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1964–1965

CONSTITUTION OF 1879 AS AMENDED

MEASURES SUBMITTED TO VOTE OF ELECTORS,
GENERAL ELECTION, NOVEMBER 3, 1964

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

PASSED AT

THE 1964 REGULAR SESSION OF THE LEGISLATURE

THE 1964 FIRST AND SECOND EXTRAORDINARY
SESSIONS OF THE LEGISLATURE

THE 1965 REGULAR SESSION OF THE LEGISLATURE

AND

THE 1965 FIRST EXTRAORDINARY SESSION
OF THE LEGISLATURE

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58—L-670

CHAPTER 500

An act to add Section 55162 to the Water Code, relating to county waterworks districts.

[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 55162 is added to the Water Code, to read:

55162. Notwithstanding anything in this division to the contrary, if the board of supervisors finds that protests have been made, prior to the close of the hearing for the formation of the district, by the owners of real property within the proposed district the assessed value of which as shown by the last equalized assessment roll constitute more than one-half of the district's assessed value of the real property within the proposed district or by the owners of more than one-half of the total acreage within the proposed district, the proceedings shall terminate.

CHAPTER 501

An act to add Section 31558.1 to the Government Code, relating to County Employees' Retirement System

[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 31558.1 is added to the Government Code, to read:

31558.1. Notwithstanding any of the provisions of Section 31558 to the contrary, each person over 35 years of age who, prior to January 1, 1965, was employed in a position, the principal duties of which consist of active law enforcement as defined in Section 31469.3, who has continuously since his employment made the salary contributions required of a safety member, and who has continuously since his employment been employed in a position which would make such person eligible to become a safety member if he had not been over the age of 35 years at the time of his employment, shall become a safety member as of the first day of the calendar month following his original entrance into the service regardless of age.

A member who meets the requirements of the preceding paragraph of this section except that he has not made the contributions required of a safety member, may receive credit for such service, as a safety member, when he has contributed, with interest to the date paid, the difference between contributions made and those which would have been required if he

had been a safety member. Such additional contributions are to be made prior to retirement and notice of election to receive credit for service, as a safety member, pursuant to this section, shall be made to the retirement board prior to April 1, 1966.

CHAPTER 502

An act to amend Sections 74342, 74343, 74343.1, 74343.2, and 74344 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 74342 of the Government Code is amended to read:

74342. There shall be one clerk who shall be appointed by a majority of the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 46.5 of the salary schedule provided in Section 74343.1. In no event shall the compensation of the clerk be less than twenty (20) schedule ranges (approximately 63 percent) higher than that specified for the position of chief clerk.

SEC. 2. Section 74343 of said code is amended to read:

74343. The clerk may appoint:

(a) Five deputy clerks who shall be chief clerks in the administrative, civil, criminal, traffic, and accounting divisions of the court, and who shall receive a monthly salary at the rate specified in Schedule 36.5.

(b) Five deputy clerks who shall be assistant chief clerks of division and who shall receive a monthly salary at a rate specified in Schedule 33.5.

(c) Thirty deputy clerks IV, each of whom shall receive a monthly salary at a rate specified in Schedule 30.5.

(d) Twenty-one deputy clerks III, each of whom shall receive a monthly salary at a rate specified in Schedule 26.0.

(e) Twenty-three deputy clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule 23.0.

(f) Forty-three deputy clerks I, each of whom shall receive a monthly salary at a rate specified in Schedule 19.0.

Appointments to such positions shall be at step B of the schedule. In no event shall the monthly salary of deputy clerks I holding positions on the effective date of this amendment be less than step B of the salary schedule.

(g) One deputy clerk who shall be tab supervisor and who shall receive a monthly salary at a rate specified in Schedule 31.0.

(h) One deputy clerk who shall be senior tab operator and who shall receive a monthly salary at a rate specified in Schedule 26.0.

(i) One deputy clerk who shall be a tab operator and who shall receive a monthly salary at a rate specified in Schedule 24.0.

(j) Eight deputy clerks who shall be key punch operators and who shall receive a monthly salary at a rate specified in Schedule 21.0.

(k) Three deputy clerks who shall be stenographers and who shall receive a monthly salary at a rate specified in Schedule 25.0.

(*l*) The eight deputy clerks assigned by the clerk of the court as clerks in the presiding department, calendar department, criminal arraignment, traffic arraignment departments (two deputies), and in the accounting and civil divisions, while serving in those capacities, shall receive a monthly salary at a rate two schedules higher than that which such deputy clerks were receiving prior to such assignment. The value, in dollars, of each monthly salary herein shall be at the rates indicated opposite the respective schedule number in the salary schedule provided in Section 74343.1.

