to State Highway 113; thence northerly along State Highway 113 to Cooper School Road; thence westerly along Cooper School Road to Nut Tree Road; thence northwesterly along Nut Tree Road to Interstate Highway 80; thence northeasterly along Interstate Highway 80 to the range line between 1 W. and 2 W.; thence north along said range line to the Pacific Gas and Electric Pit Vaca electrical transmission lines approximately six (6) miles north and east of the town of Capay; thence northwesterly along said transmission lines to the township line between 14 N. and 15 N.; thence west along said township line to the SW. corner of the E. $\frac{1}{2}$ of T. 15 N., R. 4 W.; thence north along a line drawn to the NW corner of the E. $\frac{1}{2}$ of T. 20 N., R. 4 W.; thence east along the township line between 20 N. and 21 N. to the U.S. Bureau of Reclamation Shasta-Tracy westside electrical transmission lines, approximately four (4) miles northwest of the town of Artois; thence north and northwesterly along said trans-

mission lines to the township line between T. 31 N. and T. 32 N.; thence east on said township line to the range line between R. 3 W. and R. 2 W.; thence south on said range line to U.S. Highway 99E (approximately SW. corner T. 27 N., R. 2 W.); thence southeasterly along 99E through Chico to Savona; thence southeasterly along the Oroville-Chico Highway to Oroville; thence southeasterly on the Oroville-Bangor Highway to Bangor on the section line between S. 27 and S. 28, T. 18 N., R. 5 E.; thence south on said section line to the township line between T. 18 N. and T. 17 N.; thence east on said township line to the range line between R. 5 E. and R. 6 E.; thence south on said range line to State Highway 20; thence easterly along said Highway 20 through Smartville to the common boundary between Nevada and Yuba Counties; thence south along this boundary to Placer County; thence east along the common boundary of Nevada and Placer Counties to the range line between R. 6 E. and R. 7 E.; thence south along said range line to the township line between T. 11 N. and T. 10 N.; thence east along this township line to the common boundary between Placer and El Dorado Counties; thence south along said boundary to the common boundary between Sacramento and El Dorado Counties; thence southeasterly along said boundary between Sacramento and El Dorado Counties, Sacramento and Amador Counties, San Joaquin and Amador Counties, San Joaquin and Calaveras Counties, Stanislaus and Calaveras Counties, Stanislaus and Tuolumne Counties, Merced and Mariposa Counties, to Madera County; thence southwest on the common boundary of Merced and Madera Counties to the Madera Canal; thence southeasterly along said canal to Fresno County; thence southwest on the common boundary of Madera and Fresno Counties to Highway 99; thence southeast along Highway 99 to the common boundary between Tulare and Kern Counties; thence west along the Kern county line to point of beginning.

The Zone A areas in the remainder of the state are:

Humboldt Bay area (Humboldt County); commencing at False Cape northerly along ocean shore to Trinidad Head; thence southeasterly on a line drawn to the Town of Crannell; thence to Fieldbrook; thence to Korbel; thence to Freshwater; thence to Falk; thence to Fernbridge; thence to Carlotta; thence to Rio Dell; thence to False Cape the point of beginning.

Scott Valley (Siskiyou County); the SE. $\frac{1}{4}$ of T. 44 N., R. 10 W.; the S. $\frac{1}{2}$ of T. 44 N., R. 9 W.; all of T. 43 N., R. 9 W.; the NE. $\frac{1}{4}$ of T. 43 N., R. 10 W.; all of T. 42 N., R. 9 W.; the E. $\frac{1}{2}$ of T. 41 N., R. 9 W. This includes the Towns of Etna, Greenville, and Fort Jones.

Shasta Valley (Siskiyou County); the SW. $\frac{1}{4}$ of T. 46 N., R. 5 W.; the SE. $\frac{1}{4}$ of T. 46 N., R. 6 W.; the NW. $\frac{1}{4}$ of T. 45 N., R. 5 W.; the S. $\frac{1}{2}$ of T. 45 N., R. 5 W.; all of T. 45 N., R. 6 W.; the E. $\frac{1}{2}$ of T. 45 N., R. 7 W.; all of T. 44 N., R. 5 W.,

and all of T. 44 N., R. 6 W.; the NE. $\frac{1}{4}$ of T. 44 N., R. 7 W.; all of T. 43 N., R. 5 W., and all of T. 43 N., R. 6 W.; all of T. 42 N., R. 5 W.; the N. $\frac{1}{2}$ of T. 42 N., R. 6 W. This includes the Towns of Edgewood, Gazelle, Yreka, and Montague.

Tulelake area (Siskiyou and Modoc Counties); commencing at the intersection of the Mt. Diablo meridian with the Oregon-California state line; thence easterly along said state line to the range line between R. 6 E. and R. 7 E.; thence southerly along said range line to the township line between T. 45 N. and T. 46 N.; thence westerly along said township line to the Mt. Diablo meridian; thence north along the Mt. Diablo meridian to the point of beginning.

Pit River Valley (Modoc and Lassen Counties); the W. $\frac{1}{2}$ of T. 45 N., R. 14 E.; all of T. 45 N., R. 13 E.; the W. $\frac{1}{2}$ of T. 44 N., R. 14 E.; all of T. 44 N., R. 13 E.; the S. $\frac{1}{2}$ of T. 44 N., R. 12 E.; the E. $\frac{1}{2}$ of T. 44 N., R. 11 E.; all of T. 43 N., R. 13 E.; all of T. 43 N., R. 12 E.; all of T. 42 N., R. 13 E.; all of T. 42 N., R. 12 E., and all of T. 42 N., R. 11 E.; the S. $\frac{1}{2}$ of T. 42 N., R. 10 E.; the SE. $\frac{1}{4}$ of T. 42 N., R. 9 E.; all of T. 41 N., R. 13 E.; all of T. 41 N., R. 12 E., and of T. 41 N., R. 11 E.; the N. $\frac{1}{2}$ of T. 41 N., R. 10 E.; the NE. $\frac{1}{4}$ of T. 41 N., R. 9 E.; all of T. 40 N., R. 13 E.; the E. $\frac{1}{2}$ of T. 40 N., R. 12 E.; all of T. 39 N., R. 13 E.; the E. $\frac{1}{4}$ of T. 39 N., R. 12 E. This includes the Towns of Canby, Alturas, Davis Creek, and Likely.

Surprise Valley (Modoc County); all that portion of Surprise Valley lying in Modoc County below the 5,000 feet contour.

Lookout-Bieber area (Modoc and Lassen Counties); commencing at the town of Adin (Modoc County) south on Adin-Eagle Lake County Road to the boundary of the Modoc National Forest (approximately 6.5 miles south of Adin); thence westerly and southerly along said forest boundary to the township line between T. 36 N. and T. 37 N.; thence west along said township line to the Great Northern Railroad; thence northerly along said railroad to the township line between T. 37 N. and T. 38 N.; thence westerly along said township line to the range line between R. 6 E. and R. 7 E.; thence north along said range line to the township line between T. 39 N. and T. 40 N.; thence east along said township line to the range line between R. 7 E. and R. 8 E.; thence south along said range line to the Lookout-Adin County Road; thence easterly along said county road to Adin, the point of beginning. This includes the Towns of Nubieber, Bieber, Lookout, and Adin.

McArthur area (Lassen County); all of T. 38 N., R. 5 E. and T. 38 N., R. 4 E.; the E. $\frac{1}{2}$ of T. 38 N., R. 3 E.; all of T. 37 N., R. 5 E.; the E. $\frac{1}{2}$ of T. 37 N., R. 4 E. This includes the Towns of Dana, Pittville, McArthur, and Fall River Mills.

Honey Lake area (Lassen County); commencing at the point where the Southern Pacific Railroad intersects the California-Nevada state line in T. 27 N., R. 17 E.; thence southerly along said state line to where the township line between T. 24 N. and T. 25 N. intersects said state line; thence westerly along the township line between T. 24 N. and T. 25 N. to the Plumas National Forest boundary; thence northerly and westerly along Plumas National Forest boundary to its intersection with the range line between R. 11 E. and R. 12 E.; thence northerly along said range line to the township line between T. 30 N. and T. 31 N.; thence easterly along said township line to the range line between R. 13 E. and R. 14 E.; thence southerly along said range line to the township line between T. 29 N. and T. 30 N.; thence easterly along said township line to the Southern Pacific Railroad; thence southerly along said railroad through the Town of Wendel; thence southerly and easterly along said railroad to the point of beginning.

Indian Valley (Plumas County); the SW. $\frac{1}{4}$ of T. 27 N., R. 11 E.; the S. $\frac{1}{2}$ of T. 27 N., R. 10 E.; the SE. $\frac{1}{4}$ of T. 27 N., R. 9 E.; the W. $\frac{1}{2}$ of T. 26 N., R. 11 E.; T. 26 N., R. 10 E.; the E. $\frac{1}{2}$ of T. 26 N., R. 9 E. This includes the Towns of Greenville, Crescent Mills and Taylorsville.

Sierra Valley (Sierra and Plumas Counties); the S. $\frac{1}{2}$ of T. 23 N., R. 16 E.; the S. $\frac{1}{2}$ of T. 23 N., R. 15 E.; the S. $\frac{1}{2}$ of T. 23 N., R. 14 E.; the S. $\frac{1}{2}$ of T. 23 N., R. 13 E.; T. 22 N., R. 16 E.; T. 22 N., R. 15 E.; T. 22 N., R. 14 E.; T. 22 N., R. 13 E.; T. 22 N., R. 12 E.; T. 21 N., R. 14 E.; T. 21 N., R. 15 E.; the W. $\frac{1}{2}$ of T. 21 N., R. 16 E.; T. 20 N., R. 14 E.; the W. $\frac{1}{2}$ of T. 20 N., R. 15 E. This includes the Towns of Blairsden, Portola, Vinton, Loyalton, Sierraville, and Calpine.

Clubs licensed in the above area shall be known as Zone A licensees.

(b) Zone B comprises the remainder of the state, and clubs licensed in this area shall be known as Zone B licensees.

CHAPTER 409

An act to repeal Chapter 8 (commencing with Section 10640), Part 2, Division 2 of, and to add Section 43 to the Insurance Code, relating to employee health and welfare programs.

[Approved by Governor May 29, 1965 Filed with
Secretary of State May 29, 1965]

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

SECTION 1. Chapter 8 (commencing with Section 10640), Part 2, Division 2 of the Insurance Code is repealed.

SEC. 2. Section 43 is added to said code, to read:

43. Chapter 8 (commencing with Section 10640), Part 2, Division 2 of the Insurance Code, in effect from September 1957 to June 30, 1960, may be cited as the "Rees-Doyle Health and Welfare Program Supervision Act of 1957".

CHAPTER 410

An act to amend Section 68843 of the Government Code, relating to clerks of the Supreme Court.

[Approved by Governor May 29, 1965 Filed with
Secretary of State May 29, 1965]

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

SECTION 1. Section 68843 of the Government Code is amended to read:

68843. The Clerk of the Supreme Court shall appoint such deputy clerks of the Supreme Court as are required. He shall also appoint a chief deputy clerk of the Supreme Court who shall act as clerk of the court in the absence of the clerk. The chief deputy clerk and deputy clerks of the Supreme Court shall be civil executive officers. The Supreme Court shall fix and pay the compensation of such officers.

CHAPTER 411

An act to amend Section 11621 of the Health and Safety Code, relating to vehicles transporting narcotics.

[Approved by Governor May 29, 1965 Filed with
Secretary of State May 29, 1965]

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

SECTION 1. Section 11621 of the Health and Safety Code is amended to read:

11621. (a) No lien acquired pursuant to Chapter 6.5 (commencing with Sec. 3067) of Title 14 of Part 4 of Division 3 of the Civil Code shall be affected by a forfeiture decreed hereunder.

(b) No legal or registered title or interest in the vehicle shall be affected by the forfeiture decree under this article if the owner of said interest was regularly engaged in the leasing or renting of vehicles for hire and he proves that said vehicle was leased or rented without any knowledge that said vehicle was to be used for the purpose charged.

CHAPTER 412

An act to amend Section 68501 of the Government Code, to amend Section 569 of the Welfare and Institutions Code, to add Section 68503.5 to, to add Article 3 (commencing with Section 68551) to Chapter 2 of Title 8 of, and to repeal Sections 68508 and 68509 of, the Government Code, relating to the judiciary, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 29, 1965 Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 68503.5 is added to the Government Code, to read:

68503.5. Whenever provision is made by law for appointment or designation, by the Judicial Council or the chairman thereof, of judges to serve on nonsalaried advisory committees, boards or commissions the provision shall be deemed to authorize appointment or designation of retired judges to serve on such committees, boards or commissions.

SEC. 2. Article 3 (commencing with Section 68551) is added to Chapter 2, Title 8 of the Government Code, to read:

Article 3. Coordinated Educational Programs
for the Judiciary

68551. The Judicial Council is authorized to conduct institutes and seminars from time to time, either regionally or on a statewide basis, for the purpose of orienting judges to new judicial assignments, keeping them informed concerning new developments in the law and promoting uniformity in judicial procedure. Such institutes and seminars shall include, without being limited thereto, consideration of juvenile court proceedings, sentencing practices in criminal cases and the handling of traffic cases. Actual and necessary expenses incurred by superior, municipal and justice court judges at any such institute or seminar shall be a charge against the county to the extent that funds are available therefor.

68552. In carrying out its duties under this article, the Judicial Council may publish and distribute manuals, guides, checklists and other materials designed to assist the judiciary.

SEC. 3. Section 68501 of the Government Code is amended to read:

68501. The chairman of the Judicial Council may appoint committees composed of judges, retired judges, attorneys and experts in specialized fields, or any combination thereof, to advise with the Judicial Council in studying the condition of business in the several courts and the means for simplifying and improving the administration of justice and in the per-

formance of any other duties of the council authorized or imposed by law.

SEC. 4. Section 569 of the Welfare and Institutions Code is amended to read:

569. At the direction and under the supervision of the Judicial Council, judges of the juvenile courts and juvenile court referees shall meet from time to time in statewide or regional conferences, to discuss problems arising in the course of administration of this chapter, for the purpose of improving the administration of justice in the juvenile courts. Actual and necessary expenses incurred by a judge or referee in attending any such conference shall be a charge upon the county.

SEC. 5. Section 68508 of the Government Code is repealed.

SEC. 6. Section 68509 of the Government Code is repealed.

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:

There are numerous retired judges who are exceptionally well qualified to serve and are willing to serve on advisory committees and boards to assist in designing educational programs for the judiciary and in improving the administration of justice. These judges are presently unable to accept appointment because of the lack of statutory authorization for such service. This reservoir of available talent should be utilized at the earliest date possible.

CHAPTER 413

An act to amend Section 27282 of the Government Code, relating to recordation of documents.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 27282 of the Government Code is amended to read:

27282. (a) The following documents may be recorded without acknowledgment, certificate of acknowledgment, or further proof:

(1) A judgment affecting the title to or possession of real property, authenticated by the certificate of the clerk of the court in which the judgment was rendered.

(2) A notice of location of mining claim.

(3) Certificates of amounts of taxes, interest and penalties due and extensions thereof executed by the state, county, or city taxing agencies or officials pursuant to Sections 2191.3, 2191.4, 6757, 7872, 8996, 10099, 11495, 16063, 16064, 18881 through 18883, inclusive, 26161 and 30322 of the Revenue

and Taxation Code, and Section 1703 of the Unemployment Insurance Code, and releases or subordinations executed pursuant to Sections 2191.4, 6758, 6759, 7873, 8997, 10100, 11496, 14307, 14308, 16066, 16067, 18884, 18885, 26162, 30323 and 30324 of the Revenue and Taxation Code, and Sections 1704 and 1705 of the Unemployment Insurance Code.

(b) Any document described in this section, from the time it is filed with the recorder for record, is constructive notice of the contents thereof to subsequent purchasers and mortgagees.

CHAPTER 414

An act to repeal Section 652 of the Code of Civil Procedure, relating to certification of records on appeal.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 652 of the Code of Civil Procedure is repealed.

CHAPTER 415

An act to amend Sections 18371 and 18372 of the Health and Safety Code, relating to mobilehomes.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 18371 of the Health and Safety Code is amended to read:

18371. It is unlawful for any person to sell, or offer for sale, within this state, any mobilehome manufactured after September 1, 1958, containing plumbing, heat-producing, or electrical equipment unless such equipment meets the requirements of the Division of Housing for such equipment and installations. Notwithstanding any other provisions of this part, the Division of Housing shall promulgate and enforce rules and regulations which shall be reasonably consistent with recognized and accepted principles for plumbing, heat-producing, and electrical equipment and installations, respectively, in order to protect the health and safety of the people of this state from dangers inherent in the use of substandard and unsafe plumbing, heat-producing, and electrical equipment and installations. The division by rule and regulation may establish a schedule of fees to pay the costs of work related to administration and enforcement of this chapter.

The fees collected shall be deposited to the credit of any appropriation for support of the division current at the time of collection.

If the Division of Housing determines that standards for the installation of plumbing, heat-producing, and electrical equipment in mobilehomes, which have been prescribed by the statutes or rules and regulations of other states are at least equal to the standards prescribed by the division, the division may so provide by regulation. Any mobilehome which a state has approved as meeting its standards for the installation of plumbing, heat-producing, and electrical equipment, shall be deemed to meet the standards of the Division of Housing, if the division determines that the standards of such other state are actually being enforced.

The Division of Housing may adopt, amend, repeal, and enforce, such rules and regulations as are reasonably necessary to effectuate the purposes of this section. Rules and regulations shall be promulgated pursuant to the Government Code, Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2.

All mobilehomes manufactured after September 1, 1958, which are sold or offered for sale within this state, shall bear insignia of approval issued by the Division of Housing for plumbing, heat-producing, and electrical equipment and installations therein.

The Division of Housing may issue insignia for mobilehomes manufactured prior to September 1, 1958, which meet the standards established by the Division of Housing as provided in this section.

SEC. 2. Section 18372 of said code is amended to read:

18372. Notwithstanding any other provisions of this part, any mobilehome which meets the standards prescribed by the Division of Housing, Department of Industrial Relations, pursuant to Section 18371, shall not be required to comply with any local ordinances or regulations prescribing requirements for plumbing, heat-producing, and electrical equipment and installations in mobilehomes.

CHAPTER 416

An act to amend Section 27322.2 of the Government Code, relating to recordation of documents.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 27322.2 of the Government Code is amended to read:

27322.2. A system of microphotography may be used by the recorder as a photographic reproduction process to record some

or all instruments, papers and notices that are required or permitted by law to be recorded or filed. All film used in the microphotography process shall comply with minimum standards of quality approved by the United States Bureau of Standards. A true copy of the microfilm shall be kept in a safe and separate place for security purposes. A true copy of such film shall be arranged in a suitable place in the office of the recorder to facilitate public inspection.