SEC. 3. Section 74343.1 of said code is amended to read:

74343.1. Whenever reference to a numbered salary schedule is made in any section of this article, the following schedule of monthly salaries shall apply:

Range and schedule number	A	B	C	D	E
15	$269	$282	$296	$311	$327
15.5	275	289	303	319	335
16	282	296	311	327	343
16.5	289	303	319	335	351
17	296	311	327	343	360
17.5	303	319	335	351	369
18	311	327	343	360	378
18.5	319	335	351	369	387
19	327	343	360	378	397
19.5	335	351	369	387	407
20	343	360	378	397	417
20.5	351	369	387	407	427
21	360	378	397	417	438
21.5	369	387	407	427	449
22	378	397	417	438	460
22.5	387	407	427	449	471
23	397	417	438	460	483
23.5	407	427	449	471	495
24	417	438	460	483	507
24.5	427	449	471	495	519
25	438	460	483	507	532
25.5	449	471	495	519	545

Range and schedule number	A	B	C	D	E
26	460	483	507	532	559
26.5	471	495	519	545	573
27	483	507	532	559	587
27.5	495	519	545	573	601
28	507	532	559	587	616
28.5	519	545	573	601	631
29	532	559	587	616	647
29.5	545	573	601	631	663
30	559	587	616	647	679
30.5	573	601	631	663	696
31	587	616	647	679	713
31.5	601	631	663	696	731
32	616	647	679	713	749
32.5	631	663	696	731	767
33	647	679	713	749	786
33.5	663	696	731	767	805
34	679	713	749	786	825
34.5	696	731	767	805	845
35	713	749	786	825	866
35.5	731	767	805	845	887
36	749	786	825	866	909
36.5	767	805	845	887	931
37	786	825	866	909	954
37.5	805	845	887	931	978
38	825	866	909	954	1,002
38.5	845	887	931	978	1,027
39	866	909	954	1,002	1,052
39.5	887	931	978	1,027	1,078
40	909	954	1,002	1,052	1,105
40.5	931	978	1,027	1,078	1,132
41	954	1,002	1,052	1,105	1,160
41.5	978	1,027	1,078	1,132	1,189
42	1,002	1,052	1,105	1,160	1,218
42.5	1,027	1,078	1,132	1,189	1,248
43	1,052	1,105	1,160	1,218	1,279
43.5	1,078	1,132	1,189	1,248	1,311
44	1,105	1,160	1,218	1,279	1,343
44.5	1,132	1,189	1,248	1,311	1,376
45	1,160	1,218	1,279	1,343	1,410
45.5	1,189	1,248	1,311	1,376	1,445
46	1,218	1,279	1,343	1,410	1,481
46.5	1,248	1,311	1,376	1,445	1,518
47	1,279	1,343	1,410	1,481	1,555
47.5	1,311	1,376	1,445	1,518	1,594
48	1,343	1,410	1,481	1,555	1,633
48.5	1,376	1,445	1,518	1,594	1,674
49	1,410	1,481	1,555	1,633	1,715
49.5	1,445	1,518	1,594	1,674	1,758
50	1,481	1,555	1,633	1,715	1,846

(a) Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first six months of service, receive monthly the rate of compensation specified in step A of the salary schedule for the position to which he is appointed. Upon the first day of the month following six months continuous service in step A, the initial rate of compensation of such person shall be increased to step B of the salary schedule for the position occupied Upon the first day of the month following six months continuous service in step B, the initial rate of compensation of such person shall be increased to step C of the salary schedule for the position occupied. On and after the first day of the month following six months of continuous service at step C, such compensation shall be increased to step D of the salary schedule. On and after the first day of the month following 12 months of continuous service at step D, such compensation shall be increased to step E of the salary schedule.

(b) When any person in the service of the court is appointed or promoted to another position in such service compensated at a higher numbered schedule, he shall receive step A of such schedule if step A is at least one step higher than the salary received in the position relinquished; but if not, he shall receive initially that step schedule pertaining to such position which will provide a one step increase in his compensation.