CHAPTER 417

An act to add Section 1195.2 to the Military and Veterans Code, relating to special elections, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 29, 1965 Filed with
Secretary of State May 29, 1965]

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

SECTION 1. Section 1195.2 is added to the Military and Veterans Code, to read:

1195.2. If the board of directors of the district shall fail to take the action necessary to hold a general district election pursuant to Section 1195, the board of supervisors of the county in which the district is situated may call and hold a special election to vote for members of the board of directors of the district. Such special election shall be held and conducted pursuant to the provisions of Section 1180, at the expense of the district. If, on the 40th day prior to the day fixed for such special election, not more than one candidate has been nominated for each office of member of the board of directors to be filled at such election, and if on the 30th day prior to the day fixed for such election, a petition signed by 5 percent of the qualified electors in the district, requesting that such election be held, has not been presented to the board of supervisors, such election shall not be held, and the board of supervisors shall appoint persons to fill such offices and shall give notice that such election will not be held, substantially as provided in Section 1195.1.

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:

When the directors of a memorial district fail to hold a general district election there exists no provision for calling such a special election in such a district, and in order to insure the voters residing within such district the right to vote for the board of directors of such district at the earliest possible time it is necessary that this act take effect immediately.

CHAPTER 418

An act to add Section 54926 to the Government Code, relating to protection districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 54926 is added to the Government Code, to read:

54926. Notwithstanding any other provision of this chapter, any protection district formed pursuant to Chapter 25, Statutes 1907, whose formation election was held between January 1, 1965, and March 1, 1965, if otherwise qualified for formation, shall be deemed effective for assessment and taxation purposes in 1965 if the statement and maps or plat referred to in Section 54900 are filed prior to April 1, 1965, rather than January 1, 1965, as required by Section 54902.

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:

Protection districts whose formations were completed after January 1 and before March 1, 1965, will be unable, under existing law, to levy taxes or assessments to meet their essential and vital needs during the 1965-66 fiscal year. This act will remedy this situation if it becomes effective immediately and at the earliest possible date.

CHAPTER 419

An act to amend Sections 6085, 6088, 6141, and to repeal Sections 6142 and 6143 of, the Elections Code, relating to delegates to the national convention.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 6085 of the Elections Code is amended to read:

6085. Any nomination paper may be presented in sections. Each section shall contain the names of candidates comprising the group and state that they are candidates for delegates, and, if such be the case, that they have expressed a preference for a named person as candidate for presidential nominee of the party. Each section shall bear the name of the county in

which it is circulated. Only voters of the county registered as intending to affiliate with the political party by which the nominations are to be made are competent to sign.

SEC. 2. Section 6088 of the Elections Code is amended to read:

6088. The nomination paper for a group of candidates shall be in substantially the following form:

SECTION OF NOMINATION PAPER SIGNED BY VOTER
ON BEHALF OF GROUP OF CANDIDATES

Section _____ Page _____

County of _____. Nomination paper of group of candidates for election as delegates by _____ Party pledged to the candidacy of _____ as presidential nominee or expressing no preference, as the case may be.

State of California }
County of _____ } ss.

SIGNER'S STATEMENT

I, the undersigned, am a voter of the County of _____, State of California, and am registered as intending to affiliate with the _____ Party. I hereby nominate the following:

Number	Names	Residence city or town	County
1			
2			
3			

(to such number as may be required.) etc., as candidates for delegates to the _____ Party National Convention, to be voted for at the presidential primary to be held on the _____ day of _____, 19____. I have not signed the nomination paper of any other candidates for the same office, and I further declare that I intend to support for nomination the candidates named herein.

Number	Precinct	Signature	Residence	Date
1				
2				
3				
Etc.				

VERIFICATION DEPUTY'S AFFIDAVIT

I, _____, solemnly swear (or affirm) that I have been appointed as a verification deputy to secure signatures in the County of _____ to the nomination paper of the group of candidates named in the signer's statement above as candidates for nomination and election by the _____ Party as delegates to represent the State of California in the party's next national convention; that all the signatures on this section of the nomination paper numbered from 1 to ____, inclusive, were made in my presence, and that to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be.

(Signed) _____

Verification Deputy

Subscribed and sworn to before me this _____ day of _____, 19____.

(SEAL)

Notary Public (or other official)

SEC. 3. Section 6141 of the Elections Code is amended to read:

6141. Prior to filing, the sections of a nomination paper for any group of candidates shall be numbered in order.

SEC. 4. Section 6142 of the Elections Code is repealed.

SEC. 5. Section 6143 of the Elections Code is repealed.

CHAPTER 420

An act to add Section 27601.5 to the Education Code, relating to library district elections.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 27601.5 is added to the Education Code, to read:

27601.5. When the election is consolidated with the state primary election in even-numbered years, all matters concerning hours the polls are open, filing by candidates, notification of election, election precincts, polling places, and canvass of votes shall be conducted pursuant to the state primary election provisions.

CHAPTER 421

An act to amend Section 207 of the Welfare and Institutions Code, relating to county maintenance of indigent dead's graves.

[Approved by Governor May 29, 1965 Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 207 of the Welfare and Institutions Code is amended to read:

207. The board may provide for the burial or cremation of the indigent dead and may provide for the maintenance of the graves of such dead.

CHAPTER 422

An act to amend Section 196a of the Civil Code, relating to the support of illegitimate children.

[Approved by Governor May 29, 1965 Filed with
Secretary of State May 29, 1965]

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

SECTION 1. Section 196a of the Civil Code is amended to read:

196a. The father as well as the mother, of an illegitimate child must give him support and education suitable to his circumstances. A civil suit to enforce such obligations may be maintained in behalf of a minor illegitimate child, by his mother or guardian, or by a guardian ad litem appointed upon the written application or with the consent of his mother; provided, that such application or consent shall not be necessary if the mother is dead or incompetent, and in such action the court shall have power to order and enforce performance thereof, the same as is the case with respect to legitimate children, in a suit for divorce by a wife.

CHAPTER 423

An act to add Section 14621.5 to the Elections Code, relating to absent voter ballot applications.

[Approved by Governor May 29, 1965 Filed with
Secretary of State May 29, 1965]

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

SECTION 1. Section 14621.5 is added to the Elections Code, to read:

14621.5. Any printed application to be distributed to those electors requesting absent voter ballots shall contain spaces for the following information: name and date of election for which request is to be made; date application must be received by clerk; first day ballots will be available; printed name of voter; the address that is shown on the affidavit of registration of the voter; reason for requesting absentee ballot; where ballot is to be mailed; date of application; and signature of applicant. The application shall also contain a space for the voter who is residing at an address other than the address shown on the voter's affidavit of registration and the date he moved to the other address.

The application shall also have printed thereon, the following statement: "If you have moved prior to _____
(Closing date
_____ you must reregister before you can obtain an
for registration)
absentee ballot."

CHAPTER 424

An act to add Section 11568 to the Business and Professions Code, relating to subdivision maps.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 11568 is added to the Business and Professions Code, to read:

11568. When a soil report has been prepared, this fact shall be noted on the final map, together with the date of the report and the name of the engineer making the report.

SEC. 2. The Legislature declares that the enactment of this act is to implement the recommendations contained in Volume 6, Number 21, of the Final Report of the Assembly Interim Committee on Municipal and County Government to the 1965 Regular Session of the Legislature.

CHAPTER 425

An act to add Sections 3563.5, 3784.5, and 5012.5 to the Elections Code, relating to ballot arguments.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 3563.5 is added to the Elections Code, to read:

3563.5. A ballot argument shall not be accepted under this article unless accompanied by the name or names of the person or persons submitting it, or, if submitted on behalf of an organization, the name of the organization and the names of at least two of its principal officers.

SEC. 2. Section 3784.5 is added to said code, to read:

3784.5. A ballot argument shall not be accepted under this article unless accompanied by the name or names of the person or persons submitting it, or, if submitted on behalf of an organization, the name of the organization and the names of at least two of its principal officers.

SEC. 3. Section 5012.5 is added to said code, to read:

5012.5. A ballot argument shall not be accepted under this article unless accompanied by the name or names of the person or persons submitting it, or, if submitted on behalf of an organization, the name of the organization and the names of at least two of its principal officers.

CHAPTER 426

An act to amend Section 960.2 of the Government Code, relating to actions against public entities.

[Approved by Governor May 29, 1965 Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 960.2 of the Government Code is amended to read:

960.2. In any suit against a public agency, if the governing body of any public agency fails to comply with Section 53051, notwithstanding any provision of law to the contrary, or if the governing body cannot with due diligence be found at the last known official mailing address of the governing body of the public agency, and it is shown by affidavit to the satisfaction of the court or judge that personal service of process against a public agency cannot be made with the exercise of due diligence, the court or judge may make an order that the service be made upon the public agency by delivery by hand to the Secretary of State or to any person employed in his office in the capacity of an assistant or deputy of two copies of the process for each defendant to be served, together with two copies of the order authorizing such service. Service in this manner constitutes personal service upon the public agency.

A fee of five dollars (\$5) shall be paid by the plaintiff to the Secretary of State for each public agency on which service is made in this manner.

CHAPTER 427

An act to amend Section 137.5 of the Civil Code, relating to costs in domestic relations cases.

[Approved by Governor May 29, 1965. Filed with Secretary of State May 29, 1965.]

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

SECTION 1. Section 137.5 of the Civil Code is amended to read:

137.5. Whenever the court in any action for annulment, divorce or for separate maintenance or for the custody, support, maintenance and education of children, orders one of the parties to pay costs and attorneys' fees for the benefit of the other for the prosecution or defense of the action, as the case may be, such costs and fees may, in the discretion of the court, be made payable in whole or in part to the attorney entitled thereto. Any such order may be enforced by the court in the manner specified in Section 137.3 of this code.

CHAPTER 428

An act to amend Section 25450.4 of the Government Code, relating to county property.

[Approved by Governor May 29, 1965. Filed with Secretary of State May 29, 1965.]

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

SECTION 1. Section 25450.4 of the Government Code is amended to read:

25450.4. In counties containing a population of 500,000 or over, the work referred to in Section 25450 need not be done by contract if the estimated cost thereof is less than six thousand five hundred dollars (\$6,500), exclusive of the estimated cost of materials or supplies to be furnished pursuant to Section 25457.4.

CHAPTER 429

An act to add Section 6415 to the Financial Code, relating to savings and loan associations.

[Approved by Governor May 29, 1965. Filed with Secretary of State May 29, 1965.]

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

SECTION 1. Section 6415 is added to the Financial Code, to read:

6415. An association may arrange for the collection of savings from schoolchildren by the principal of the school, by the teachers, or by collectors, pursuant to regulations issued by the superintendent and approved, in the case of public schools, by the board of education or board of trustees of the city or district in which the school is situated. The principal, teacher, or person authorized by the association to make collections from the schoolchildren shall be the agent of the association and the association is liable to the pupil for all collections made by such principal, teacher, or other authorized person to the same extent as if the collections were received directly by the association.

CHAPTER 430

An act to amend Section 2658 of the Labor Code, relating to license fees.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 2658 of the Labor Code is amended to read:

2658. No person shall employ an industrial homemaker unless the person employing an industrial homemaker has obtained a valid industrial homework license from the division.

Application for a license to employ industrial homeworkers shall be made to the division in such form as the division may by regulation prescribe. A license fee of fifty dollars (\$50) shall be paid to the division and said license shall be valid for a period of one year from the date of issuance unless sooner revoked or suspended.

The fee for renewal of a license shall be fifty dollars (\$50) if five or less industrial homeworkers were employed during the preceding year. The renewal fee shall be seventy-five dollars (\$75) for 6 to 20 industrial homeworkers, one hundred dollars (\$100) for 20 to 100 industrial homeworkers and one hundred fifty dollars (\$150) for more than 100 homeworkers.

The division may revoke or suspend the license upon a finding that the person has violated this part or has failed to comply with the regulations of the division or with any provision of the license. The industrial homework license shall not be transferable.

All license fees received under this part shall be paid into the State Treasury.

CHAPTER 431

An act to amend Sections 5005.1 and 5839 of the Public Resources Code, relating to the Department of General Services.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 5005.1 of the Public Resources Code is amended to read:

5005.1. The Division of Beaches and Parks may with approval of the Department of General Services transfer, sell or otherwise dispose of personal property under its jurisdiction and may contract with other public agencies for its custody.

SEC. 2. Section 5839 of said code is amended to read:

5839. The division, with the approval of the Department of General Services, may transfer, sell or otherwise dispose of personal property under its jurisdiction, and may contract with other public agencies for its custody.

CHAPTER 432

An act to amend and renumber Sections 14030, 14031, 14032, and 14033 of, and to add Section 14961 to, the Government Code, relating to the Architecture Revolving Fund.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 14030 of the Government Code is amended and renumbered to read:

14957. The Division of Architecture Revolving Fund in the State Treasury is continued in existence and is retitled the Architecture Revolving Fund. With the approval of the Department of Finance, there shall be transferred to, or deposited in, the fund all money appropriated, contributed, or made available from any source, including sources other than state appropriations, for expenditure on work within the powers and duties of the Department of General Services with respect to the construction, alteration, repair, and improvement of state buildings, including but not limited to services, new construction, major construction and equipment, minor construction, maintenance, improvements and equipment, and other building and improvement projects, as authorized by the state agency for which such an appropriation is made or, as to funds from sources other than state appropriations, as may be authorized by written agreement between the contributor or contributors of such funds and the Department

of General Services, when approved by the Department of Finance.

Money in the fund also may be used, upon approval of the Department of Finance, to finance the cost of any construction projects within the powers and duties of the Department of General Services for which the federal government will contribute a partial cost thereof; provided, written evidence has been received from a federal agency that money has been appropriated by Congress and the federal government will pay to the state the amount specified upon the completion of construction of the project. The Director of General Services may approve plans, specifications and estimates of cost, and advertise for and receive bids on such projects in anticipation of the receipt of such evidence.

Money so transferred or deposited is available for expenditure by the Department of General Services for the purposes for which appropriated, contributed, or made available, without regard to fiscal years and irrespective of the provisions of Section 16304.

SEC. 2. Section 14031 of said code is amended and renumbered to read:

14958. The Department of General Services shall file against the Architecture Revolving Fund all claims covering expenditures incurred in connection with services, new construction, major construction and equipment, minor construction, maintenance, improvements, and equipment, and other building and improvement projects, and the State Controller shall draw his warrant therefor against that fund.

SEC. 3. Section 14032 of said code is amended and renumbered to read:

14959. The Department of General Services shall keep a record of all expenditures chargeable against each specific portion of the revolving fund, and any unencumbered balance in any portion of the fund shall either within three months after completion of the project for which such portion was transferred or within three years from the time such portion was transferred or deposited therein, whichever is the earlier, be withdrawn from the revolving fund and transferred to the credit of the appropriation from which it was transferred or, as to funds from other than state appropriations, be paid out or refunded as provided in the agreement relating to the contributions; provided, that on approval of the Department of Finance the time of such withdrawal may be extended.

For the purpose of this section an estimate, prepared by the Department of General Services upon receipt of bids, of the amount required for supervision, engineering, and other items, if any, necessary for the completion of a project on which a construction contract has been awarded shall be deemed a valid encumbrance and be included with any other valid encumbrances in determining the amount of an unencumbered balance.

SEC. 4. Section 14033 of said code is amended and renumbered to read:

14960. Without at the time furnishing vouchers and itemized statements, the Department of General Services may withdraw from the Architecture Revolving Fund not to exceed at any one time the sum of five hundred thousand dollars (\$500,000). The sums withdrawn under this section shall be used as a revolving fund where payments of compensation earned or cash advances are necessary with respect to the construction, alteration, repair, or improvement of state buildings.

SEC. 5. Section 14961 is added to said code, to read:

14961. The Director of General Services may authorize the refund of moneys received or collected by the department in payment of fees, licenses, permits, or for rentals, property or services, wherein the license, permit, rental, property or service cannot lawfully be issued, furnished, or transferred to the person making the payment, or in cases where the payment in whole or in part represents overpayment or payment in duplicate.

CHAPTER 433

An act to amend Section 14662 of the Elections Code, relating to absent voters.

[Approved by Governor May 29, 1965 Filed with
Secretary of State May 29, 1965]

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

SECTION 1. Section 14662 of the Elections Code is amended to read:

14662 An absent voter, regardless of whether he is within or without the territorial limits of the United States, may mark his ballot and transmit it to the clerk by mail, in sufficient time to permit the ballot to be received by the clerk not later than 5 o'clock p.m. on the day before election day, if:

(a) In the case of any election conducted by the county clerk he is absent from his election precinct, or

(b) In the case of any other election, he is absent from the city or district of his residence, or

(c) He is unable because of disability to go to his polling place, or

(d) He is unable to go to his polling place on election day by reason of the fact that the tenets of his religion require his attendance at church or religious services on that day or otherwise prevent him from attending the polls throughout that day, or

(e) He resides more than 10 miles from the nearest polling place by the most direct route for public travel.

After marking his ballot the absent voter shall place it in the identification envelope. He shall then fill out and sign the

declaration on the envelope and mail it to the office of the clerk of the locality in which he resides.

Upon receipt of the return envelope, at or before 5 o'clock p.m. on the day before election day, containing the identification envelope, the clerk shall compare the voter's signature on the identification envelope with that appearing on his duplicate affidavit of registration or on his application for his ballot and, if they compare, shall deposit the identification envelope in a safe place in his office to be kept by him until the time prescribed for processing and counting absent voter ballots. An identification envelope shall in no event be opened before the time for canvassing absent voter ballots.

CHAPTER 434

An act to amend Section 18632 of, to add Section 18637 to, and to repeal Section 18637 of, the Business and Professions Code, relating to boxing and wrestling.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 18632 of the Business and Professions Code is amended to read:

18632. All moneys received by the commission under the provisions of this chapter shall be accounted for and reported by detailed statements furnished by the commission to the State Controller at least once a month, and at the same time such moneys shall be remitted to the State Treasurer and shall be deposited in the General Fund in the State Treasury.

SEC. 2. Section 18637 of said code is repealed.

SEC. 3. Section 18637 is added to said code, to read:

18637. The Athletic Commission Account in the General Fund in the State Treasury is abolished. The Controller, on the effective date of this section, shall credit the balance in that account to the General Fund. Any reference in state law to the Athletic Commission Account or to the Athletic Commission Fund shall be construed to refer to the General Fund

CHAPTER 435

An act to amend Sections 25210.15 and 25210.32 of the Government Code, relating to the County Service Area Law.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 25210.15 of the Government Code is amended to read:

25210.15. Proceedings for the establishment of a county service area shall be instituted by the adoption of a resolution of intention to establish the area which shall:

(a) State that a county service area is proposed to be established under the terms of this chapter in the unincorporated area of the county, and describe the boundaries of the territory proposed for inclusion in the area.

(b) State the name proposed for the area in substantially the following form: "County Service Area No. -----."

(c) State the type or types of extended county services already provided or proposed to be provided within the area pursuant to this chapter and state that, except where funds are otherwise available from service charges collected pursuant to Section 25210.77a, a tax sufficient to pay for all such services which are furnished on an extended basis will be annually levied upon all taxable property within such area.

(d) Fix a time and place for a public hearing on the establishment of the area which shall be not less than 30 nor more than 60 days after the adoption of the resolution.

SEC. 2. Section 25210.32 of said code is amended to read:

25210.32. The resolution of intention to provide additional types of extended services within an established county service area shall:

(a) State the name of the area

(b) Generally describe the territory included in the area.