(c) When any person in the service of the court is demoted to another position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

(d) The hereinafter enumerated classes of positions in the court are deemed to be comparable in job level to certain classifications in the classified civil service of San Diego County and whenever the salaries of such classifications in the service of San Diego County are adjusted by the board of supervisors, the salaries of the comparable classifications in the clerk's office shall be adjusted a commensurate percentage in the salary schedule. Such adjustment shall not be more than 20 percent higher or 20 percent lower than the ranges 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 that the salary of any of the San Diego County classifications listed in this section are adjusted by the board of supervisors on any date in 1965 prior to the effective date of any amendments to this article enacted by the Legislature at the 1965 Regular Session of the Legislature, commensurate adjustments shall be applied to the salaries of the comparable classifications in

the clerk's office, such adjustments to take effect on the effective date of any amendments of this article enacted at the 1965 Regular Session of the Legislature. Any salary adjustments made as a result of this section shall be effective only until 90 days after the adjournment of the Legislature at its next general session.

The comparable classifications are as follows:

Municipal court classification	County classification
Deputy clerk, chief clerk	Superior court clerk
Deputy clerk, assistant chief clerk	Superior court clerk
Deputy clerk I	Junior clerk
Deputy clerk II	Intermediate clerk
Deputy clerk III	Senior clerk
Deputy clerk IV	Superior court clerk
Tabulating supervisor	Tabulating supervisor
Senior tabulating operator	Senior tabulating operator
Tabulating operator	Tabulating operator
Key punch operator	Key punch operator
Deputy clerk stenographer	Senior stenographer
Court interpreter	Senior clerk

SEC. 4. Section 74343.2 of said code is amended to read:

74343.2. There shall be one court interpreter who shall be a deputy clerk to be appointed by a majority of the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 25.0 of the salary schedule provided in Section 74343.1.

SEC. 5. Section 74344 of said code is amended to read:

74344. 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 the 1965 amendments to this article be less than his salary on such day.

CHAPTER 503

An act to add Sections 74343.3, 74343.4, 74343.5 and 74343.6 to 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 74343.3 is added to the Government Code, to read:

74343.3. In the event that the Board of Supervisors of the County of San Diego consolidates all or a substantial part of the South Bay Judicial District with the San Diego Judicial District, there shall be one judge in addition to the number specified by Section 74341 who shall take office on the effective date of the ordinance providing for the consolidation, and

the judge of the South Bay Judicial District, or his successor, shall succeed to that judgeship.

In the event that the board of supervisors consolidates the National Judicial District and the Coronado Judicial District with the San Diego Judicial District, there shall be one judge in addition to the number specified by Section 74341 who shall take office on the effective date of the ordinance providing for the consolidation.

SEC. 2. Section 74343.4 is added to said code, to read:

74343.4. In the event the Board of Supervisors of the County of San Diego consolidates all or a substantial part of the South Bay Judicial District with the San Diego Judicial District the Clerk of the San Diego Municipal Court may appoint one supervising deputy clerk, two additional deputy clerks IV, six additional deputy clerks III, and three additional deputy clerks II. The Clerk of the South Bay Municipal Court on the day preceding the effective date of the consolidation shall succeed to the position of supervising deputy clerk, but if he should thereafter retire or otherwise terminate his service with the San Diego Municipal Court the position of supervising deputy clerk shall thereafter remain vacant. Each employee in the office of the Clerk of the South Bay Municipal Court on the day preceding the effective date of the consolidation shall succeed to the additional position in the San Diego Municipal Court which is most nearly comparable to the position he held in the service of the South Bay Municipal Court. Any person succeeding to such a position who has attained permanent status in the service of the South Bay Municipal Court shall succeed to a permanent position without further examination, qualification, or certification, and without serving further probationary service. Any person who has not attained permanent status in the service of the South Bay Municipal Court shall be required to complete a probationary period of six months in the position to which he succeeds, except that service in a comparable position in the service of the South Bay Municipal Court shall be counted toward completion of the probationary period. Each person succeeding to a position in the San Diego Municipal Court shall receive a monthly salary at the rate specified in the appropriate schedule provided by Section 74343 and Section 74343.1 of this code, except that the position of supervising deputy clerk shall receive a monthly salary at the rate specified in schedule 39 5. Each person succeeding to a position in the San Diego Municipal Court shall be given credit for prior service in a comparable position in the service of the South Bay Municipal Court and in no event shall any such person receive a salary less than that he received on the day preceding the effective date of the consolidation. Each person succeeding to an additional position shall transfer with him any unused vacation or sick leave credit to which he is entitled as an employee of the South Bay Municipal Court on the day prior to the effective date of the consolidation.

SEC. 3. Section 74343.5 is added to said code, to read:

74343.5. In the event that the Board of Supervisors of the County of San Diego consolidates all or a substantial part of the National Judicial District with the San Diego Judicial District, the Clerk of the San Diego Municipal Court may appoint three additional deputy clerks III, and three additional deputy clerks II. In the event the board of supervisors consolidates all or a substantial part of the Coronado Judicial District with the San Diego Judicial District, the Clerk of the San Diego Municipal Court may appoint one additional deputy clerk III and one additional deputy clerk II. The Clerk of the National Justice Court and the clerk of the Coronado Justice Court and each employee in their respective offices on the day preceding the effective date of the consolidation shall succeed to the additional position which is most nearly comparable to the position he held in the office of the Clerk of the National Justice Court or office of the Clerk of the Coronado Justice Court. Any person succeeding to such a position who has attained permanent status in the classified service of the County of San Diego shall succeed to a permanent position in the San Diego Municipal Court without further examination, qualification, or certification and without serving further probationary service. Any person who has not attained permanent status in the classified service of the County of San Diego shall be required to complete a probationary period of six months in the position to which he succeeds, except that service as a county employee in a comparable position shall be counted toward completion of the probationary period. Each person succeeding to a position in the San Diego Municipal Court shall receive a monthly salary at the rate specified in the appropriate schedule provided by Section 74343 and Section 74343.1 of this code. Each person succeeding to a position in the San Diego Municipal Court shall be given credit for prior service in a comparable position in the office of the Clerk of the National Justice Court or the office of the Clerk of the Coronado Justice Court and in no event shall the salary of any such person be less than that he received on the day prior to the effective date of the consolidation. Each person succeeding to an additional position shall transfer with him any unused vacation or sick leave credit to which he is entitled as a county employee on the day prior to the effective date of the consolidation.

SEC. 4. Section 74343.6 is added to said code, to read:

74343.6. In the event that the Judge of the National Justice Court, or his sucessor, does not or cannot succeed to any judgeship which may become available, there shall be created in the office of the Clerk of the San Diego Judicial District one additional position of deputy clerk IV to which the judge, at his election, may succeed. Notwithstanding any other provision of this code, such position will be the only position within the San Diego Judicial District to which the judge may succeed. If the judge elects not to succeed to the clerk IV

position, the position shall remain vacant, but if he elects to succeed to that position, he shall receive a monthly salary at the rate specified in the appropriate schedule provided by Section 74343 and Section 74343.1 of this code. He shall succeed at step C of the appropriate schedule. He shall succeed to the position without further examination, qualification, or certification and without serving probationary service. He shall be given credit for prior service with the County of San Diego and he shall transfer with him any unused vacation or sick leave credit to which he is entitled as a county employee on the day prior to the effective date of the consolidation.

CHAPTER 504

An act to amend Section 1374 of, and to add Sections 1312 and 1401.5 to, the Insurance Code, relating to reciprocal or interinsurance exchanges.

[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 1312 is added to the Insurance Code, to read:

1312. (a) Any reciprocal or interinsurance exchange, domestic or foreign, which has obtained a certificate of capability to reinsure or a favorable order under Section 1401.5 and whose subscribers by such order have no liability for assessment, may accept reinsurance of risks for all classes of insurance which it writes in California including the class in which such reinsurance is to be accepted.

(b) Contracts accepting such reinsurance shall be entered into between the ceding insurer and the reinsuring reciprocal or interinsurance exchange by its attorney in fact. The ceding insurer need not become a member of or a subscriber to the reinsuring reciprocal or interinsurance exchange and such contracts of reinsurance may contain any or all of the terms and conditions customary in reinsurances of the classes of insurance covered.

SEC. 2. Section 1374 of said code is amended to read:

1374. In estimating the financial condition of any exchange the commissioner shall observe the following rules:

(a) He shall charge as liabilities the same reserves as are required of incorporated insurers issuing nonassessable policies on a reserve basis.

(b) There shall be allowed as an admitted asset the surplus deposits of subscribers, except that in the case of any subscriber whose premium deposit is due and unpaid for 90 days, such premium deposit shall be first charged against such surplus deposit.

(c) The surplus deposits of subscribers shall not be charged as a liability.

(d) All premium deposits due and unpaid for a period not exceeding 90 days shall be allowed as admitted assets, as in the case of incorporated insurers issuing nonassessable policies on a reserve basis.

(e) An assessment levied as provided in this chapter, and not collected shall in no event be allowed as an asset.

(f) The computation of reserves shall be based upon premium deposits without any deduction for the compensation of the attorney.