(c) Specify the additional types of extended services which it is proposed to provide within the area and state that, except where funds are otherwise available from service charges collected pursuant to Section 25210.77a, a tax sufficient to pay for such additional extended services will be levied annually upon all taxable property within such area.

(d) Fix a time and place for a hearing upon the question of providing such additional types of extended services within the area, which shall not be less than 30 nor more than 60 days after the adoption of the resolution of intention.

CHAPTER 436

An act to amend Sections 970, 971, 972, and 973, of the Military and Veterans Code, relating to veteran's aid and welfare.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 970 of the Military and Veterans Code is amended to read:

970. The board of supervisors of any county may appoint, prescribe the qualifications of and fix the compensation of an

officer to be termed "county veteran service officer." Such appointee shall be a veteran.

It shall be the duty of the county veteran service officer to administer the aid provided for in this chapter, to investigate all claims, applications or requests for aid made pursuant to the terms of this chapter, and to perform any and other such services as may be detailed to him for performance by the board of supervisors.

SEC. 2. Section 971 of said code is amended to read:

971. The county veteran service officer shall assist every veteran of any war of the United States and the dependents of every such deceased veteran in presenting and pursuing such claim as the veteran may have against the United States arising out of war service and in establishing the veteran's right to any privilege, preference, care, or compensation provided for by the laws of the United States or of this state.

SEC. 3. Section 972 of said code is amended to read:

972. The board of supervisors may provide the county veteran service officer with such assistants and facilities as it deems necessary. If such a position is created and filled, the compensation and expenses of the county veteran service officer shall be a county charge, but the Department of Veterans Affairs, out of state moneys available therefor, may pay each county a portion of such costs in an amount determined by the department, conditioned upon the observance of standards and regulations prescribed by, and in compliance with the direction of the department and its authorized representatives. Contributions by the department to any county toward the payment of the salary of the county veteran service officer shall not exceed the sum of seventy-five dollars (\$75) per month.

SEC. 4. Section 973 of said code is amended to read:

973. The county veteran service officer shall have power to administer and certify oaths and affirmations, take and certify affidavits and acknowledgments, and exercise any other power of a notary public, as a part of his duties under the provisions of this chapter in assisting veterans with respect to their affairs. The county veteran service officer shall not charge any fee for such service.

CHAPTER 437

An act to amend Sections 13702 and 13702.1 of, and to add Sections 13702.2 and 13702.3 to, the Education Code, relating to the merit system elections in the school districts.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 13702.1 of the Education Code is amended to read:

13702.1. The elections provided in this article shall be called, held, conducted, and consolidated with the next school election; provided there is a school election scheduled, or subsequently scheduled, within 180 days of the date the valid petition is presented to the governing board for action. The statement of the purpose of the election shall be: Shall the merit system for school employees not requiring certification qualifications, as provided for in Article 5 (commencing with Section 13701), Chapter 3, Division 10 of the Education Code of the State of California be adopted by the _____ School District of _____ County (or, Counties, where appropriate)?

SEC. 1.5. Section 13702 of said code is amended to read:

13702. Upon written petition of qualified electors not less in number than 10 percent of the number voting in the last election for a member of the governing board, the governing board receiving the petition shall: (1) order the county superintendent of schools having jurisdiction to submit the question of adopting or terminating a merit system as provided in this article to the voters of the district at a special election; or (2) order the county superintendent of schools to place the question of adoption or termination of the merit system on the ballot at the next regular governing board member election, except as may otherwise be provided for in this article.

SEC. 2. Section 13702.2 is added to said code, to read:

13702.2. An election not consolidated as provided in Section 13702.1 of this code shall be called, held and conducted within 180 days of the date the petition is presented to the governing board.

SEC. 3. Section 13702 3 is added to said code, to read:

13702.3. If a valid petition calling for an election is presented to a governing board of any district that is involved in unification election as provided in this code, such election shall be consolidated with the unification election and voted upon by the electorate qualified and voting in the unification election. The question shall then be revised to read: Shall the merit system for school employees not requiring certification qualifications, as provided for in Article 5 (commencing with Section 13701), Chapter 3, Division 10 of the Education Code of the State of California be adopted by the new unified district if formation of the proposed unification is approved by the electorate?

If adoption of the merit system is approved by the electorate, the governing board of the new district will, upon organization, immediately proceed to adopt the system so that the Personnel Commission can commence complying with the applicable provisions of law and have the system operative for all purposes on the effective date of the new unified district.

Nothing in this section shall be construed to modify the provisions of Section 13584.2 of this chapter.

CHAPTER 438

An act to amend Section 10651 of, and to add Section 6806.1 to, the Education Code, relating to physically handicapped children.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 6806.1 is added to the Education Code, to read:

6806.1. The Superintendent of Public Instruction shall adopt regulations (a) to prescribe the conditions under which the education of physically handicapped minors shall be the responsibility of either the elementary schools or the high schools maintained by school districts, and (b) to determine when such pupils who are in classes maintained by a school district, or a county superintendent of schools, shall be designated in elementary or secondary grades for attendance and state apportionment purposes.

SEC. 2. Section 10651 of said code is amended to read:

10651. Whenever any blind person with the proper educational qualifications regularly matriculates, enters, and works for a degree, or for a diploma of graduation, in any university, college, or state college in this state, the Director of Education may provide, from any funds appropriated for the purpose or appropriated for the support of the California School for the Blind, a reader to assist him in his studies. Any reader whose services are provided pursuant to this section shall be deemed an independent contractor whose services shall have been contracted by the Director of Education for the benefit of such blind person, and not an employee of the Department of Education. Compensation for readers shall be established at a rate high enough to obtain competent readers, but in no event shall such compensation be less than the basic federal minimum wage. No more than one thousand two hundred fifty dollars (\$1,250) per annum shall be expended for the instruction of any one student, except that for graduate students no more than one thousand five hundred dollars (\$1,500) shall be expended for the instruction of any one student; provided that a greater amount may be expended if the Superintendent of the California School for the Blind finds that the instruction of a student will be facilitated by such additional expenditure.

CHAPTER 439

An act to amend Section 26311 of, and to repeal Section 26306 of, the Vehicle Code, relating to brakes.

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

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

SECTION 1. Section 26306 of the Vehicle Code is repealed.

SEC. 2. Section 26311 of said code is amended to read:

26311. (a) Every motor vehicle shall be equipped with service brakes on all wheels, except as follows:

(1) Trucks and truck tractors having three or more axles need not have brakes on the front wheels, except when such vehicles are equipped with at least two steerable axles, the wheels of one such axle need not be equipped with brakes.

(2) Any vehicle being towed in a driveaway-towaway operation.

(3) Any vehicle manufactured prior to 1930.

(4) Any two-axle truck tractor manufactured prior to 1964.

(5) Any sidecar attached to a motorcycle.

(6) Any motorcycle manufactured prior to 1966. Such motorcycle shall be equipped with brakes on at least one wheel.

(b) Means may be used for reducing the braking effort on the front wheels of any bus, truck, or truck tractor, provided that the means for reducing the braking effort shall be used only when operating under adverse road conditions, such as wet, snowy, or icy roads.

(c) Vehicles and combinations of vehicles exempted in subdivisions (a) and (b) from the requirements of brakes on all wheels shall comply with the stopping distance requirements of Section 26454.

CHAPTER 440

An act to amend Section 26506 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor May 29, 1965. Filed with
Secretary of State May 29, 1965.]

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

SECTION 1. Section 26506 of the Vehicle Code is amended to read:

26506. Every motor vehicle airbrake system used to operate the brakes on the motor vehicle or the brakes on a towed vehicle shall be equipped with a low air pressure warning device. The device shall be readily visible or audible to the driver and

shall give a satisfactory continuous warning when the air supply pressure drops below a fixed pressure which shall be not more than 75 pounds per square inch nor less than 55 pounds per square inch with the engine running. A gage indicating pressure shall not satisfy this requirement.

CHAPTER 441

An act to amend Section 11520 of the Insurance Code, relating to grants and annuities societies.

[AB 1315 having remained with the Governor 10 days (Sundays excepted), and the Legislature being in session, it became law without his signature. (See Section 9516, Government Code) Filed with Secretary of State June 1, 1965]

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

SECTION 1. Section 11520 of the Insurance Code is amended to read:

11520. The following organizations and persons may receive transfers of property, conditioned upon their agreement to pay an annuity to the transferor or his nominee, after obtaining from the commissioner a certificate of authority so to do:

(a) Any charitable, religious, benevolent or educational organization, pecuniary profit not being its object or purpose, after being in active operation for at least 10 years; provided, nevertheless, that 10 years of active operation shall not be required in case of:

(i) A nonprofit corporation organized and controlled by a hospital classified and licensed by the Department of Public Health as a general hospital pursuant to Chapter 2 (commencing with Section 1400), Division 2, of the Health and Safety Code; and

(ii) An incorporated educational institution offering courses of instruction beyond high school, organized pursuant to Section 29003 of the Education Code, and which is, and for at least one year has been, qualified pursuant to Article 1 (commencing with Section 29001) of Chapter 1 of Division 21 of the Education Code to issue diplomas or degrees as defined in Section 29001 of such code;

(b) Every organization or person maintaining homes for the aged for pecuniary profit.

The provisions of this section shall not apply to organizations subject to and operating under Chapter 3, Division 3, of the Welfare and Institutions Code.

CHAPTER 442

An act to amend Section 4454 of the Vehicle Code, relating to display of registration card.

[Approved by Governor June 1, 1965. Filed with Secretary of State June 1, 1965.]

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

SECTION 1. Section 4454 of the Vehicle Code is amended to read:

4454. (a) Every owner upon receipt of a registration card shall write his signature thereon in ink in the space provided and shall place and thereafter maintain the same or a facsimile copy thereof in a suitable container securely fastened in the driver's compartment of the vehicle for which issued in a position so that the name and address of the registered owner and the license number of the vehicle shall be plainly visible and legible from outside the vehicle. If the vehicle has no driver's compartment, the registration card or facsimile shall be carried in a receptacle attached to the vehicle.

(b) No person shall operate, nor shall an owner knowingly permit to be operated, upon any highway any vehicle unless the registration card or facsimile copy thereof is placed as described in subdivision (a).

(c) The provisions of this section do not apply when a registration card is necessarily removed from the vehicle for the purpose of application for renewal or transfer of registration.

CHAPTER 443

An act to amend Sections 26450, 26451, and 26454 of, and to repeal Section 26300 of, the Vehicle Code, relating to brakes.

[Approved by Governor June 1, 1965. Filed with Secretary of State June 1, 1965.]

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

SECTION 1. Section 26300 of the Vehicle Code is repealed.

SEC. 2. Section 26450 of said code is amended to read:

Every motor vehicle, other than a motorcycle, shall be equipped with a service brake system and a parking brake system, each of which shall be separately applied.

If the two systems are connected in any way, they shall be so constructed that failure of any one part, not including failure in the drums, brakeshoes, or other mechanical parts of the wheel brake assemblies, shall not leave the motor vehicle without operative brakes.

SEC. 3. Section 26451 of said code is amended to read:

26451. The parking brake system of every motor vehicle shall comply with the following requirements:

(a) The parking brake shall be adequate to hold the vehicle or combination of vehicles stationary on any grade on which it is operated under all conditions of loading on a surface free from snow, ice or loose material. In any event the parking brake shall be capable of locking the braked wheels to the limit of traction.

(b) The parking brake shall be applied either by the driver's muscular efforts, by spring action, or by other energy which is isolated and used exclusively for the operation of the parking brake or the combination parking brake and emergency stopping system.

(c) The parking brake shall remain applied with the required effectiveness despite any exhaustion of energy or any leakage.

SEC. 4. Section 26454 of said code is amended to read:

26454. (a) The service brakes of every motor vehicle or combination of vehicles shall be adequate to control the movement of and to stop and hold such vehicle or combination of vehicles under all conditions of loading on any grade on which it is operated.

(b) Every motor vehicle or combination of vehicles, at any time and under all conditions of loading, shall, upon application of the service brake, be capable of stopping from an initial speed of 20 miles per hour according to the following requirements:

	Maximum Stopping Distance (feet)
(1) Any passenger vehicle -----	25
(2) Any single motor vehicle with a manufacturer's gross vehicle weight rating of less than 10,000 lbs. -----	30
(3) Any combination of vehicles consisting of a passenger vehicle or any motor vehicle with a manufacturer's gross vehicle weight rating of less than 10,000 lbs. in combination with any trailer, semitrailer or trailer coach -----	40
(4) Any single motor vehicle with a manufacturer's gross vehicle weight rating of 10,000 lbs. or more or any bus -----	40
(5) All other combinations of vehicles -----	50

CHAPTER 444

*An act to amend Sections 26302 and 26303 of the
Vehicle Code, relating to brakes.*

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 26302 of the Vehicle Code is amended to read:

26302. (a) Every trailer or semitrailer, manufactured and first registered after January 1, 1940, and having a gross weight of 6,000 pounds or more and which is operated at a speed of 20 miles per hour or over shall be equipped with brakes.

(b) Every trailer or semitrailer manufactured and first registered after January 1, 1966, and having a gross weight of 3,000 pounds or more shall be equipped with brakes on at least two wheels.

(c) Brakes required on trailers or semitrailers shall be adequate to enable the combination of vehicles to comply with the stopping distance requirements of Section 26454.

SEC. 2. Section 26303 of said code is amended to read:

26303. Every trailer coach having a gross weight of 1,500 pounds or more, but exclusive of passengers, shall be equipped with brakes on at least two wheels which are adequate, supplemental to the brakes on the towing vehicle, to enable the combination of vehicles to comply with the stopping distance requirements of Section 26454.

CHAPTER 445*An act to amend Section 7 of the Metropolitan Water District
Act (Chapter 429, Statutes of 1927), relating to metropoli-
tan water districts.*

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 7 of the Metropolitan Water District Act (Chapter 429, Statutes of 1927) is amended to read:

Sec. 7. (a) Whenever the board of directors of any metropolitan water district incorporated under this act shall, by ordinance adopted by a vote of a majority of the aggregate number of votes of all the members of the board of directors, determine that the interests of said district and the public interest or necessity demand the acquisition, construction or completion of any public improvement or works of the district, or the payment of funds for any part of the capital

costs of any public improvement or works of this state from which service is to be provided to the district, or the incurring of any preliminary expenses, or any combination of such purposes, necessary or convenient to carry out the objects or purposes of said district the cost of which will be too great to be paid out of the ordinary annual income and revenue of the district, said board of directors may order the submission of the proposition of incurring bonded indebtedness, for the purposes set forth in the said ordinance, to the qualified voters of such district, at an election held for that purpose. Any election held for the purpose of submitting any proposition or propositions of incurring such bonded indebtedness may be held separately, or may be consolidated or held concurrently with any other election authorized by law at which the qualified electors of the district are entitled to vote. The declaration of public interest or necessity herein required and the provision for the holding of such election may be included within one and the same ordinance, which ordinance, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost thereof, or the estimated amount of preliminary expenses, as the case may be, the amount of the principal of the indebtedness to be incurred therefor and the maximum rate of interest to be paid on such indebtedness, which rate shall not exceed six (6) percent per annum payable semiannually. Such ordinance shall also fix the date upon which such election shall be held and the manner of holding the same and the method of voting for or against incurring the proposed indebtedness. Such ordinance shall also fix the compensation to be paid the officers of the election and shall designate the precincts and polling places and shall appoint the officers of such election, which officers shall consist of one inspector, one judge and two clerks in each precinct. The description of precincts may be made by reference to any order or orders of the board of supervisors of the county or counties in which the district or any part thereof is situated, or by detailed description of such precincts. Precincts established by the boards of supervisors of the various counties, to a number not exceeding six (6) may be consolidated for special elections held hereunder. In the event any bond election shall be called to be held concurrently with any other election or shall be consolidated therewith, the ordinance calling the election hereunder need not designate precincts or polling places or the names of officers of election, but shall contain reference to the act or order calling such other election and fixing the precincts and polling places and appointing election officers therefor except that such reference shall not be required when the election is consolidated with a statewide election.

(b) The ordinance provided for in subdivision (a) of this section shall be published once, at least ten (10) days before

the date of the election therein called, in a newspaper of general circulation printed and published within the district, and no other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made. In all particulars not set out in such ordinance, said election shall be held and conducted substantially in accordance with the provisions of the Elections Code.

The board of directors or any member or members thereof or any person or persons designated by the board may file with the secretary of the board an argument for the measure and any member of the board or other voter or voters of the district may file with such secretary an argument against the measure. No such argument shall exceed five hundred (500) words in length and all arguments shall be filed with the secretary of the board at least fifty-five (55) days prior to the date of the election. From the arguments so filed with him, the secretary shall select the argument for and the argument against the measure deemed by him to best express the respective views of the proponents and opponents of the measure. The arguments so selected by the secretary shall be printed and a printed copy of such arguments (which shall be deemed official matter) shall be enclosed in an envelope with each sample ballot. Any irregularities in carrying out the provisions of this paragraph shall not invalidate or affect the results of the election.

(c) The respective election boards shall conduct the election in their respective precincts in the manner prescribed by law for the holding of general elections, and shall make their returns to the secretary of the district. At any regular or special meeting of the board of directors held not earlier than five (5) days following the date of such election, the returns thereof shall be canvassed and the results thereof declared. In the event that any election held hereunder shall be consolidated with any primary or general election and the proposition to incur indebtedness shall be printed upon a ballot containing other propositions, the returns of the election held hereunder shall be made with the returns of the primary or general election to the board of supervisors or other bodies whose duty it shall be to canvass the returns thereof, and the results of the election held hereunder shall be canvassed at the time and in the manner provided by law for the canvass of the returns of such primary or general election. It shall be the duty of such canvassing body or bodies to promptly certify and transmit to the board of directors of the district a statement of the result of the vote upon the proposition submitted hereunder. Upon receipt of such certificates, it shall be the duty of the board of directors to tabulate and declare the results of the election held hereunder.

(d) In the event that it shall appear from said returns that a majority of the electors voting on any proposition submitted hereunder at such election voted in favor of such proposition,

the district shall thereupon be authorized to issue and sell bonds of the district in the amount and for the purpose or purposes and object or objects provided for such proposition in such ordinance, and at a rate of interest, not exceeding the rate recited in said ordinance.

(e) Bonds authorized pursuant to this act shall mature at times and in amounts to be fixed by the board of directors; provided, that the payment of the principal of said bonds or series thereof shall begin not later than 15 years from the date thereof, or the date of such series and must be completed in not more than 50 years from the date thereof or the date of such series. The bonds shall be issued in such denominations as the board of directors may determine, and shall be payable on the day and at the place or places fixed in such bonds and with interest at the rate specified therein, which rate shall not be in excess of six percent (6%) per annum, and shall be payable semiannually.

The board of directors may provide for the call and redemption of bonds before maturity at such times and at such prices as it may determine. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect.

Such bonds shall be signed by the chairman of said board of directors, or by such other officer as said board of directors shall, by resolution adopted by a majority vote of its members, authorize and designate for that purpose, and such bonds shall also be signed by the controller, or assistant controller, and countersigned by the secretary of said board of directors. The coupons, if any, of said bonds shall be numbered consecutively, and signed by said controller, or assistant controller. All such signatures and countersignatures excepting that of the controller, or assistant controller, on said bonds, may be printed, lithographed or engraved.

(f) In case any of such officers, whose signatures or countersignatures appear on the bonds or coupons, shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures or countersignatures shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of such bonds.

(g) Such bonds shall not be sold at a price less than the par value thereof, together with accrued interest to the date of delivery, nor until notice calling for bids therefor shall have been published in a newspaper of general circulation published and circulated in the county wherein the principal place of business of said district shall be located. Said notice, calling for bids, shall state the time for the receipt of such bids, which shall not be less than ten (10) days after the publication thereof. Such notice may offer the bonds at a fixed interest rate or with the interest rate or rates undetermined, in which event the bids shall contain a statement of the rate or rates of interest at which the bidder will take the bonds and pay par value or more therefor, together with accrued interest.

Bids for such bonds shall be opened publicly and the results thereof publicly announced. Such bonds shall be sold to the highest bidder. 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. Temporary, or interim bonds or certificates, of any denomination whatsoever, to be signed by the controller, or assistant controller, may be issued until the definitive bonds are executed and available for delivery.

(h) Such bonds may be issued and sold by said board of directors as they shall determine, and the proceeds thereof, excepting premium and accrued interest, shall be placed in the treasury of said district to the credit of the proper improvement fund, and shall be applied exclusively to the purposes and objects mentioned in said ordinance; provided, that the interest on said bonds accruing during the construction period and for one year thereafter may be deemed to be a construction cost within the meaning of the purposes and objects mentioned in said ordinance, and such interest may be paid from said proceeds of the sales of such bonds. Premium and accrued interest shall be placed in the fund to be applied to the payment of interest on, and the retirement of, the bonds so sold. For the purposes of this section, the construction period shall be deemed to end when the works, the construction of which shall have been authorized from the proceeds of any such bond issue, shall have been placed in operation to such extent as to result in the sale and delivery in the district, of water transported and provided by means of such works.

(i) An action to determine the validity of bonds and the sufficiency of the provision for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due and for the payment of the principal thereof on or before maturity may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

(j) If from any cause, the revenues of the district shall be inadequate to pay the interest or principal of any bonded debt as the same becomes due, the board of directors shall, at the time of fixing the tax levy and in the manner for such tax levy provided, levy and collect annually until said bonds are paid or until there shall be a sum in the treasury of the district set apart for that purpose sufficient to meet all sums coming due for principal and interest on such bonds, a tax sufficient to pay the annual interest on such bonds and such part of the principal of such bonds as shall become due before the time when money will be available from the next general tax levy, or such portion thereof as shall not be met from previous levies or other revenues of the district. The taxes herein required to be levied and collected shall be in addition to all other taxes levied for district purposes and shall be collected at the time and in the same manner as other district taxes are collected

and shall be used for no purpose other than the payment of such bonds and accruing interest.

(k) The resolution or ordinance providing for the issuance of the bonds or any installment thereof may contain such registration, conversion and exchange privileges as the board of directors may determine.

(l) All bonds heretofore or hereafter issued by any metropolitan water district shall be legal investments for all trust funds, and for the funds of all insurance companies, banks, both commercial and savings and trust companies, and for the state school funds, and for all sinking funds under the control of the State Treasurer, and whenever any moneys or funds may by law now or hereafter enacted be invested in, or loaned upon the security of, bonds of cities, cities and counties, counties, or school districts in the State of California, such moneys or funds may be invested in, or loaned upon the security of, the bonds of such metropolitan water district; and whenever bonds of cities, cities and counties, counties, or school districts, by any law now or hereafter enacted, may be used as security for the faithful performance or execution of any court or private trust or of any other act, bonds of such metropolitan water district may be so used.

CHAPTER 446

An act to add Section 17021 to the Elections Code, relating to the conduct of elections.

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 17021 is added to the Elections Code, to read:

17021. Neither the county clerk nor any member of a precinct board shall release any result of any count on a ballot proposition or candidate until after 8 o'clock p.m. on the day of election or until all polling places in California have closed, whichever is earlier.

This section shall not apply to a precinct in which the counting of all votes is completed prior to 8 o'clock p.m. .

CHAPTER 447

An act to add Sections 1659, 13368, and 14250.5 to the Vehicle Code, relating to safe driving of motor vehicles.

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 1659 is added to the Vehicle Code, to read:

1659. The department may develop criteria, establish standards for, and coordinate a program of motor vehicle driver education and motor vehicle driver training for drivers whose licenses have been suspended or revoked.

The purpose of the program shall be to promote safe driving. To carry out this purpose the department may seek the advice or cooperation of the schools, courts, and other interested persons.

SEC. 2. Section 13368 is added to said code, to read:

13368. The department, as a condition to the reinstatement of a suspended license or the issuance of a new license to an individual whose prior license has been revoked, may require the individual to attend the program authorized by the provisions of Section 1659.

SEC. 3. Section 14250.5 is added to said code, to read:

14250.5. The department, as a condition of probation, may require a person whose privilege to operate a motor vehicle is subject to suspension or revocation to attend, for not to exceed 24 hours, the program authorized by the provisions of Section 1659.

CHAPTER 448*An act to amend Sections 21654 and 21656 of the Vehicle Code, relating to driving in the right-hand lane.*

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 21654 of the Vehicle Code is amended to read:

21654. (a) Notwithstanding the prima facie speed limits, any vehicle proceeding upon a highway at a speed less than the normal speed of traffic moving in the same direction at such time shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(b) If a vehicle is being driven at a speed less than the normal speed of traffic moving in the same direction at such time, and is not being driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, it shall constitute prima facie evidence that the driver is operating the vehicle in violation of subdivision (a) of this section.

(c) The State Department of Public Works, with respect to state highways, and local authorities, with respect to highways under their jurisdiction, may place and maintain upon highways official signs directing slow-moving traffic to use the right-hand traffic lane except when overtaking and passing another vehicle or preparing for a left turn.

SEC. 2. Section 21656 of said code is amended to read:

21656. On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow-moving vehicle, including a passenger vehicle, behind which five or more vehicles are formed in line, shall turn off the roadway at the nearest place designated as a turnout by signs erected by the authority having jurisdiction over the highway, or wherever sufficient area for a safe turnout exists, in order to permit the vehicles following it to proceed. As used in this section a slow-moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place.

CHAPTER 449

An act to amend Sections 460, 464, 470, 474, and 527 of the Agricultural Code, relating to milk standards.

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 460 of the Agricultural Code is amended to read:

460. Market milk, except as provided in this article shall contain not more than 15,000 bacteria per milliliter if raw and not more than 75,000 bacteria per milliliter before pasteurization and if pasteurized not more than 15,000 bacteria per milliliter at time of delivery to the consumer. It shall be cooled to 50 degrees Fahrenheit or below whether raw or pasteurized and so maintained until delivered to the consumer; market milk for pasteurization shall be cooled to 50 degrees Fahrenheit or below and so maintained in transit at not to exceed 52 degrees Fahrenheit. Market milk when delivered to the consumer shall contain not less than 3.5 percent of milk fat and not less than 8.15 percent of solids-not-fat. Effective October 1, 1963, market milk when delivered to the consumer shall contain not less than 3.5 percent of milk fat and not less than 8.35

percent of solids-not-fat; provided further, however, that effective October 1, 1965, and thereafter the solids-not-fat content of market milk when delivered to the consumer shall be not less than 85 percent. Market milk may be standardized to a milk fat content of not less than 3.5 percent. Market milk produced for sale under the supervision of a milk inspection service approved by the director or established and conducted by the director shall be in conformity with the provisions for the respective grades as defined in this article. Market milk includes market cream except as otherwise specifically provided. Market goat milk may be standardized to a milk fat content of not less than 3.3 percent. Market goat milk when delivered to the consumer shall contain not less than 8.15 percent of solid-not-fat.

SEC. 3. Section 464 of said code is amended to read:

464. When served by any school, hospital, hotel, boarding-house, restaurant, soda fountain, lunch counter or other places where food or drink is served to the public, market milk shall be served in the individual service bottle or container which has been filled and capped or sealed in a milk room, properly designed and equipped as approved by the director, the cap or seal of which shall not be removed except in the presence of the consumer or patron. This section does not apply to market cream or half-and-half. This section does not prohibit the serving of homogenized market milk from a milk dispensing device which has been approved for such use by the director in accordance with Section 461. This section does not apply to any private boarding school licensed pursuant to Chapter 1 (commencing with Section 1620) of Part 3, Division 2 of the Welfare and Institutions Code which is also a private full-time day school within the meaning of Section 12154 of the Education Code or to any fraternity, sorority, dormitory or eating club, the existence of which is authorized or approved by the board of trustees or other governing agency of a college or university.

SEC. 4. Section 470 of said code is amended to read:

470. Milk for grade A pasteurized milk is market milk which conforms to the following minimum requirements: The health of the cows or goats shall be determined at least once in six months by an official representative of a milk inspection service approved by, or established by, the director. The milk shall be cooled immediately after being drawn from the cow or goat to 50 degrees Fahrenheit or less and maintained in transit at not to exceed 52 degrees Fahrenheit. It shall be produced on dairy farms that score not less than 70 percent on the dairy farm scorecard adopted by the department and it shall contain not more than 75,000 bacteria per milliliter before pasteurization.

SEC. 5. Section 474 of said code is amended to read:

474. Half-and-half is a market milk product. It shall contain not less than 11.7 percent of milk fat and it shall contain not more than 25,000 bacteria per milliliter when delivered to

the consumer. Half-and-half shall be homogenized and shall otherwise meet all standards and requirements specified in this division for market milk except that it may contain less than 8.35 percent milk solids-not-fat.

SEC. 6. Section 527 of said code is amended to read:

527. (a) It is unlawful to sell, give away, or deliver, or to knowingly purchase or receive any impure, polluted, tainted, unclean, unwholesome, stale or adulterated milk or cream, or any product manufactured wholly or in part therefrom.

(b) It is unlawful to sell, give away, or deliver, or to knowingly purchase or receive any milk, cream, or product thereof, or imitation milk, or imitation cream, or imitation milk product or substitutes for milk products which do not conform to the standards established by this division or to sell, give away, or deliver, or to knowingly purchase or receive as or for milk or cream any product prepared or manufactured by the mixing or blending of milk, skim milk, or any of the derivatives thereof, with butter.

CHAPTER 450

An act to amend Section 10148 of, and to repeal Section 10184 of, the Business and Professions Code, relating to the regulation of real estate licensees.

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 10148 of the Business and Professions Code is amended to read:

10148. A licensed real estate broker shall retain for three years copies of all listings, deposit receipts, canceled checks, trust records, and other documents executed by him or obtained by him in connection with any transactions for which a real estate broker license is required. The retention period shall run from the date of the closing of the transaction or from the date of the listing if the transaction is not consummated. After notice, such books, accounts and records shall be made available for examination and inspection by the commissioner or his designated representative during regular business hours; and shall, upon the appearance of sufficient cause, be subject to audit without further notice, except that such audit shall not be harassing in nature.

SEC. 2. Section 10184 of said code is repealed.

CHAPTER 451

An act to add Section 213.1 to, and to amend Section 383 of the Elections Code, relating to affidavits of registration.

[Approved by Governor June 1, 1965 Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 213.1 is added to the Elections Code, to read:

213.1. The county clerk of any county in this state may take the affidavit of registration of any elector who resides or claims residence in another county in this state if it is within seven days prior to the close of registration for any statewide primary or general election, and the elector will not have sufficient time to either return to his county of residence to register or write for registration by mail before the close of registration for the election. The affidavit shall be forwarded to the county clerk of the county in which the elector resides. The county clerk of the county in which the elector resides shall notify the elector that inasmuch as his affidavit was taken outside his county of residence, it will be valid for the ensuing election only; thereafter it shall be canceled and he will not be eligible to vote in future elections until he registers by appearing before a deputy of his own county or registering by mail in accordance with Section 213.

SEC. 2. Section 383 of the Elections Code is amended to read:

383. The county clerk shall cancel the registration in the following cases:

- (a) At the request of the person registered.
- (b) When the insanity of the person registered is legally established.
- (c) Upon the production of a certified copy of a subsisting judgment of the conviction of the person registered of any infamous crime or of the embezzlement or misappropriation of any public money.
- (d) Upon the production of a certified copy of a judgment directing the cancellation to be made.
- (e) Upon the death of the person registered.
- (f) If the person registered has not voted at the preceding general election unless the clerk, prior to the time he has canceled the registration, has had written notice from the voter that the voter still resides and has not removed from the residence address stated in the affidavit of registration, in which case he shall not cancel the registration, but it shall remain permanent unless canceled for any other cause enumerated in this section. If the county clerk has already canceled the affidavit of registration, then upon receipt of the proper information within 60 days after mailing the notice

provided for in Section 387, he shall restore the affidavit of registration to the files.

(g) A registration taken by the county clerk of another county after the ensuing primary or general election, as set forth in Section 213.1.

CHAPTER 452

An act to amend Sections 1379 and 2739 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965]

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

SECTION 1. Section 1379 of the Unemployment Insurance Code is amended to read:

1379. The director, subject to the provisions of this article, may do either of the following in the recovery of overpayments:

(a) File a civil action against the liable person for the recovery of the amount of the overpayment within one year after any of the following:

(1) The mailing or personal service of the notice of overpayment determination if the person affected does not file an appeal to a referee.

(2) The mailing of the decision of the referee if the person affected does not initiate a further appeal to the Appeals Board.

(3) The date of the decision of the Appeals Board.

(b) Offset the amount of the overpayment received by the liable person against any amount of benefits to which he may become entitled under this division within any of the following periods:

(1) The current disability benefit period.

(2) The current benefit year.

(3) Any benefit year which begins during the three-year period next succeeding the date of the mailing or personal service of the notice of overpayment determination.

(4) One year from the beginning date of any disability benefit period which begins during the three-year period next succeeding the date of the mailing or personal service of the notice of overpayment determination.

SEC 2. Section 2739 of said code is amended to read:

2739 The director, subject to the provisions of this article, may do either of the following in the recovery of overpayments:

(a) File a civil action against the liable person for the recovery of the amount of the overpayment within one year after any of the following:

(1) The mailing or personal service of the notice of overpayment determination if the person affected does not file an appeal to a referee.

(2) The mailing of the decision of the referee if the person affected does not initiate a further appeal to the Appeals Board.

(3) The date of the decision of the Appeals Board.

(b) Offset the amount of the overpayment received by the liable person against any amount of benefits to which he may become entitled under this division within any of the following periods:

(1) The current disability benefit period.

(2) The current benefit year.

(3) Any benefit year which begins during the three-year period next succeeding the date of the mailing or personal service of the notice of overpayment determination.

(4) One year from the beginning date of any disability benefit period which begins during the three-year period next succeeding the date of the mailing or personal service of the notice of overpayment determination.

CHAPTER 453

An act to amend Section 27155 of the Vehicle Code, relating to vehicle fuel spouts.

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 27155 of the Vehicle Code is amended to read:

27155. No motor vehicle shall be operated or parked upon any highway unless the filling spout for the fuel tank is closed by a cap or cover of noncombustible material.

CHAPTER 454

An act to amend Section 1755 of the Probate Code, relating to conservatorships.

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 1755 of the Probate Code is amended to read:

1755. Every conservatorship shall continue until the authority of the conservator is terminated by the death of the conservator or by order of court, or, subject to the duty of the conservator to see to the custody and conservation of the

estate pending the delivery thereof to the personal representative of the conservatee's estate, by the death of the conservatee. Any conservator, the conservatee, or any relative or friend of the conservatee may apply by verified petition to the superior court of the county in which the proceedings are pending to have the conservatorship terminated. Said petition shall state the facts alleged to establish that the conservatorship is no longer required. The petition shall be set for hearing and notice thereof given to the persons and in the same manner as is provided in this chapter for a petition for the appointment of a conservator. The conservator in such case, if he is not the petitioner or has not joined in the petition, shall, if he is a resident of this state, be personally served with a notice of the time and place of the hearing accompanied by a copy of the petition at least five (5) days prior to the hearing. If the conservator is not a resident of this state or cannot be found therein after diligent search, the court may fix the manner of giving notice to him by mail, publication or otherwise as the court deems best or the court may dispense with such notice. The conservator or any relative or friend of the conservatee may appear and oppose the petition. The court shall hear and determine the matter according to the laws and procedure relating to the trial of civil action, including trial by jury if demanded. If it is determined that the conservatorship is no longer required, the conservatorship shall cease. The conservator may at said hearing, or thereafter on further notice and hearing, be discharged and his bond exonerated upon the settlement and approval of his final account by the court.

CHAPTER 455

An act to amend Section 23114 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 23114 of the Vehicle Code is amended to read:

23114. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed, covered, or loaded as to prevent any of its contents or load other than clear water or feathers from live birds from dropping, sifting, leaking, blowing, spilling, or otherwise escaping therefrom.

CHAPTER 456

An act to amend Section 26857 of the Government Code, relating to county clerks' fees.

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 26857 of the Government Code is amended to read:

26857. No fee shall be charged by the clerk for service rendered in any criminal action or adoption proceeding, nor for any service to the state. No fee shall be charged by the clerk for service rendered to any municipality or county in the state, or to the national government, nor for any service relating thereto.

CHAPTER 457

An act to amend Section 36518 of, and to add Section 36812.5 to, the Government Code, relating to city officers.

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 36518 of the Government Code is amended to read:

36518. Before entering upon the duties of their offices, the city clerk and city treasurer shall each execute a bond to the city. Except as otherwise provided, the bonds shall conform to the provisions of this code relating to bonds of public officers. The penal sum of the bond shall be in a reasonable amount recommended by the city attorney and fixed by the city council, by resolution, and may be changed during their terms of office.

SEC. 2. Section 36812.5 is added to said code, to read:

36812.5. A city may defend any person elected to the city council or to the office of city clerk or city treasurer in any election contest instituted for any of the causes set forth in subdivisions (a), (d), or (e) of Section 20021 of the Elections Code.

CHAPTER 458

An act to amend Section 531 of the Welfare and Institutions Code, relating to the Juvenile Court Law.

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 531 of the Welfare and Institutions Code is amended to read:

531. Members of a juvenile justice commission shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. Such reimbursement shall be made by the county of appointment or, in lieu of such actual and necessary expenses the board of supervisors may provide that the members of the commission shall be paid not to exceed the sum of twenty-five dollars (\$25) per meeting not exceeding two meetings per month. In the case of a regional justice commission, the duty of reimbursement shall be divided among the participating counties in the manner prescribed by agreement of the boards of supervisors.

CHAPTER 459

An act to amend Section 60302 of, and to repeal Sections 60300 and 60301 of, the Government Code, relating to special district secretaries.

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 60300 of the Government Code is repealed.

SEC. 2. Section 60301 of said code is repealed.