"Surplus deposits of subscribers" as used in this article means the amount of premium deposits reflected in the individually maintained accounts of each of the subscribers of a reciprocal or interinsurance exchange as a credit balance over and above all charges against such accounts, including any unpaid premium for the current terms of the policies of the subscriber.

SEC. 3. Section 1401.5 is added to said code, to read:

1401.5. (a) When the commissioner finds after a public hearing that a reciprocal or interinsurance exchange has at all times during any consecutive five-year period terminating on December 31, 1964, or on the last day of any subsequent calendar year, as shown by its annual statements, as filed or as adjusted by the commissioner, as the case may be, maintained a surplus of admitted assets over all liabilities of at least three million dollars ($3,000,000) the commissioner may make an order that such reciprocal or interinsurance exchange need not obtain the certificate provided in Section 1401 and that its subscribers shall thereafter in perpetuity have no liability for assessment on policies issued or renewed at any time after such order becomes final or may, if the reciprocal desires not to become nonassessable, issue a certificate of capability to reinsure. To request such an order such reciprocal or interinsurance exchange shall file a petition with the commissioner, on a form prescribed by the commissioner. The filing fee for such a petition shall be two hundred dollars ($200). The commissioner shall give notice of such hearing in the insurance press and in such other ways as he deems advisable and to the extent he deems advisable. Such an order is subject to the provisions of Section 12940 and any person with sufficient relevant interest shall be authorized to bring any permitted action thereunder.

(b) When any such order of the commissioner becomes final any domestic reciprocal or interinsurance exchange obtaining such an order shall no longer be subject to or entitled to the benefits of: subdivision (c) of Section 1307, subdivisions (b) and (c) of Section 1374, and Article 6 of this chapter.

(c) At such time as all reciprocal or interinsurance exchanges conducting insurance business in this state are by law governed for all purposes as to required minimum surplus (including that for admission, amendment of certificate of

authority and solvency) by the same standards for minimum paid-in capital and surplus as are then applicable to capital stock insurers, any domestic reciprocal or interinsurance exchange may obtain the order provided in (a) hereof, subject to the provisions thereof by showing that it has maintained such minimum paid-in capital and surplus requirement applicable to capital stock insurers for at least five consecutive years in lieu of the three million dollars ($3,000,000) surplus prescribed in said subdivision (a) hereof.

(d) If the power of attorney or any policy of any domestic reciprocal or interinsurance exchange obtaining the order provided by (a) hereof contains language directly or indirectly creating a liability for assessment, in respect to policies issued prior to or issued after such an order becomes final such power of attorney and all such policies shall be deemed in law to have been amended to delete and repeal any and all such assessment provisions as of the date such order becomes final without any further action on the part of such a reciprocal or interinsurance exchange, its subscribers, its attorney in fact or the body exercising the subscriber's rights.

SEC. 4. The revenues derived from the increases in fees provided for in this act shall not be available for expenditure until appropriated.

CHAPTER 505

An act to amend Section 31521 of the Government Code, relating to county employee retirement system.

[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 31521 of the Government Code is amended to read:

31521. The board of supervisors may provide that the fourth and fifth members, and in counties having a board consisting of seven members, the fourth, fifth and sixth members, shall receive compensation at a rate of not more than fifty dollars ($50) a meeting for not more than three meetings per month.

CHAPTER 506

An act to add Chapter 4 (commencing with Section 8400) to Part 2 of Division 5 of the Water Code, relating to flood plain management.

[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. Chapter 4 (commencing with Section 8400) is added to Part 2 of Division 5 of the Water Code, to read:

CHAPTER 4. COBEY-ALQUIST FLOOD PLAIN MANAGEMENT ACT

Article 1. Declaration of Policy

8400. This chapter may be cited as the Cobey-Alquist Flood Plain Management Act.

8401. The Legislature finds and declares that:

(a) A large portion of the state's land resources is subject to recurrent flooding by overflow of streams and watercourses causing loss of life and property, disruption of commerce, and interruption of transportation and communications, all of which are detrimental to the health, safety, welfare, and property of the people of this state.

(b) The public interest necessitates sound development of land use, as land is a limited, valuable, and irreplaceable resource, and the flood plains of this state are a land resource to be developed in a manner which, in conjunction with economically justified structural measures for flood control, will result in (1) prevention of loss of life, and (2) prevention of economic loss caused by excessive flooding.

(c) The primary responsibility for planning, adoption, and enforcement of land use regulations to accomplish flood plain management rests with local levels of government.