SEC. 3. Section 60302 of said code is amended to read:

60302. In any district which has, or any special district which has, a governing board composed of elective members, except the governing board of any school district, if such district is not required by any other provision of law to publish notice of election of members to its governing board, the governing board shall cause a notice of such election to be published in a newspaper of general circulation at least 10 days before the time of filing nominations for office in the manner prescribed by Section 6061 of this code. If there is no newspaper of general circulation within the district, the governing board shall cause a notice of such election to be posted in three prominent public places within the district at least 10 days before the time of filing nominations for office.

CHAPTER 460

*An act to amend Section 1352 of the Labor Code,
relating to hours of employment of women.*

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 1352 of the Labor Code is amended to read:

1352. The provisions of this article in relation to hours of employment shall not apply to or affect graduate nurses in hospitals, licensed vocational nurses in hospitals, or clinical laboratory bioanalysts, clinical laboratory technologists, X-ray laboratory technicians, surgical technicians or inhalation therapists in hospitals during an emergency; provided, that any such licensed vocational nurse, technologist, technician or therapist who, by reason of an emergency, is permitted or required by her employer to work in excess of the maximum hours prescribed by other provisions of this article, shall be paid, for time worked in excess of such hours, at a rate of not less than one and a half times her straight time rate of pay, nor the harvesting, curing, canning, or drying of any variety of perishable fruit, fish, or vegetable during the periods when it is necessary to harvest, cure, can, or dry fruit, fish, or vegetables to prevent spoiling, nor to employees actually engaged in the processing of biologicals, human blood products and other such products of laboratories operating under license from either or both the United States Department of the Treasury and the United States Department of Agriculture during such periods when it is necessary to continue the processing of such products to prevent spoilage or deterioration. Emergency within the meaning of this section means an unpredictable or unavoidable occurrence at unscheduled intervals, requiring immediate action. The exception provided herein shall be effective only in cases where the employer, upon learning of the emergency, exercises reasonable diligence to provide immediately relief for the employee required to work over the prescribed number of hours.

CHAPTER 461

*An act to amend Section 1074 of the Streets and
Highways Code, relating to county highways.*

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 1074 of the Streets and Highways Code is amended to read:

1074. Whenever the board finds that the estimated expense of any work to be done upon any county highway is ten thousand dollars (\$10,000) or less, the board or the purchasing agent may let a contract covering both work and material, or purchase the material and let a contract for doing the work, or purchase the materials and do the work by day labor, without calling for bids.

CHAPTER 462

An act to amend Section 11370.4 of, and to repeal Section 11413 of, the Government Code, relating to the Office of Administrative Procedure.

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 11370.4 of the Government Code is amended to read:

11370.4. The total cost to the state of maintaining and operating the Office of Administrative Procedure shall be determined by, and collected by the Department of General Services in advance or upon such other basis as it may determine from the state or other public agencies for which services are provided by the office.

SEC. 2. Section 11413 of said code is repealed.

CHAPTER 463

An act to repeal Section 28710.5 of, and to add Section 28710.5 to, the Health and Safety Code, relating to frozen foods.

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 28710.5 of the Health and Safety Code is repealed.

SEC. 2. Section 28710.5 is added to said code, to read:

28710.5. Any processor, prior to delivery to the consumer, shall quick-freeze all meat or meat products in a blast-type freezing room at zero degrees Fahrenheit with one side of the package exposed to circulated air, or in a still-air-type freezing room at a minimum of minus 10 degrees Fahrenheit with one surface side of each package in direct contact with coils of a freezing plate. This section shall not apply to the sale of retail cuts of meat sold over the counter.

CHAPTER 464

An act to amend Sections 700.05, 10510, and 10511 of, and to add Section 10512 to, the Insurance Code, relating to insurers.

[Approved by Governor June 1, 1965. Filed with Secretary of State June 1, 1965.]

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

SECTION 1. Section 700.05 of the Insurance Code is amended to read:

700.05. (a) In determining the minimum amount of paid-in capital and surplus required by the applicable provisions of this code for admission of an insurer, there shall be included all of the classes of insurance transacted by it in the United States if an alien insurer, or in any jurisdiction if other than an alien insurer; provided, that life, title, mortgage or mortgage guaranty insurance shall not be included among the classes of insurance in determining the minimum amount of paid-in capital and surplus required if the minimum paid-in capital is one million dollars (\$1,000,000) or more, and if the paid-in capital is less than one million dollars (\$1,000,000) the minimum shall be measured by adding to the amounts set forth in Section 700.01 four hundred fifty thousand dollars (\$450,000) for life insurance, two hundred fifty thousand dollars (\$250,000) for mortgage insurance, one million dollars (\$1,000,000) for mortgage guaranty insurance and two hundred fifty thousand dollars (\$250,000) for title insurance.

In applying such provisions, it shall be conclusively presumed that an insurer transacts all classes of insurance for which it is or seeks to be admitted to transact in this state.

(b) As used in this section, "insurer" includes a reciprocal or interinsurance exchange and its attorney in fact.

SEC. 2. Section 10510 of said code is amended to read:

10510. An incorporated life insurer issuing policies on the reserve basis shall not transact life insurance in this state unless it has a paid-in capital of at least four hundred fifty thousand dollars (\$450,000) plus the surplus required by Section 700.02 and Section 700.05.

SEC. 3. Section 10511 of said code is amended to read:

10511. If authorized by its charter, such an incorporated life insurer may, except as provided in Section 700.03, transact, in addition to life insurance, any of the following classes of insurance if its total paid-in capital is at least four hundred fifty thousand dollars (\$450,000) in excess of the sum of the amounts set forth opposite the classes of insurance transacted:

Number and name of class transacted	Amount of capital to be added
6. Disability -----	\$50,000
8. Liability -----	100,000
9. Workmen's compensation } -----	for all or
10. Common carrier liability }	any of them

SEC. 4. Section 10512 is added to said code, to read:

10512. An insurer holding a certificate of authority for life insurance and any other proper class granted on or after July 2, 1953, and prior to the effective date of the 1965 amendments to Sections 700.05, 10510 and 10511 may continue to retain such certificate for such classes without complying with the new paid-in capital requirement of four hundred fifty thousand dollars (\$450,000) for the life class until July 1, 1970.

CHAPTER 465

An act to amend Section 1203.4a of the Penal Code, relating to rehabilitation of misdemeanants.

[Approved by Governor June 1, 1965. Filed with Secretary of State June 1, 1965.]

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

SECTION 1. Section 1203.4a of the Penal Code is amended to read:

1203.4a. Every defendant convicted of a misdemeanor and not granted probation shall, at any time after the lapse of one year from the date of pronouncement of judgment, if he has fully complied with and performed the sentence of the court, is not then serving a sentence for any offense and is not under charge of commission of any crime and has, since such pronouncement of judgment, lived an honest and upright life and has conformed to and obeyed the laws of the land, be permitted by the court to withdraw his plea of guilty and enter a plea of not guilty; or if he has been convicted after a plea of not guilty, the court shall set aside the verdict of guilty; and in either case the court shall thereupon dismiss the accusatory pleading against such defendant, who shall thereafter be released from all penalties and disabilities resulting from the offense of which he has been convicted. The defendant shall be informed of the provisions of this section, either orally or in writing, at the time he is sentenced. The defendant may make such application and change of plea in person or by attorney, or by the probation officer authorized in writing; provided, that in any subsequent prosecution of such defendant for any other offense, such prior conviction may be pleaded and proved and shall have the same effect as if relief had not been granted pursuant to this section.

This section applies to convictions which occurred before, as well as those occurring after, the effective date of this section.

CHAPTER 466

An act to amend Section 17712 and to repeal Section 17713 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor June 1, 1965. Filed with Secretary of State June 1, 1965.]

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

SECTION 1. Section 17712 of the Vehicle Code is amended to read:

17712. (a) The department, upon receipt of satisfactory evidence of the death of the father and mother or the person or guardian who signed and verified the application of any minor under Section 17701 or any employer who signed and verified the application of any minor under subdivision (a) of Section 17706, shall cancel the license.

(b) The department, upon receipt of the verified application of a person who has given written consent to the issuance of a license to a minor as prescribed in Sections 17705 and 17706, for the cancellation of such minor's license, shall cancel the license.

(c) The department, upon receipt of satisfactory evidence that there has been a change of custody of a minor licensed under Chapter 1 (commencing with Section 12500), Division 6, of this code and upon written request by the person or persons to whom custody has been transferred, shall cancel the license.

(d) The department, upon receipt of satisfactory evidence showing that any minor to whom was issued a license pursuant to Section 17706, has left the employ of the employer who signed and verified the application for the license, shall cancel the license.

SEC. 2. Section 17713 of said code is repealed.

CHAPTER 467

An act to add Section 54923 to the Government Code, relating to withdrawal of territory from a fire protection district on its annexation to a city, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 1, 1965. Filed with Secretary of State June 1, 1965.]

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

SECTION 1. Section 54923 is added to the Government Code, to read:

54923. Notwithstanding Sections 54902 and 54903, any change in the boundaries of a fire protection district formed or operating under Chapter 1 (commencing with Section 14001),

Part 3, Division 12 of the Health and Safety Code as the result of the withdrawal of territory of the district by action taken between February 15 and February 19, 1965, pursuant to Section 14218 of the Health and Safety Code, by the city council of a city to which such territory has been annexed in an inhabited annexation shall be effective for assessment and taxation purposes if the statement and map or plat required by Section 54900 is filed by the city with the assessor and the State Board of Equalization on or before February 23, 1965.

The district from which the territory has been withdrawn shall have no power to furnish fire protection services to such territory on or after July 1, 1965, and no taxes shall be levied by or on behalf of the district on any property in such territory in order to furnish fire protection services to such territory on or after July 1, 1965.

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 this act takes effect immediately territory otherwise validly withdrawn from a fire protection district and annexed to a city may be required to pay taxes both to the district and to the city although all fire protection functions in the territory will be performed by the city.

CHAPTER 468

An act to amend Section 6460 of the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor June 1, 1965 Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 6460 of the Streets and Highways Code is amended to read:

6460. Form of Bond. The bond shall be substantially in the following form:

STREET IMPROVEMENT BOND
Series (designating it), in the City (or County)
of (naming it)

\$_____

No. _____

Under and by virtue of the Improvement Act of 1911 (Part 5 of Division 7 of the Streets and Highways Code), I, out of the fund for the above designated street improvement bonds, series _____, will pay to _____ or order, the sum of _____ dollars (\$_____) with interest at the rate of _____ percent per annum, all as is hereinafter specified,

and at the office of the Treasurer of the _____ of _____, State of California.

This bond is issued to represent the cost of certain street work upon _____, in the _____ of _____, as the same is more fully described in assessment number _____ issued by the street superintendent of said _____, after the acceptance of said work, 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 _____ of _____, County of _____, State of California.

This bond is payable exclusively from said fund, and neither the (here insert city or county) 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 September 1st 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 September 1st 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 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 code, 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 sum thereof, with interest thereon calculated up to the due date of the next maturing interest coupon, and all penalties accrued and unpaid.

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 code. 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 shall be retained by the treasurer as a cost of servicing the delinquency 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 _____ of _____, this _____ day of _____,
in the year one thousand nine hundred and _____.
Treasurer of the _____ of _____.

CHAPTER 469

An act to add Section 54955.1 to the Government Code, relating to the continuance of hearings by legislative bodies.

[Approved by Governor June 1, 1965 Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 54955.1 is added to the Government Code, to read:

54955.1. Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or re-continued to any subsequent meeting of the legislative body in the same manner and to the same extent set forth in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

CHAPTER 470

An act to amend Section 206a of the Code of Civil Procedure, relating to juror lists.

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 206a of the Code of Civil Procedure is amended to read:

206a. In counties where sessions of the superior court are held in cities other than the county seat, the names for lists of jurors to serve in said cities may be selected from the supervisorial district in which said city is located and, if the judges of the court determine that it is necessary or advisable, from a supervisorial district adjacent to the supervisorial district in which said city is located.

CHAPTER 471

An act to to add Section 35469.8 to, and to repeal Section 35451 of, the Streets and Highways Code, relating to parking districts.

[Approved by Governor June 1, 1965. Filed with Secretary of State June 1, 1965.]

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

SECTION 1. Section 35451 of the Streets and Highways Code is repealed.

SEC. 2. Section 35469.8 is added to said code, to read:

35469.8. The legislative body may not confirm the assessment unless the owners of a majority in area of the lands in the district subject to assessment have filed with the clerk of the legislative body written consent to the levy of an assessment under this chapter. An owner of land means one who appears as the owner in fee on the records of the county recorder on the date the consent is filed and includes an executor, administrator, guardian, or trustee as to property of an estate or trust represented by him. An owner may file his written consent at any time either prior to the adoption of the resolution of intention or prior to the hearing or during the hearing and prior to the conclusion thereof. Prior to the conclusion of the hearing the legislative body shall determine whether or not a majority consent has been filed and such determination shall be conclusive.

CHAPTER 472

An act to amend Section 34311 of the Government Code, relating to incorporation of cities.

[Approved by Governor June 1, 1965. Filed with Secretary of State June 1, 1965.]

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

SECTION 1. Section 34311 of the Government Code is amended to read:

34311. The board shall hold a hearing at the time fixed, and may adjourn the hearing from time to time, for periods not to exceed two months in all. If at the time set for the first hearing, there are insufficient written protests filed with the board to terminate further proceedings, the meeting shall be recessed not less than 14 days, and supplemental protests may be filed within 10 days after the first hearing.

If upon the final hearing the board of supervisors finds and determines that written protests to the proposed incorporation have been filed with the board, signed by qualified signers

representing 51 percent of the total assessed valuation of the land within the boundaries of the proposed incorporation, the jurisdiction of the board of supervisors shall cease; no election shall be called and no further petition for the incorporation of any of the same territory shall be initiated for one year after the date of such determination.

For the purposes of this section written requests for exclusion shall be deemed to be protests.

Except to the extent that proof to the contrary has been submitted to it, the board of supervisors in ascertaining whether protests have been signed by qualified signers may assume that the assesseees on the last equalized assessment roll of the county are the qualified signers as herein defined.

Proof of qualifications as a signer shall be in writing, filed with the protest, and, except for copies of instruments of title, shall be verified. Where there is more than one qualified signer with respect to a parcel, the signature of any one qualified signer shall be sufficient to include the entire assessed value of the parcel.

CHAPTER 473

An act to amend Section 54900 of the Government Code, relating to boundaries.

[Approved by Governor June 1, 1965 Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 54900 of the Government Code is amended to read:

54900. When there is a change in boundaries (1) of a city, (2) of a district, or special zone thereof, within a city the tax levy of which is carried on the regular city assessment roll, or (3) of a district, or special zone thereof, the tax or special assessment levy of which is carried on the regular county assessment roll, or when a city or any such district, or special zone thereof, is created, or when a district previously levying and collecting taxes or special assessments based upon its own assessment utilizes the regular city or county assessment roll, the tax or assessment levying authority of the city or district shall file or cause to be filed a statement of such creation or change, or of the exterior boundaries of the district and the special zones therein newly utilizing the regular city or county assessment roll. The city or district shall prepare the statement and forward it to the tax or assessment levying authority for filing.

CHAPTER 474

An act to amend Section 23111 of the Vehicle Code, relating to fire prevention control.

[Approved by Governor June 1, 1965 Filed with
Secretary of State June 1, 1965]

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

SECTION 1. Section 23111 of the Vehicle Code is amended to read:

23111. Outside of a business or residence district no person in any vehicle and no pedestrian shall willfully or negligently throw or discharge from or upon any road, highway or adjoining area, public or private, any litter or any lighted cigarette, cigar, ashes, or any other flaming or glowing substance.

"Litter," as used in this section, includes any substance which is mentioned in Section 23112.

Any person convicted under this section for throwing or discharging any litter or any flaming or glowing substance is guilty of a misdemeanor.

SEC. 2. This section shall be known as the Paul Buzzo Act.

CHAPTER 475

An act to add Section 6027 to the Penal Code, relating to refusal to leave college and university property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965.]

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

SECTION 1. Section 602.7 is added to the Penal Code, to read:

602.7. (a) In any case in which a person who is not a student or officer or employee of a state college or state university, and who is not required by his employment to be on the campus or any other facility owned, operated or controlled by the governing board of any such state college or state university, enters such campus or facility, and it reasonably appears to the chief administrative officer of such campus or facility or to an officer or employee designated by him to maintain order on such campus or facility that such person is committing any act likely to interfere with the peaceful conduct of the activities of such campus or facility or has entered such campus or facility for the purpose of committing any such act, the chief administrative officer or officer or employee designated by him to maintain order on such campus or facility

may direct such person to leave such campus or facility, and if such person fails to do so, he is guilty of a misdemeanor.

(b) As used in this section:

(1) "State university" means the University of California, and includes any affiliated institution thereof and any campus or facility owned, operated or controlled by the Regents of the University of California.

(2) "State college" means any California state college administered by the Trustees of the California State Colleges.

(3) "Chief administrative officer" means the president of a state college or the officer designated by the Regents of the University of California or pursuant to authority granted by the Regents of the University of California to administer and be the officer in charge of a campus or other facility owned, operated or controlled by the Regents of the University of California.

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

Recent conduct on and about a campus of the University of California, instigated to a large extent by persons without affiliation or connection with the university, demonstrates clearly that legal sanctions must immediately be made available to the authorities to deal with disturbing intrusions by persons having no proper business on a campus of the university or of a state college. For this reason the Legislature deems it imperative that this act go into immediate effect.

CHAPTER 476

An act to amend Sections 794, 802.6, 802.65, 803 1, 803 6, 806, 806.05, 828.15, 828.53 and 829.6 of, to repeal Section 802 of, and to add Sections 802, 802.1, 802.2, and 828.19 to, the Agricultural Code, relating to fruit, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 1, 1965. Filed with
Secretary of State June 1, 1965]

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

SECTION 1. Section 794 of the Agricultural Code is amended to read:

794. Cherries shall be mature but not overripe, free from (a) insect injury or bird pecks which have penetrated or damaged the flesh, unsealed skin breaks, mold, brown rot, decay and (b) growth cracks, cracks or splits over three-eighths of an inch in length even though well healed, except that well-healed shoulder cracks shall be allowed regardless of length and (c)

serious damage due to sunburn, shriveling, sponginess, abnormal softening or other causes.

Not more than 10 percent, by count, of the cherries in any one container or bulk lot, may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause. In addition 5 percent of the cherries in any one container or bulk lot may be slightly below the maturity requirements of this section but in no case may such cherries show any green areas, excepting the Bing variety when testing not less than 16 percent, and the Tartarian variety, when testing not less than 14 percent, soluble solids in a composite sample of the juice from not less than 10 representative cherries as shown by a standard refractometer instrument.

All red and black varieties of cherries shall not be considered mature unless at the time of picking the entire surface has attained at least a solid light red color.

When cherries are packed in containers by the "face and fill" method the average size of the cherries used in the fill shall not be smaller than would pack one "row size" more than the cherries in the packed face; however, none of the cherries in the fill shall be of a size that would pack more than two sizes smaller, except that 10 percent, by count, of the cherries in any one container may be below this minimum size requirement.

Cherries meeting all other requirements of this section shall in addition be free from doubles except that (1) a tolerance of 10 percent, by count, shall be allowed for doubles with both halves well developed uniform in size and mature, and (2) a tolerance of $2\frac{1}{2}$ percent, by count, shall be allowed for doubles having one portion not well developed. However, any amount of such doubles shall be allowed if the container in which they are placed or packed is plainly and conspicuously marked on the outside end of the container, bearing other markings required by this section, with the designation "Exceeds tolerance for doubles" in letters at least three-eighths of an inch in height.

All containers of cherries shall bear upon them in plain sight and in plain letters on one outside end: the name of the person who first authorized the packing of the cherries or the name under which such packer is engaged in business, together with a sufficiently explicit address to permit ready location of such packer; the name of the variety, if known, and when not known the words "unknown variety." When two or more varieties are placed in the same container they shall be marked "mixed varieties." All containers of row-packed cherries shall be marked with the number of rows of cherries packed laterally across the end of the container, directly followed by the word "row" or "rows" or the letter "R" in like size letters, except no row size marking shall be permitted for containers of 16-row size and smaller in the Tartarian variety and 15-row size and smaller in the Bing variety. All closed containers of loose cherries shall be marked in numbers and letters at least

three-eighths of an inch in height with (a) the row size of the cherries in the container followed by the term "row size" or (b) the "minimum diameter" of the cherries in the container expressed in inches or fractions thereof, followed by the term "inch minimum diameter" or "inches minimum diameter" or a proper abbreviation or variation of such designation, except no row size marking shall be permitted for containers of 16-row size and smaller in the Tartarian variety and 15-row size and smaller in the Bing variety, and no inch minimum diameter marking shall be permitted for containers of 46/64 inch minimum diameter cherries and smaller in the Tartarian variety and 49/64 inch minimum diameter cherries and smaller in the Bing variety.

(a) When containers of loose cherries are marked with a row size designation the words "and larger" or similar words shall not be used and at least 50 percent of the cherries in the container shall be of a size no smaller than the row size number marked; however, none of the cherries in such container shall be more than two row sizes smaller than that marked on the container, except that 10 percent, by count, of the cherries in any one container may be below this minimum size requirement, however, the words "and larger" may be used if at least 90 percent of the cherries in the container shall be of a size no smaller than the row size number marked. The row size number shall be deemed to be that number of cherries of uniform size whose aggregate width will equal $11\frac{1}{2}$ inches.

(b) When containers of loose cherries are marked with the minimum diameter of the cherries in the container none of the cherries in such container shall be smaller in diameter than the size marked on the container, except that 10 percent by count, of the cherries in any one container may be below the size marked. In addition the cherries in **any container so marked** with the minimum diameter, shall not vary in diameter between the fruits in the container, more than one-fourth of an inch. The "diameter" shall mean the diameter measured through the widest portion of the cross section of the cherry at a right angle to a straight line drawn from the stem end to the distal end thereof.

Compliance with the requirements of this section may be determined by the examination of a representative sample of the cherries in any container or bulk lot.

SEC. 2. Section 802 of said code is repealed.

SEC. 2.5. Section 802 is added to said code, to read:

802. "Mature" means, as applied to grapes, that all varieties shall test not less than 17 percent soluble solids in juice, as determined by the Balling or Brix scale hydrometer or standard hand refractometer, except that the following varieties shall be considered mature when they test not less than that percent of soluble solids specified below:

Percent of soluble solids	Variety
18	All white varieties of Muscat type Malaga grown north and west of San Gorgonio Pass
17½	Thompson Seedless grown north and west of San Gorgonio Pass
16	Beauty Seedless grown south and east of San Gor- gonio Pass Cardinal grown north and west of San Gorgonio Pass Burger Emperor Gros Colman Bleu Grau Drodelabi Fresno Beauty Servian Blue Pierce Pierce Isabella Isabella Regia California Concord
	Concord Dattier de Beyrouth Red Malaga Khalili Persian 23 Dizmar Ribier Delight Perlette Queen Blackrose
15	Cardinal grown south and east of San Gorgonio Pass Ladyfinger Rish Baba Khandahar
	Olivette Blanche Exotic

In addition, all varieties of grapes in group A as defined in Section 799 shall also be considered mature if the juice contains soluble solids equal to or in excess of 20 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).

It is hereby declared that the differences in climatic condition that exist north and west of San Gorgonio Pass cause Malaga, Thompson Seedless, Beauty Seedless and Cardinal varieties grown there to have, at maturity, a higher percentage of soluble solids than mature grapes of these varieties grown south and east of San Gorgonio Pass.

SEC. 2.6. Section 802.1 is added to said code, to read:

802.1. 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 maturity standard for the variety.

SEC. 2.7. Section 802.2 is added to said code, to read:

802.2. As applied to grapes:

(a) "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.

(b) "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.

(c) "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 the thumb and forefinger.

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

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

SEC. 3. Section 802.6 of said code is amended to read:

802.6. All grapes shall be placed in standard containers numbers 5, 28, 30A, 38I, 38J, 38K, 38L, 38M, 38N, 38P and 38Q, 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."

Container number 38Q shall be standard for grapes only when it is lined (all inside surfaces covered) with excelsior or other similar packing material

SEC. 4. Section 802.65 of said code is amended to read:

802.65. Container number 38L and 38K, when 5½ inches deep, 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 26 lbs." or "Net Wt. 26 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. 5. Section 803.1 of said code is amended to read:

803.1. Peaches shall be in standard containers numbers 5, 9B, 10A, 12B or 22D. Containers of peaches placed in molded forms shall be marked with the exact number of peaches placed therein, and may be packed in standard container number 31.

SEC. 6. Section 803.6 of said code is amended to read:

803.6. Nectarines shall be in standard containers numbers 5, 9B, 10A, 12B, 22B or 22D. Containers of nectarines placed in molded forms shall be marked with the exact number of nectarines placed therein, and may be packed in standard container number 31.

SEC. 7. Section 806 of said code is amended to read:

806. Plums and fresh prunes shall be mature but not over-ripe, shall be free from insect injury which has penetrated or damaged the flesh, and from unsealed skin breaks or cuts, mold, brown rot, decay, and free from serious damage due to bruises, growth cracks, sunburn, hail, doubles, insects, internal growth cracks, cavities, gum spots or other causes.

Damage to any one plum or fresh prune is serious if it is caused by:

(a) Bruises which affect the flesh more than three-sixteenths of an inch in depth or more than an aggregate surface area of one-half of an inch in diameter.

(b) Growth cracks over one-half of an inch in length or over three-sixteenths of an inch in depth.

(c) Sunburn affecting the flesh.

(d) Hail resulting in one or more depressions over three-sixteenths of an inch in depth or affecting more than an aggregate surface area of one-half of an inch in diameter.

(e) Doubles, when one portion is one-fourth or less in size than the other portion of the plum or fresh prune.

(f) Thrip marks or other similar insect injury when 15 percent or more of the surface of the plum or fresh prune is affected or causing one or more depressions or raised portions (bumps or welts) one-fourth of an inch or more in depth or height.

(g) Internal growth cracks, cavities, or gum spots when they cause the plum to be seriously malformed.

Not more than 10 percent, by count, of the plums or fresh prunes in any one container or bulk lot may be below these requirements, but not to exceed one-half of this tolerance shall be allowed for any one cause; provided, however, that individual containers in any lot may contain not more than 1½

times the tolerances specified if the percentage of defects of the entire lot averages within the tolerances.

An additional tolerance of 10 percent, by count, of the plums or fresh prunes in any one container or bulk lot shall be permitted for plums or fresh prunes damaged by hail, providing that:

(1) In the case of plums or fresh prunes having a minimum diameter of $1\frac{1}{8}$ inches or larger, the hail damage on each individual plum or fresh prune, permitted in said additional tolerance, does not exceed a depth which is three-sixteenths of the minimum diameter of the plum or fresh prune, or an aggregate surface area with a diameter equal to one-half of the minimum diameter of the plum or fresh prune; or

(2) In the case of plums or fresh prunes having a minimum diameter of less than $1\frac{1}{8}$ inches, the hail damage on each individual plum or fresh prune, permitted in said additional tolerance, does not exceed a depth of one-quarter of an inch or an aggregate surface area of eleven-sixteenths of an inch in diameter; and

(3) The containers in which they are placed or packed are plainly and conspicuously marked, on the outside end of each container on which appears the other required markings, in letters not less than one-half inch in height, with the words "Hail Marked" or when in bulk lots they are conspicuously placarded "Hail Marked."

Plums and fresh prunes shall not vary in size between the fruits, in any one container, more than one-fourth of an inch in diameter when measured through the widest portion of cross section.

All containers of plums and fresh prunes, shall bear upon them in plain sight and in plain letters on one outside end all of the following information:

(a) The name of the person who authorized the packing of the plums and fresh prunes or the name under which he is engaged in business.

(b) A sufficiently explicit address to permit ready location of such person.

(c) The name of the variety of plums or fresh prunes, if known, and if not known, the words "unknown variety."

(d) A designation indicating the size of the plums or fresh prunes in the container as follows:

(1) When packed in the four-basket crate, the description of the arrangement of the pack in the top layer of the baskets.

(2) When wrapped and packed throughout in a straight side container, the count; or when packed without wrappers, in molded forms, cups, or similar packing devices, the count.

(3) When packed without wrappers throughout the container or by the "face and fill" method, in any container other than the four-basket crate and the "round stave" baskets, the "row count" directly followed by the word "row," "rows" or the letter "R" all in like size type, or the numerical description.

(4) When loose in any closed container other than "round stave" baskets, the numerical description.

"Row count" shall mean the number of rows of plums or fresh prunes packed laterally across the end of the container.

"Numerical description" shall mean the numerical arrangement which the plums and fresh prunes would pack in the top layer of a basket if packed in the standard four-basket crate and the designations shall indicate the minimum diameters as follows:

"4 x 4 size" means $1\frac{1}{8}$ inches minimum diameter

"4 x 5 size" means $1\frac{3}{16}$ inches minimum diameter

"5 x 5 size" means $1\frac{1}{16}$ inches minimum diameter

"5 x 6 size" means $1\frac{5}{16}$ inches minimum diameter

"6 x 6 size" means $1\frac{3}{16}$ inches minimum diameter

Other sizes, larger or smaller than the numerical descriptions defined herein shall have proportionate minimum diameter requirements.

The "minimum diameter" shall mean the smallest diameter measured through the center of the plum or fresh prune at a right angle to a straight line drawn from the stem and to the distal end thereof.

When the numerical description is used to designate the contents of a container the plums or fresh prunes therein shall conform to the minimum diameter requirements for the numerical description marked on the container.

When the actual count is used to designate the contents of the container, a variation of four plums or fresh prunes more or less than the number stated shall be allowed.

SEC. 8. Section 806.05 of said code is amended to read:

806.05. Plums and fresh prunes shall be in standard containers numbers 5, 9C, 10A, 12A, 12B, 22B or 22D.

SEC. 9. Section 828.15 of said code is amended to read:

828.15.

4 Standard 12-basket crate $2\frac{1}{8}$ to $3\frac{1}{8}$ $12\frac{3}{8}$ to $13\frac{1}{2}$ 18 to $18\frac{1}{2}$

5 Standard crate ----- 4 to $7\frac{1}{8}$ 16 16 $\frac{1}{8}$

9B Special crate ----- 4 to $7\frac{1}{8}$ 14 $\frac{1}{2}$ 14 $\frac{1}{2}$

9C Special plum box ----- 7 12 $\frac{1}{2}$ 12 $\frac{1}{2}$

SEC. 10. Section 828.19 is added to said code, to read:

828.19.

10A Standard fruit box 5 to 10 10 $\frac{1}{8}$ 16 $\frac{3}{4}$

SEC. 11. Section 828.53 of said code is amended to read:

828.53.

38I Standard grape lug ---- $4\frac{3}{4}$ to $6\frac{7}{8}$ at top $14\frac{1}{2}$ to $14\frac{7}{8}$ 16 $\frac{1}{2}$
at bottom $9\frac{1}{2}$ to $11\frac{1}{2}$

38J Standard grape lug $4\frac{1}{2}$ to $5\frac{1}{2}$ 14 $\frac{1}{2}$ 16 $\frac{1}{4}$
with or without taper (up and
in—down and in) at each corner

38K Standard grape lug	----4 $\frac{1}{2}$ to 5 $\frac{3}{4}$	14 or 14 $\frac{1}{4}$	16 $\frac{1}{8}$
	with or without taper (up and in—down and in) at each corner.		
38L Grape lug	-----4 $\frac{7}{8}$ to 6 $\frac{7}{8}$	13 $\frac{1}{2}$	16 $\frac{1}{8}$
38M California grape lug	----6 $\frac{1}{4}$	14 $\frac{1}{4}$	18 $\frac{1}{8}$
38N California grape lug	----7 $\frac{7}{8}$	12 $\frac{5}{8}$	15 $\frac{3}{8}$
38P California grape lug	----6 $\frac{1}{2}$	17	21 to 22 $\frac{1}{2}$
38Q Grape lug	-----5 $\frac{1}{2}$	11 $\frac{1}{2}$	16 $\frac{1}{8}$

SEC. 12. Section 829.6 of said code is amended to read:

829.6. Fresh fruits, nuts, or vegetables prepared, packed, shipped, or sold in unbroken consumer-type containers which have a volume not greater than 85 percent of the smallest size standard container provided in this chapter for the specific commodity are exempt from the standard container provisions in this chapter, provided such exempt containers shall not be of a size that will hold more than 15 pounds net when full. The 85 percent volume requirements shall not apply to unbroken consumer-type containers filled entirely with apricots, cherries, grapes, nectarines, peaches, pears or plums.

This section shall not apply to containers filled entirely with dates or berries.

Nothing in this section shall be construed to modify any provision of this chapter relating to deception or mislabeling, nor to any provision in a specific commodity section in this chapter which has requirements pertaining to consumer-type packages.

In addition, marking requirements provided in this chapter need not be placed on containers (1) which are exempted from the standard container requirements by the provisions of this section, nor (2) holding commodities for which no standard containers are provided in this chapter if the net contents when full does not exceed 15 pounds.

SEC. 13. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

In order to avoid the waste of fruit and grape products and at the same time properly protect the consuming public during the 1965 season, it is necessary that this act be in effect immediately.

CHAPTER 477

An act to add Section 27421 to the Government Code, relating to the duties of county assessors.

[AB 367 having remained with the Governor 10 days (Sundays excepted), and the Legislature being in session, it became law without his signature. (See Section 9516, Government Code.) Filed with Secretary of State June 2, 1965.]

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

SECTION 1. Section 27421 is added to the Government Code, to read:

27421. A county assessor in a county with a population of 4,000,000 or more, as determined by the 1960 federal census, who is designated to perform the duty of assessing property for a local taxing jurisdiction shall, upon request of the governing body of such jurisdiction, furnish not later than May 15 of each year an estimate of the assessed valuation of property within such jurisdiction for the succeeding fiscal year. Such request shall be made on or before February 20th of each year. The estimate required herein shall contain estimates of the total of each of the items contained on the assessment roll as well as the estimated total valuation.

CHAPTER 478

An act authorizing an additional grant to the Siskiyou County Flood Control and Water Conservation District or the Mt. Shasta Recreation and Park District for recreation in connection with the proposed Box Canyon Dam and Reservoir in Siskiyou County.

[Approved by Governor June 2, 1965. Filed with Secretary of State June 2, 1965.]

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

SECTION 1. In addition to any amount which the Department of Water Resources is authorized under existing law to grant to either the Siskiyou County Flood Control and Water Conservation District or the Mt. Shasta Recreation and Park District, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), for costs allocated to the recreational and fish and wildlife enhancement functions of the proposed Box Canyon Dam and Reservoir in Siskiyou County, the department is hereby authorized to make an additional grant to either of such districts which applies for such grant of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding an additional two million dollars (\$2,000,000), for such recreational and fish and wildlife enhancement functions.

No further legislative approval shall be required with respect to the grant authorized by this act; but such grant shall not be made to either of the districts until the district can actually demonstrate the nature and extent of the statewide interest in the project, the public necessity for the project, the urgency of the need, and the engineering feasibility, economic justification, and the financial feasibility of the project.

CHAPTER 479

An act to add Sections 5513.5 and 5555 to the Financial Code, relating to savings and loan associations.

[Approved by Governor June 2, 1965. Filed with
Secretary of State June 2, 1965.]

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

SECTION 1. Section 5513.5 is added to the Financial Code, to read:

5513.5. The commissioner, upon written request of any applicant denied a certificate of approval, shall transmit a written statement to the applicant, stating in detail the reasons why the certificate was denied.

SEC. 2. Section 5555 is added to said code, to read:

5555. The commissioner, upon written request of any association whose license is denied, suspended or revoked, shall transmit a written statement to the association, stating in detail the reasons for the denial, revocation or suspension.

CHAPTER 480

An act to add Chapter 14 (commencing with Section 27720) to Part 3 of Division 2 of Title 3 of the Government Code, relating to county hearing officers.

[Approved by Governor June 2, 1965. Filed with
Secretary of State June 2, 1965.]

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

SECTION 1. Chapter 14 (commencing with Section 27720) is added to Part 3 of Division 2 of Title 3 of the Government Code, to read:

CHAPTER 14. HEARING OFFICER

27720. The board of supervisors of any county may establish the office of county hearing officer. The duties of the office are to conduct hearings for the county or any board, com-

mission or committee thereof, except that this chapter shall not apply to any hearing conducted by a planning commission or by a board of supervisors sitting as a local board of equalization.

27721. When a state law or local ordinance provides that a hearing be held or that findings of fact or conclusions of law be made by any such local body, the county hearing officer may be authorized to conduct such hearing; to issue subpoenas; to receive evidence; to administer oaths; to rule on questions of law and the admissibility of evidence; to prepare a record of the proceedings; to prepare recommended findings, conclusions and decision; and to submit such record, recommended findings, conclusions and decisions to the local body.

27722. The local body may adopt such recommended findings, conclusions and decision or reject the recommendation and enter its own findings, conclusions and decision after a review of the record.

27723. The local body may, but need not be present during the proceeding.

27724. Any county hearing officer, or any deputy or assistant hearing officer, shall be an attorney at law having been admitted to practice before the courts of this state for at least five years prior to his appointment.

27725. Any other local public entity may contract with the county to employ the services of the county hearing officer. Reimbursement to the county shall be on a pro rata basis of actual cost to the county in providing the service including salaries, overhead and any travel expense.

27726. Such contracting entity is authorized to conduct its hearings in accordance with the provisions of this chapter.

27727. Any county or other local public entity may contract with the Office of Administrative Procedure of the State of California, and such office is hereby authorized to contract for such services for a hearing officer to conduct proceedings pursuant to this chapter.

CHAPTER 481

An act to amend Sections 10230 and 10317 of the Elections Code, relating to election ballots.

[Approved by Governor June 2, 1965. Filed with
Secretary of State June 2, 1965.]