(d) It is the policy of this state to encourage local levels of government to plan land use regulations to accomplish flood plain management and to provide state assistance and guidance therefor as appropriate.

Article 2. Definitions

8402. Unless the context otherwise requires, the following definitions apply throughout this chapter:

(a) "Department" means Department of Water Resources.

(b) "Board" means the State Reclamation Board.

(c) Wherever the words "department or board" or "department and board" are used together in this chapter they shall mean board as to any area within a project which by law is under the jurisdiction of the State Reclamation Board, and the department in all areas of the state outside these areas.

(d) "Public agency" means any city, city and county, county, or district organized, existing, and acting pursuant to the laws of this state.

(e) "Design flood" means the selected flood against which protection is provided, or eventually will be provided, by means of flood protective or control works. When a federal survey has been authorized the design flood will be determined by the appropriate federal agency and in all other cases it will be determined by the responsible local agency. It is the basis for design and operation of a particular project after full consideration of flood characteristics, frequencies,

and potentials and economic and other practical considerations.

(f) "Designated floodway" means the channel of a stream and that portion of the adjoining flood plain required to reasonably provide for the construction of a project for passage of the design flood including the lands necessary for construction of project levees.

(g) "Restrictive zone" means the portion of the natural floodway between the limits of the designated floodway and the limits of the flood plain where inundation may occur but where depths and velocities are generally low.

Article 3. Review of Flood Plain Management Plans

8403. Prior to the establishment by a public agency of flood plain management regulations, the public agency may request and receive a review by the department or the board of the public agency's flood plain management plans and shall furnish with the request necessary hydrologic studies, including flood routings or surveys adequate to properly delineate flood plain categories together with such additional supporting data as the department or the board may require.

8404. Where adequate personnel are not available to a public agency to prepare the necessary flood routing or other engineering data needed for support of its flood plain management plans, the department or board may, upon request of the public agency, make or cause to be made the necessary investigation and provide the data to the requesting public agency for its use in developing such plans. The cost of such investigations shall be borne by the public agency making the request.

Article 4. Establishment of Flood Plain Regulations

8410. Flood plain regulations established to comply with requirements of Section 8411 shall meet the following criteria:

(a) Construction of structures in the designated floodway which may endanger life or significantly restrict the carrying capacity of the designated floodway shall be prohibited. For the purpose of this subdivision, the word "structures" does not include public utility electric, gas, or communication lines which may be located within the designated floodway; provided, that any permit or permits as may be required by law, other than this chapter, to so locate such lines have been granted.

(b) Developments shall be permitted within the restrictive zone in accordance with local agency policy, giving full consideration to the protection of human life and the carrying capacity of the flood plain.

8411. Within any area classified "designated floodway" by the department or board after completion of a federal proj-

ect report where an appropriate public agency fails to establish the necessary flood plain regulations within a reasonable time, as determined by the department or board, following notification by the department or board, the state shall not appropriate money to pay any cost of lands, easements, and rights-of-way associated with that flood control project as set forth in the project report of the federal agency.

Article 5. Administrative Regulations

8415. The department and the board, within their respective jurisdictions as provided in this chapter, shall establish general policy and may prescribe such rules and regulations as may be necessary to carry out this chapter.

CHAPTER 507

An act to amend Section 73075 of the Government Code, relating to municipal court judges in Alameda County.

[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 73075 of the Government Code is amended to read:

73075. Each of the municipal court districts established in Alameda County shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Alameda Judicial District	1
Berkeley-Albany Judicial District	2
Oakland-Piedmont Judicial District	9
San Leandro-Hayward Judicial District	3

CHAPTER 508

An act to amend Section 31641.1 of the Government Code, relating to the County Retirement Act of 1937.

[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 31641.1 of the Government Code is amended to read:

31641.1. A member who was in public service before becoming a member may elect by written notice filed with the

board to make contributions pursuant to Section 31641.2 and to receive credit in the retirement system for all allowed public service time. Credit for part-time service shall be calculated as provided in Section 31641.5.

CHAPTER 509

An act to amend Sections 1802 and 1811 of, and to add Section 1802.1 to, the Insurance Code, relating to bail agents, solicitors and permittees.

[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 1802 of the Insurance Code is amended to read:

1802. A bail agent's license by its terms permits the licensee to solicit, negotiate, and effect undertakings of bail on behalf of any surety insurer while there is in effect an unrevoked notice of appointment of such insurer filed pursuant to Section 1802.1. Such license shall not be issued unless and until there is filed with the commissioner a bond having an admitted surety insurer as surety thereon in the penal sum of one thousand dollars ($1,000), conditioned upon the proper application and disposal of all moneys collected or received by the bail agent, his solicitors licensed pursuant to his appointment, and his employees, in favor of the people of the State of California.

SEC. 2. Section 1802.1 is added to said code, to read:

1802.1. Every applicant for a license to act as bail agent must file with the commissioner a notice of appointment executed by a surety insurer or its authorized representative authorizing such applicant to execute undertakings of bail and to solicit and negotiate such undertakings on its behalf. Additional notices of appointment may be filed by other surety insurers, upon the payment for each additional notice of the fees specified in subdivision (a) of Section 1811, before such license is issued and thereafter, as long as such license remains in force. Each appointment shall, by its terms, continue in force until:

(a) Termination of the bail agent's license;

(b) The end of the license year, if the fee provided in subdivision (d) of Section 1811 for filing an annual notice of intention to keep the license in force or a renewal application is not paid; or

(c) The filing of a notice of termination by the insurer, its representative, or by such bail agent.

SEC. 3. 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 notice of intention to keep a license in force or a renewal application, a fee of one-half the amount as that hereinabove specified for filing the application for that license. In the case of a bail agent with more than one valid notice of appointment on file, the fee to be charged pursuant to this subsection shall be the fee provided herein multiplied by the number of insurers whose valid appointments are on file at the date such document is filed unless such bail agent in such document advises the commissioner of his intent to terminate the appointment of one or more such insurers, in which event the fee shall be based upon the number of insurers remaining.

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

CHAPTER 510

An act to amend Sections 12282, 12285, 12286, 12306 and 12803 of the Revenue and Taxation Code, relating to insurance taxation.

[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 12282 of the Revenue and Taxation Code is amended to read:

12282. If an insurer files a retaliatory tax information return after the time has expired for filing such return, it shall pay one hundred dollars ($100) for each 15-day period or fraction thereof elapsing between the date the return was required to be filed and the date on which the return was filed, or five hundred dollars ($500), whichever is the smaller.

SEC. 2. Section 12285 of said code is amended to read:

12285. On or before October 15th any insurer dissatisfied with the assessment of the retaliatory tax may apply to the

board to have the assessment corrected in any particular. The petition shall state the grounds of the objection to the assessment and the corrections sought. At the time the petition is filed with the board a copy of the petition shall be filed with the commissioner.

SEC. 3. Section 12286 of said code is amended to read:

12286. On or before November 15th the board may increase or decrease any assessment of the retaliatory tax with respect to which a petition has been filed pursuant to Section 12285. Notice of revision of an assessment of retaliatory tax shall be mailed to each insurer whose assessment is modified and copies thereof shall be transmitted to the commissioner and the Controller.

SEC. 4. Section 12306 of said code is amended to read:

12306. The commissioner, for good cause shown, may extend for not to exceed 30 days the time for filing a tax return or paying any amount required to be paid with the return. The extension may be granted at any time, provided that a request therefor is filed with the commissioner within or prior to the period for which the extension may be granted.

SEC. 5. Section 12803 of said code is amended to read:

12803. An insurer whose certificate of authority has been revoked pursuant to this article may have the certificate restored by the commissioner during the period for which it was issued upon the payment by the insurer of all taxes, interest, and penalties due from it and the payment to the commissioner of a fee of five hundred dollars ($500).

CHAPTER 511

An act to add Article 18 (commencing with Section 31895) to Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, relating to county retirement systems.

[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. Article 18 (commencing with Section 31895) is added to Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, to read:

Article 18. Adjustment to Fit Other Allowances

31895. As used in this article "public agency" includes the federal government or any federal department or agency, this state, any other state or any state department or agency, a county, city, public corporation, or public district of this state or any other state. Section 31478 does not apply to this article.

31895.5. As used in this article, "total benefits" means the retirement allowance or other benefit payable to any beneficiary pursuant to the provisions of this chapter plus any other monetary payments due to the same beneficiary from any public agency.

31896. If an increase in the retirement allowance or other benefit payable to any beneficiary pursuant to the provisions of this chapter, whether such increase begins prior or subsequent to the effective date of this article, results in the decrease of the amount of any monetary payments due to the same beneficiary from any public agency, such retirement allowance or other benefit shall be so reduced as to result in the maximum total benefits to such beneficiary.