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

SECTION 1. Section 10230 of the Elections Code is amended to read:

10230. Except as to the order of the names of candidates, the ballots shall be printed substantially in the following form:

6352

(This number shall be torn by all by Inspector and handed in the vote)

6352

MARK CROSSES (X) ON BALLOT
ONLY WITH RUBBER STAMP,
NEVER WITH PEN OR PENCIL
(ABSENTEE BALLOTS MAY BE MARKED
WITH PEN AND INK OR PENCIL.)
(Fold ballot to this perforated line, leaving
perforated line top margin exposed.)

OFFICIAL PRIMARY ELECTION BALLOT NONPARTISAN BALLOT

18th Congressional, 38th Senatorial,
44th Assembly District, June , 19 .

To vote for a person whose name appears on the ballot, stamp a cross (X) in the square at the right of the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose. To vote on any measure, stamp a cross (X) in

the voting square after the word "Yes" or after the word "No." All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the Inspector of election and obtain another. On absent voter ballots mark a cross (X) with pen or pencil.

22 NONPARTISAN

PERFORATED LINE

JUDICIAL		COUNTY	
Judge of the Superior Court Office No. One	Vote for One	District Attorney	Vote for One
CHAR. W. PRICE Judge of the Superior Court		District Attorney Los Angeles County	
		CLAYTON A. WATSON Attorney at Law	
Judge of the Superior Court Office No. Two	Vote for One	Superior County	Vote for One
SAMUEL R. RUKE Judge of the Superior Court		HAROLD L. DART Superior Court District, Los Angeles County	
Judge of the Superior Court Office No. Three	Vote for One	GLENN W. ANDERSON District Attorney	
CLARENCE KINCAID Judge of the Superior Court		THOMAS F. BEERS Judge Superior Court	
Judge of the Superior Court Office No. Four	Vote for One	HAROLD HARRY District Attorney City of Los Angeles	
THOMAS ANDERSON Judge of the Superior Court		ARTHUR S. HILL District Attorney	
Judge of the Superior Court Office No. Five	Vote for One	LEONARD J. MCQUEEN Judge	
CLARENCE M. HANSON Judge of the Superior Court		ERNEST A. STEWART Tax Collector	
Judge of the Superior Court Office No. Six	Vote for One	KIP WHITE Attorney at Law	
ALLEN W. ANDERSON Judge of the Superior Court			
Judge of the Superior Court Office No. Seven	Vote for One		
FREDERICK P. HODGINS Judge of the Superior Court			
Judge of the Superior Court Office No. Eight	Vote for One		
DANIEL N. STEVENS Judge of the Superior Court			
Judge of the Superior Court Office No. Nine	Vote for One		
PHILIP H. MCCOY Judge of the Superior Court			
Judge of the Superior Court Office No. Ten	Vote for One		
VICTOR W. HANSEN Judge of the Superior Court			
Judge of the Superior Court Office No. Eleven	Vote for One		
LAURENCE BEERS Judge of the Superior Court			
IDA MAY ADAMS Judge			

CHAPTER 482

An act to amend Section 1732.6 of the Harbors and Navigation Code, relating to San Francisco Port.

[Approved by Governor June 2, 1965. Filed with
Secretary of State June 2, 1965.]

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

SECTION 1. Section 1732.6 of the Harbors and Navigation Code is amended to read:

1732.6. The annual salary of the port director shall be fixed by the authority. This salary is not subject to the approval required in Section 18004 of the Government Code. As such port director his position is confidential to the board within the meaning of paragraph (5), subdivision (a), Section 4 of Article XXIV of the Constitution and he is therefore exempt from civil service laws. Before entering upon the duties of his office, he shall give an official bond in the sum of fifty thousand dollars (\$50,000), and shall take and subscribe an official oath. The bond, if satisfactory, shall be approved by the board, by written endorsement thereon, and filed with his oath in the office of the Secretary of State.

CHAPTER 483*An act to amend Section 21350 of the Vehicle Code, relating to traffic control devices.*

[Approved by Governor June 2, 1965. Filed with
Secretary of State June 2, 1965.]

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

SECTION 1. Section 21350 of the Vehicle Code is amended to read:

21350. The Department of Public Works shall place and maintain, or cause to be placed and maintained, with respect to highways under its jurisdiction, appropriate signs, signals and other traffic control devices as required hereunder, and may place and maintain, or cause to be placed and maintained, such appropriate signs, signals or other traffic control devices as may be authorized hereunder, or as may be necessary properly to indicate and to carry out the provisions of this code, or to warn or guide traffic upon the highways. The Department of Public Works may, with the consent of the local authorities, also place and maintain, or cause to be placed and maintained, along city streets and county roads, appropriate signs as may be necessary or desirable to direct traffic to state highways.

CHAPTER 484

*An act to amend Section 14800 of the Elections Code,
relating to absentee ballots.*

[Approved by Governor June 2, 1965. Filed with
Secretary of State June 2, 1965.]

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

SECTION 1. Section 14800 of the Elections Code is amended to read:

14800. Any voter unable to go to the polls because of illness or disability resulting in his confinement in a hospital, sanatorium, or nursing home, may request in a written statement, signed by him, that the clerk send him an absent voter ballot. The clerk shall deliver the ballot, at the office of the clerk, to any authorized representative of the voter possessing a written statement from the voter's physician or practitioner or a written statement signed by an official of the hospital, sanatorium, or nursing home stating that the voter is a patient in a hospital, sanatorium, or nursing home, giving the date of admittance thereto, and stating that the voter will be confined therein on election day.

After marking his ballot the voter shall place it in the identification envelope. He shall then fill out and sign the declaration on the envelope and return it to the office of the clerk.

Upon receipt of the envelope the clerk shall compare the voter's signature on the identification envelope with that appearing on his duplicate affidavit of registration and, if they compare, shall deposit the envelope in a safe place in his office to be kept by him until the polls are closed. Thereafter, the clerk shall count these ballots and add them to the totals for absent voter ballots.

A request for a ballot under this section shall be made, and the ballot delivered to the voter and returned to the clerk, not later than the day preceding the day of the election, unless the voter enters the hospital, sanatorium, or nursing home on the day preceding the day of election or on election day, in which case he may apply for, obtain, and return his ballot up to the time the polls close on election day.

The procedure authorized by this section shall be subject to all other provisions of this code relating to absent voting insofar as those provisions are not inconsistent with the provisions of this section.

CHAPTER 485

*An act to amend Section 10018 of the Elections Code,
relating to election supplies.*

[Approved by Governor June 2, 1965. Filed with
Secretary of State June 2, 1965.]

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

SECTION 1. Section 10018 of the Elections Code is amended to read:

10018. The county clerk, or clerk or secretary of any city, shall prepare a receipt for each polling place, enumerating the packages and stating the time and date when they were delivered to the precinct board member. The precinct board member shall sign the receipt upon receipt of the packages, which receipt shall forthwith be returned and filed. The county clerk, or clerk or secretary, may employ messengers to insure the safe and expeditious delivery of the ballots to the precinct board member and shall fix a reasonable compensation for the services of those messengers, to be paid as other election expenses are paid.

CHAPTER 486

*An act to add Section 15405.5 to the Elections Code,
relating to marking devices.*

[Approved by Governor June 2, 1965. Filed with
Secretary of State June 2, 1965.]

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

SECTION 1. Section 15405.5 is added to the Elections Code, to read:

15405.5. The device for marking the ballot may be handed to the voter with his ballot before the voter goes into the voting booth, and shall be returned to the precinct board after he has finished marking his ballot.

CHAPTER 487

*An act to add Section 15402.5 to the Elections Code, relating
to electromechanical tabulation of ballots.*

[Approved by Governor June 2, 1965. Filed with
Secretary of State June 2, 1965.]

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

SECTION 1. Section 15402.5 is added to the Elections Code, to read:

15402.5. Where electromechanical vote tabulating devices are used to count all or part of the ballots, the names of presidential candidates may be printed in the same column as the names of candidates for other offices.

CHAPTER 488

An act to add Section 15405.5 to the Elections Code, relating to marking ballots.

[Approved by Governor June 2, 1965. Filed with Secretary of State June 2, 1965.]

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

SECTION 1. Section 15405.5 is added to the Elections Code, to read:

15405.5. In any election where ballots are to be counted both manually and by electromechanical tabulating devices, the marking device used for marking ballots to be counted electromechanically may be used for marking ballots to be counted manually.

CHAPTER 489

An act to amend Sections 74361, 74364, 74369 and 74374 of, and to repeal Sections 74372 and 74378 of, the Government Code, relating to courts.

[Approved by Governor June 2, 1965. Filed with Secretary of State June 2, 1965.]

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

SECTION 1. Section 74361 of the Government Code is amended to read:

74361. There shall be one marshal for all municipal courts established in judicial districts in San Diego County who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 46.5, set forth in Section 74343.1. In no event shall the compensation of the marshal be less than ten (10) schedule ranges higher than that specified for the position of assistant marshal.

SEC. 2. Section 74364 of said code is amended to read:

74364. The marshal may appoint:

(a) Two assistant marshals, each of whom shall receive the monthly compensation specified in Schedule 41.5, set forth in Section 74343.1.

(b) Two lieutenants, each of whom shall receive the monthly compensation specified in Schedule 36.5, set forth in Section 74343.1.

(c) Twelve sergeants, each of whom shall receive the monthly compensation specified in Schedule 34.5, set forth in Section 74343.1.

(d) One deputy marshal (female), who shall receive the monthly compensation specified in Schedule 30.5, set forth in Section 74343.1. Upon the occurrence of a vacancy, this position shall cease to exist.

(e) Seventy deputy marshals, each of whom shall receive monthly the compensation specified in Schedule 30.5, set forth in Section 74343.1.

(f) Eighteen deputy marshals-stenographers, each of whom shall receive the monthly compensation specified in Schedule 25, set forth in Section 74343.1. The next nine (9) vacancies occurring in this position shall cause a corresponding reduction in the number of deputy marshal-stenographers hereby authorized; provided, however, that each such vacancy shall increase by one, a position designated as deputy marshal-clerk. The positions of deputy marshal-clerk shall each receive the compensation specified in Schedule 21, set forth in Section 74343.1.

(g) Three deputy marshal-matron, who shall receive the monthly compensation specified in Schedule 28.5, set forth in Section 74343.1.

(h) Two deputy marshal-clerks, who shall receive the monthly compensation specified in Schedule 21, set forth in Section 74343.1.

SEC. 3. Section 74369 of said code is amended to read:

74369. All persons holding positions on the 91st day after the 1965 Regular Session of the Legislature shall continue in their respective positions without further examination or qualification and at the added compensation provided in this article, including increments for continuous prior service in such positions in the court. Thereafter, any increments earned by additional service in grade shall take effect upon the first day of the month following completion of such required service.

SEC. 4. Section 74372 of said code is repealed.

SEC. 4. Section 74374 of said code is amended to read:

74374. The hereinafter enumerated classes of positions in the marshal's office of the municipal courts in San Diego County are deemed to be equivalent in job and salary level to certain classifications in the classified civil service of San Diego County and whenever the salary of a classification in the service of San Diego County is adjusted by the board of supervisors, the salary of the equivalent classification in the marshal's office shall be adjusted a commensurate number of ranges in the salary schedule. Such adjustment shall not be more than eight ranges higher or eight ranges lower than the range specified in this article. Such adjustments shall be effective on the same date as the effective date of the action by the board of supervisors as it applies to the county classifications. In the event the salary of any San Diego County classification listed in this section is adjusted by the board of supervisors

on any date in 1965 prior to the effective date of this article, said adjustments shall be applied to the salary of the equivalent classifications in the marshal's office, such adjustments to take effect on the effective date of this article. Any salary adjustments made as a result of this section shall be effective only until 90 days after the adjournment of the next general session of the State Legislature.

The equivalent classifications are as follows:

Municipal court marshal

classification	County classification
Assistant marshal	Chief deputy sheriff
Deputy marshal-captain	Deputy sheriff-captain
Deputy marshal-lieutenant	Deputy sheriff-lieutenant
Deputy marshal-sergeant	Deputy sheriff-sergeant
Deputy marshal and deputy marshal—female	Deputy sheriff
Deputy marshal-matron	Deputy sheriff-matron
Deputy marshal-stenographer	Senior stenographer- senior clerk
Deputy marshal-clerk	Intermediate clerk

SEC. 6. Section 74378 of said code is repealed.

CHAPTER 490

An act to add Section 21059 to the Vehicle Code, relating to motor vehicles.

[Approved by Governor June 4, 1965. Filed with
Secretary of State June 4, 1965.]

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

SECTION 1. Section 21059 is added to the Vehicle Code, to read:

21059. Sections 21650, 21660, 22502, 22504, and subdivision (h) of Section 22500 do not apply to the operation of a rubbish or garbage truck while actually engaged in the collection of such material within a business or residence district, provided front turn signal lamps at each side of the vehicle are being flashed simultaneously and rear turn signal lamps at each side of the vehicle are being flashed simultaneously.

This provision shall not apply when the vehicle is being driven to and from such work, nor does it relieve the driver of such a vehicle from the duty to drive with due regard for the safety of all persons using the highway or protect him from the consequences of an arbitrary exercise of the privilege granted.

CHAPTER 491

An act to add Section 8079.1 to the Fish and Game Code, relating to disposal of fish.

[Approved by Governor June 4, 1965. Filed with
Secretary of State June 4, 1965.]

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

SECTION 1. Section 8079.1 is added to the Fish and Game Code, to read:

8079.1. Notwithstanding any other provision of this code or regulation enacted pursuant thereto, the Director of the Department of Fish and Game, or a representative appointed by him, may, without notice or a hearing, grant a license to fish reduction plants to dispose of dead or dying fish. The license may be immediately issued by the director or his representative whenever such person determines, in his discretion, that an emergency situation exists. The estimated tonnage to be reduced shall be specified as a limit in the license.

CHAPTER 492

An act to amend Section 23425 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 4, 1965. Filed with
Secretary of State June 4, 1965.]

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

SECTION 1. Section 23425 of the Business and Professions Code is amended to read:

23425. For the purposes of this article "club" means:

(a) Any chapter, aerie, parlor, lodge, or other local unit of an American national fraternal organization which has as the owner, lessee, or occupant thereof operated an establishment for fraternal purposes for not less than one year. An American national fraternal organization as used in this subdivision shall actively operate in not less than 31 states of the Union and have not less than 500 local units in those 31 states, and shall have been in active continuous existence for not less than 20 years.

(b) Any hall or building association of a local unit mentioned in subdivision (a), all of the capital stock of which is owned by the local unit or the members thereof, and which operates the clubroom facilities of the local unit.

SEC. 2. Section 23425 of the Business and Professions Code is amended to read:

23425. For the purposes of this article "club" means:

(a) Any chapter, aerie, parlor, lodge, or other local unit of an American national fraternal organization which has as

the owner, lessee, or occupant thereof operated an establishment for fraternal purposes for not less than one year. An American national fraternal organization as used in this subdivision shall actively operate in not less than 31 states of the Union and have not less than 300 local units in those 31 states, and shall have been in active continuous existence for not less than 20 years.

(b) Any hall or building association of a local unit mentioned in subdivision (a), all of the capital stock of which is owned by the local unit or the members thereof, and which operates the clubroom facilities of the local unit.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 806 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No. 806 takes effect; at which time Section 23425 of the Business and Professions Code as amended by Section 1 of this act is repealed.

CHAPTER 493

An act to amend Sections 11551, 13975, 13976, 14000, and the title of Part 4.5 (commencing with Section 13975) of Division 3 of Title 2 of the Government Code, to amend Sections 70, 30050, and 30051 of the Streets and Highways Code, and to amend Sections 1500 and 2100 of the Vehicle Code, relating to the Highway Transportation Agency.

[Approved by Governor June 4, 1965. Filed with
Secretary of State June 4, 1965.]

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

SECTION 1. Section 11551 of the Government Code is amended to read:

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 Transportation.
- (c) Administrator of the Resources Agency.
- (d) Administrator of the Youth and Corrections Agency.

SEC. 2. The title of Part 4.5 (commencing with Section 13975) of Division 3 of Title 2 of said code is amended to read:

PART 4.5. TRANSPORTATION AGENCY

SEC. 3. Section 13975 of said code is amended to read:

13975. There is in the state government the Transportation Agency. The agency consists of the following departments: Public Works; Motor Vehicles; California Highway Patrol.

SEC. 4. 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 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 Transportation Agency and the Administrator of Transportation, respectively, unless the context otherwise requires.

SEC. 5. Section 14000 of said code is amended to read :

14000. There is in the Transportation Agency a Department of Public Works.

SEC. 6. Section 70 of the Streets and Highways Code is amended to read :

70. There is in the department the California Highway Commission, consisting of seven members. The Administrator of Transportation shall be an ex officio member and chairman of the commission. The Governor shall nominate and, with the advice and consent of the Senate, shall appoint the other six members of the commission. Except as provided in Section 70.1, the members shall hold office for terms of four years and until their successors are appointed and qualify. The members shall receive their actual and necessary traveling expenses incurred in the discharge of their duties and a per diem of fifteen dollars (\$15) per day while in attendance at the meetings of the commission. Each member of the commission shall take the oath of office prescribed for other state officers. The Director of Public Works shall not be a member of the commission but shall serve as administrative officer thereof. The divisions shall transmit their recommendations affecting the activities of the commission directly to the commission and to the administrative officer.

SEC. 7. Section 30050 of said code is amended to read :

30050. There is in the state government a board known as California Toll Bridge Authority, composed of the Governor, Lieutenant Governor, the Administrator of Transportation, Director of Finance, and a person or officer of the state appointed by the Governor. The Director of Public Works shall not be a member of the authority but shall serve as administrative officer thereof.

SEC. 8. Section 30051 of said code is amended to read :

30051. If the office of Administrator of Transportation, or Director of Finance, is discontinued or abolished by law, the Governor shall appoint any person or officer of the state to fill any vacancy resulting from the abolition or discontinuance of the office.

SEC. 9. Section 1500 of the Vehicle Code is amended to read :

1500. There is in the Transportation Agency the Department of Motor Vehicles.

SEC. 10. Section 2100 of the Vehicle Code is amended to read:

2100. There is in the Transportation Agency the Department of the California Highway Patrol.

CHAPTER 494

An act to amend Section 3226 of, and repeal Section 3225 of, the Health and Safety Code, and to amend Section 79.05 of the Civil Code, relating to public health laboratory reports.

[Approved by Governor June 4, 1965. Filed with
Secretary of State June 4, 1965.]

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

SECTION 1. Section 3225 of the Health and Safety Code is repealed.

SEC. 2. Section 3226 of said code is amended to read:

The laboratory shall submit such laboratory reports or records to the State Department of Public Health as are required by regulation of the State Board of Public Health. The health officer may destroy any copies of reports which have been retained by him pursuant to this section for a period of two years.

SEC. 3. Section 79.05 of the Civil Code is amended to read:

79.05. The laboratory shall submit such laboratory reports or records to the State Department of Public Health as are required by regulation of the State Board of Public Health. The health officer may destroy any copies of reports retained by him pursuant to this section for a period of two years.

CHAPTER 495

An act to amend Section 12951 of the Vehicle Code, relating to the display of drivers' licenses.

[Approved by Governor June 4, 1965. Filed with
Secretary of State June 4, 1965.]

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

SECTION 1. Section 12951 of the Vehicle Code is amended to read:

12951. (a) The licensee shall have the license issued to him in his immediate possession at all times when driving a motor vehicle upon a highway.

Any charge under this subdivision shall be dismissed when the person charged produces in court a driver's license duly

issued to such person and valid at the time of his arrest, except that upon a third or subsequent charge the court in its discretion may dismiss the charge.

(b) The driver of a motor vehicle shall present his license for examination upon demand of a peace officer enforcing the provisions of this code.

CHAPTER 496

An act to amend Section 270 of, and to add Sections 270f and 270g to, the Penal Code, relating to enforcement of child support obligations.

[Approved by Governor June 4, 1965. Filed with
Secretary of State June 4, 1965.]

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

SECTION 1. Section 270 of the Penal Code is amended to read:

270. A father of either a legitimate or illegitimate minor child who willfully omits without lawful excuse to furnish necessary clothing, food, shelter or medical attendance or other remedial care for his child is guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment. If the father, during such violation, remains out of the state for 30 days, or if he fails or refuses to comply with the order of a court of competent jurisdiction requiring him to make any provision for the maintenance, support, medical treatment or other remedial care of such minor child and remains out of the state for 10 days without doing so, he is guilty of a felony. This statute shall not be construed so as to relieve such father from the criminal liability defined herein for such omission merely because the mother of such child is legally entitled to the custody of such child nor because the mother of such child, or any other person, or organization, voluntarily or involuntarily furnishes such necessary food, clothing, shelter or medical attendance or other remedial care for such child, or undertakes to do so.

Proof of abandonment or desertion of a child by such father, or the omission by such father to furnish necessary food, clothing, shelter or medical attendance or other remedial care for his child is prima facie evidence that such abandonment or desertion or omission to furnish necessary food, clothing, shelter or medical attendance or other remedial care is willful and without lawful excuse.

The court, in determining the ability of the father to support his child, shall consider all income, including social insurance benefits and gifts.

Proof of abandonment or desertion of a child by such father or the omission by such father to furnish such food, shelter,

clothing or medical attendance or other remedial care for more than thirty (30) days is prima facie evidence that such father was outside the state.

In the event that the father of either a legitimate or illegitimate minor child is dead or for any other reason whatsoever fails to furnish the necessary food, clothing, shelter or medical attendance or other remedial care for his minor child, the mother of said child shall become subject to the provisions of this section and be criminally liable for the support of said minor child during the period of failure on the part of the father to the same extent and in the same manner as the father.

The provisions of this section are applicable whether the parents of such child are married or divorced, and regardless of any decree made in any divorce action relative to alimony or to the support of the child. A child conceived but not yet born is to be deemed an existing person insofar as this section is concerned.

SEC. 2. Section 270f is added to said code, to read:

270f. Where, under the provisions of this chapter, a report is filed by the mother with the district attorney averring:

(1) That the father has failed to provide necessary support and

(2) That neither the child in need of assistance nor another on his behalf is receiving public assistance, the district attorney shall immediately investigate the verity of such report and determine the father's location and financial ability to provide the needed support, and upon a finding that the report is true shall immediately take all steps necessary to obtain support for the child in need of assistance.

SEC. 3. Section 270g is added to said code, to read:

270g. A review of each report filed with the district attorney under Section 270f shall be made at 90-day intervals unless the support payments have been legally terminated, the parties involved are permanently located beyond county jurisdiction, or the father is complying with the provisions of this chapter.

CHAPTER 497

An act to amend Sections 73912 and 73913 of, and to add Sections 73914, 73915, 73916 and 73917 to, and to repeal Sections 73914 and 73915 of, the Government Code, relating to municipal courts.

[Approved by Governor June 4, 1965. Filed with
Secretary of State June 4, 1965.]

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

SECTION 1. Section 73912 of the Government Code is amended to read:

73912. There shall be one clerk, one assistant clerk, one deputy clerk III, three deputy clerks II, one deputy clerk I

and two typist-clerks, each of whom shall receive a salary in accordance with Section 73914 and Section 73915.

SEC. 2. Section 73913 of said code is amended to read:

73913. There shall be one marshal, one chief deputy marshal, four deputy marshals, one marshal's clerk and one typist-clerk, each of whom shall receive a salary in accordance with Section 73914 and Section 73915.

SEC. 3. Section 73914 of said code is repealed.

SEC. 4. Section 73914 is added to said code, to read:

73914. (a) The monthly salaries for the following classes of position shall be, and shall be increased in accordance with the schedule set forth below:

	Range	A	B	C	D	E
Clerk of the municipal court	35	\$641	\$673	\$707	\$742	\$779
Assistant clerk	29	478	502	527	553	581
Deputy clerk III	27	433	455	478	502	527
Deputy clerk II	25	392	412	433	455	478
Deputy clerk I	23	355	373	392	412	433
Typist-clerk	21	322	338	355	373	392
Marshal	35	641	673	707	742	779
Chief deputy marshal	29	478	502	527	553	581
Deputy marshal	28	455	478	502	527	553
Marshal's clerk	25	392	412	433	455	478

All figures in columns A, B, C, D, and E represent dollars per calendar month.

(b) On and after the effective date of this section, the following regulations will govern the administration of the classification and compensation schedules contained herein:

(1) Except as otherwise provided in this article, all employees shall be entitled to the same vacation, sick leave, leave of absence, and similar benefits, and shall be subject to the same rules and regulations concerning length of work week, anniversary dates and changes thereof, and may be appointed, promoted, demoted, terminated, or transferred, or their status otherwise adjusted, in the same manner and with the same effect as is, or may be, provided by the current salary and personnel ordinances and policies approved by the Board of Supervisors of Santa Barbara County for other employees of the county.

(2) All new employees shall normally be hired at the compensation provided for in column A of the appropriate salary range. If after a diligent effort the appointing authority is unable to secure qualified personnel, or if a person of unusual qualifications or experience is hired, the appointing authority, with the consent of the board of supervisors, may hire at any column in the appropriate range.

(3) A one-year service period shall be required for each normal salary column increase. Upon the first day of the calendar month next succeeding the completion of 12 calendar months of service, the officer or employee advances to column B, C, D, or E of his range only if the appointing authority

approves and recommends such increase in the manner and circumstances provided for increases in compensation in the current Santa Barbara County personnel and salary ordinances or in policies approved by the Board of Supervisors of Santa Barbara County for other employees of the county.

(4) An employee promoted to or demoted from any class of position shall normally be paid the compensation provided for in column A of the appropriate range. If the payment of compensation in column A results in an inequity to the promoted or demoted employee in the opinion of the appointing authority, the employee may, with the consent of the board of supervisors, be paid the compensation provided for in any other column of the appropriate range or up to 5 percent in excess of the appropriate range. Any increase in salary under this subparagraph will establish a new anniversary date.

(5) An employee holding a position for which a new range of salaries is established by this section will normally be paid the compensation provided for in column A of the new range. In the event such compensation is less than the employee's salary immediately prior to the effective date of this section, the employee's salary shall be adjusted to the closest column in dollar amount in the new range. If payment of the compensation provided in the closest column would result in a salary decrease the employee shall be paid the same compensation he received immediately prior to the effective date of this section until such closest column is otherwise increased or decreased or the employee is promoted, demoted or granted a merit increase under the provisions of this article, at which time the employee shall be paid the amount provided in said column as increased or decreased or in the appropriate column in the event of promotion, demotion or merit increase. If the payment of compensation under this section results in an inequity to an employee in the opinion of the appointing authority, or presiding judge in the case of the marshal, the employee may, with the consent of the board of supervisors, be paid the compensation provided for in any column of the new range or up to 5 percent in excess of the new range.

(6) For purposes of this article, an employee, unless otherwise designated, refers to every person filling any position established by Sections 73912 and 73913.

SEC. 5. Section 73915 of said code is repealed.

SEC. 6. Section 73915 is added to said code, to read:

73915. Notwithstanding any other provisions of this article, if, at any date on or after January 1, 1965, any different compensation is established for any of the hereafter mentioned positions under the County of Santa Barbara Salary Ordinance, the following provisions shall apply to salaries mentioned in this article:

(a) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County Salary Ordinance as superior court clerk II, the percentage of such increase or decrease shall be ascertained

and the salary range of each person holding the position of clerk, assistant clerk, marshal, and deputy clerk III under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage, rounded off to the nearest dollar.

(b) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County Salary Ordinance as legal process clerk II, the percentage of such increase or decrease shall be ascertained and the salary range of each person holding the position of deputy clerk II under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage, rounded off to the nearest dollar.

(c) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County Salary Ordinance as typist-clerk III, the percentage of such increase or decrease shall be ascertained and the salary range of each person holding the position of deputy clerk I, typist-clerk, and marshal's clerk under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage, rounded off to the nearest dollar.

(d) Whenever a different compensation is established for the class of position now and hereafter designated in the Santa Barbara County Salary Ordinance as deputy sheriff, the percentage of such increase or decrease shall be ascertained and the salary range of each person holding the position of chief deputy marshal or deputy marshal under this article shall be changed by increasing or decreasing each salary column within the appropriate range by such percentage, rounded off to the nearest dollar.

If between January 1, 1965, and October 1, 1965, an employee receives an increase in salary by reason of Section 73915, as amended in 1963, such employee shall not receive any further increase in salary under this section by reason of a different compensation being established between January 1, 1965 and October 1, 1965 for one of the above-mentioned positions under the Santa Barbara County Salary Ordinance.

Whenever a salary increase is authorized by this article, such increase shall be payable at the same time the corresponding increase under the Santa Barbara County Salary Ordinance is payable.

This section shall remain in effect until the 91st day after the final adjournment of the 1967 Regular Session of the Legislature.

SEC. 7. Section 73916 is added to said code, to read:

73916. All fees collected by court officers and attachés for official duties shall be deposited in the county treasury.

SEC. 8. Section 73917 is added to said code, to read:

73917. All officers and attachés of the court shall devote their full time to the performance of their duties.

CHAPTER 498

*An act to amend Section 28117 of the Government Code,
relating to district attorney's salary.*

[Approved by Governor June 4, 1965. Filed with
Secretary of State June 4, 1965.]

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

SECTION 1. Section 28117 of the Government Code is amended to read:

28117. In a county of the 17th 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, fourteen thousand five hundred dollars (\$14,500) a year. He shall devote his full working time to the duties of his office.

(b) The district attorney, nineteen thousand two hundred fifty dollars (\$19,250) a year for all services. He shall devote his entire time during office hours to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, for all services required of him as supervisor, ten thousand dollars (\$10,000) a year and his actual and necessary expenses and mileage incurred in the performance of any of the duties of his office. He may elect to use his own automobile or an automobile furnished by the county for use in all official business of the county requiring automobile travel. If he elects to use his own automobile for all such official business, then he shall receive nine cents (\$0.09) for each mile actually traveled. If he elects to use an automobile furnished by the county, then all expenses for fuel, oil, supplies, upkeep and maintenance of such county automobile shall be paid from the county funds, and he shall not receive any reimbursement for mileage.

(d) Grand jurors, six dollars (\$6), trial jurors in the superior court, six dollars (\$6) and trial jurors in justice courts, six dollars (\$6), for each day's attendance. In addition, mileage fees shall be allowed all jurors at the rate of fifteen cents (\$0.15) for each mile traveled in attending court or in attending sessions of the grand jury, in going only.

CHAPTER 499

An act to amend Sections 23013, 23320, 23358, and 23770 of, and to add Sections 23013.5, 23356.5, 23356.6, 23356.7 and 23390.5 to, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 4, 1965. Filed with
Secretary of State June 4, 1965.]

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

SECTION 1. Section 23013 of the Business and Professions Code is amended to read:

23013. "Winegrower" means any person who has facilities and equipment for the conversion of grapes, berries or other fruit into wine and is engaged in the production of wine, except that any person who produces not to exceed 200 gallons of wine per year for his own consumption shall not, because of such production, be considered a winegrower within the meaning of this division.

SEC. 2. Section 23013.5 is added to said code, to read:

23013.5. A "wine blender" is a person authorized to operate a bonded wine cellar pursuant to a permit issued for that purpose under the Internal Revenue Laws of the United States but who does not have facilities or equipment for the conversion of grapes, berries or other fruit into wine and does not engage in the production of wine in commercial quantities, provided that any person who produces or blends not to exceed 200 gallons of wine per year shall not, because of such production or blending, be considered a wine blender within the meaning of this division.

SEC. 3. Section 23320 of said code is amended to read:

23320. The following are the types of licenses to be issued under this division and the annual fees to be charged therefor:

- | | |
|--|-------------------|
| (1) Beer manufacturer's license ----- | \$828.00 per year |
| (2) Winegrower's license or wine blender's license (to be computed only on the gallonage produced or blended), | |
| 5,000 gallons or less----- | 22.00 per year |
| Over 5,000 gallons to 20,000 gallons per year ----- | 44.00 per year |
| Over 20,000 to 100,000 gallons per year ----- | 82.50 per year |
| Over 100,000 to 200,000 gallons per year ----- | 110.00 per year |
| Over 200,000 gallons to 1,000,000 gallons a year ----- | 165.00 per year |
| For each 1,000,000 gallons or fraction thereof over 1,000,000 gallons an additional ----- | 110.00 per year |
| (3) Brandy manufacturer's license ----- | 168.00 per year |

(4) Distilled spirits manufacturer's license -----	276.00 per year
(5) Distilled spirits manufacturer's agent's license -----	276.00 per year
(6) Still license -----	12.00 per year
(7) Rectifier's license -----	276.00 per year
(8) Wine rectifier's license -----	276.00 per year
(9) Beer and wine importer's license -----	No fee
(10) Beer and wine importer's general license -----	56.00 per year
(11) Brandy importer's license -----	No fee
(12) Distilled spirits importer's license -----	No fee
(13) Distilled spirits importer's general license -----	276.00 per year
(14) Public warehouse license -----	12.00 per year
(15) Customs broker's license -----	12.00 per year
(16) Wine broker's license -----	56.00 per year
(17) Beer and wine wholesaler's license --	56.00 per year
(18) Distilled spirits wholesaler's license --	276.00 per year
(19) Industrial alcohol dealer's license ---	56.00 per year
(20) Retail package off-sale beer and wine license -----	12.00 per year
(21) Retail package off-sale general license for under \$20,000 gross retail sales of distilled spirits per year -----	200.00 per year
In addition, for \$20,000 or more gross retail sales of distilled spirits per year -----	200.00 per year
(22) On-sale beer license -----	84.00 per year
(23) On-sale beer and wine license -----	84.00 per year
(24) On-sale beer and wine license for trains (per train) -----	16.00 per year
(25) On-sale beer license for fishing party boats (per boat) -----	32.00 per year
(26) On-sale beer and wine license for boats (per boat) -----	56.00 per year
(27) On-sale beer and wine license for airplanes (per scheduled flight) -----	16.00 per year
(28) On-sale general license:	
In cities of 40,000 population or over	580.00 per year
In cities of less than 40,000 but more than 20,000 population -----	412.00 per year
In all other localities -----	360.00 per year
(29) On-sale general license for seasonal business:	
In cities of 40,000 population or over -----	145.00 per quarter year
In cities of less than 40,000 but more than 20,000 population -----	103.00 per quarter year
In all other localities -----	90.00 per quarter year

- (30) (a) On-sale general license for bona fide clubs,
 (b) Club license (issued under Article 4 of this chapter), or
 (c) Veterans' club license (issued under Article 5 of this chapter):
 In cities of 40,000 population or over ----- 330.00 per year
 In cities of less than 40,000 but more than 20,000 ----- 248.00 per year
 In all other localities ----- 220.00 per year
- (31) On-sale general license for trains and sleeping cars ----- 128.00 per year
 Duplicate on-sale general license for trains and sleeping car companies 32.00 per year
- (32) On-sale general license for boats ----- 332.00 per year
- (33) On-sale general license for airplanes 128.00 per year
 Duplicate on-sale general license for air common carriers ----- 10.00 per year
- (34) On-sale general license for vessels of more than 1,000 tons burden ----- 128.00 per year
 Duplicate on-sale general license for vessels of more than 1,000 tons burden ----- 32.00 per year

SEC. 4. Section 23356.5 is added to said code, to read:

23356.5. A wine blender's license authorizes the person to whom issued to exercise all of the privileges of a winegrower's license except:

- (a) To crush and ferment and produce wine from grapes, berries or other fruits.
 (b) To obtain or be issued a duplicate winegrower's license as provided for in Section 23390.
 (c) To buy, sell, receive or deliver wine from persons other than authorized licensees.
 (d) To sell and deliver wine to consumers for consumption off the premises where sold.

SEC. 5. Section 23356.6 is added to said code, to read:

23356.6. Except as otherwise provided in this act, all provisions in this division pertaining to winegrowers, or to directors, officers, agents and employees of winegrowers, shall apply to wine blenders and to directors, officers, agents and employees of wine blenders.

SEC. 6. Section 23356.7 is added to said code, to read:

23356.7. Nothing in this division shall be or be construed to be retroactive or to affect the rights of a person holding a winegrower's license or licenses or winegrower's duplicate license or licenses at the time this section becomes effective, or to prohibit the renewal or transfer of such existing license or licenses from one person to another person or from one premise to another premise.

SEC. 7. Section 23770 of said code is amended to read:

23770. A winegrower's license, or a wine blender's license, whichever is appropriate to the operations to be conducted on the licensed premises, shall be issued only to, or held by, a person qualified to operate or operating a winery or wine cellar bonded under the internal revenue laws of the United States. Every person operating, or authorized under the internal revenue laws of the United States to operate, a winery or wine cellar bonded under the internal revenue laws of the United States shall apply for, and hold, a winegrower's or wine blender's license, as may be appropriate for operations conducted on the licensed premises.

SEC. 8. Section 23390.5 is added to said code, to read:

23390.5. (a) As used in this section, "licensed branch office" means any branch office or warehouse, or United States bonded wine cellar located away from the licensed winegrower's or brandy manufacturer's place of production, or manufacture, for which a duplicate license has been issued.

(b) Notwithstanding the provisions of Section 23358, 23360, and 23390, no licensed winegrower or brandy manufacturer shall sell wine or brandy to consumers for consumption off the premises where sold or engage in winetasting activities at more than one licensed branch premise. This section is not and shall not be construed to be retroactive and notwithstanding any other provisions of this division shall not prohibit such sales or limit the quantity thereof or prohibit winetasting activities at any licensed branch office or branch offices under the existing duplicate license or licenses therefor in existence on the effective date of this section or any renewal or transfer thereof or at any licensed branch office opened by the licensee in place of such licensed branch office.

SEC. 9. Section 23358 of said code is amended to read:

23358. Licensed winegrowers, notwithstanding any other provisions of this division, may also sell wine and brandy to any person holding a license authorizing the sale of wine or brandy and to consumers for consumption off the premises where sold. A winegrower shall actually produce on his licensed premises by conversion of grapes, berries or other fruit, into wine, not less than 50 percent of all wines sold to consumers on his licensed premise or premises and any licensed branch premise or premises.

SEC. 10. No revenues collected as the result of the issuance or renewal of a wine blender's license pursuant to the provisions of this act shall be available for expenditure until appropriated.