31896.5. If the statutes, ordinances, rules, regulations, or orders of any public agency are so changed, or if for any other reason the effect of the increase of the retirement allowance or other benefit payable to any beneficiary pursuant to the provisions of this chapter on the amount of any monetary payments due to the same beneficiary by such public agency are changed, the board shall adjust such retirement allowance or other benefit, but not to an amount greater than otherwise authorized by this chapter so as to result in the maximum total benefits to such beneficiary.

31897. The provisions of this article are mandatory and not subject to option or election by any member or other beneficiary. Every such beneficiary shall inform the board of all facts necessary in order to comply with this article. The board shall ascertain such facts by such procedures as it sees fit to adopt.

31897.5. If the board in good faith diligently seeks to ascertain all facts necessary in order to comply with this article, but, despite such effort, a payment of a retirement allowance or other benefit to any beneficiary is made without having been reduced as required by this article, neither the board, nor any member thereof, nor any public officer nor public employee shall be liable for such excess payment.

31898. A retirement allowance or other benefit payable to a beneficiary pursuant to this chapter shall not be reduced pursuant to this article if such reduction would impair the constitutional rights of any person.

CHAPTER 512

An act to add Section 31831.1 to the Government Code, relating to the county retirement system.

[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 31831.1 is added to the Government Code, to read:

31831.1. Any member who left county service prior to July 1, 1960, and within 100 calendar days became a member of a retirement system established under this chapter in another county may elect deferred retirement pursuant to Article 9 of this chapter, provided that he redeposits, in the retirement fund of the county he left, the amount of any refund of contributions and interest he received from such county plus regular interest thereon from date of such separation, and provided further that he may not, after such election and redeposit, rescind such election or withdraw any of his accumulated contributions while a member of the system of the county he entered within said 100 days. Upon such election and redeposition as described in this section, the member shall be entitled to the benefits provided in Sections 31830 through 31840, inclusive.

CHAPTER 513

An act to amend Sections 31452.5, 31458.2, 31781.1 of the Government Code, relating to the County Employees' Retirement Law of 1937.

[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 31452.5 of the Government Code is amended to read:

31452.5. The board may comply with and give effect to a revocable written authorization signed by a retired member entitled to a retirement allowance or benefit under this chapter, authorizing the treasurer to deduct a specified amount from the retirement allowance or benefit payable to any such retired member for the purpose of paying premiums on any policy or certificate of group life insurance or group disability insurance issued by an admitted insurer, or for any prepaid group medical or hospital service plan, or both, approved by such board, for the benefit of such retired member or his dependents, or for the payment of premiums on national service life insurance or United States government converted insurance, or for the purchase of shares in or the payment of money to any regularly chartered credit union, and each month shall draw his order in favor of the insurer, institution or credit union named in said written authorization for an amount equal to the deductions so authorized and made during the month. The board may charge a reasonable fee for the making of such deductions and payments and such fees shall be deposited in the county fund from which salaries are paid.

SEC. 2. Section 31458.2 of said code is amended to read:

31458.2. If, after December 31, 1957, and either before or after retirement a member dies leaving a spouse and has not

designated a beneficiary, and, prior to the payment of any portion of the death benefit, such spouse files with the board written evidence, satisfactory to the board, that she or he is the surviving spouse and the date of the marriage, such surviving spouse shall be deemed, for the purposes of this chapter, to have been nominated as the beneficiary by such member.

SEC. 4. Section 31781.1 of said code is amended to read:

31781.1. If any member of a retirement system established in a county subject to the provisions of Section 31676.1 would have been entitled to retirement in the event of his becoming disabled by a non-service-connected disability, dies as the result of any such injury or illness prior to his retirement, leaving a surviving spouse, such spouse shall have the right to elect by written notice filed with the board, to receive and be paid in lieu of the death benefit provided for in Sections 31780 and 31781 of this act, an "optional death allowance."

Such allowance shall consist of a monthly payment equal to 60 percent of the monthly retirement allowance to which such deceased member would have been entitled if he had retired or been retired by reason of non-service-connected disability as of the date of his death.

If such surviving spouse shall elect to receive such "optional death allowance" the payments so becoming due such spouse shall be retroactive to the date of the deceased member's death, and shall continue during and throughout the life of such spouse.

If such surviving spouse elects to receive such "optional death allowance," and thereafter dies leaving an unmarried surviving child or unmarried children of such deceased member under the age of 18 years, such "optional death allowance" shall thereafter be paid to such surviving children collectively until they die, marry, or reach the age of 18 years; provided, however, that the right of any such children respectively to share in such allowance shall cease upon their death or marriage, or upon their reaching the age of 18 years, and the entire amount of such allowance shall thereafter be paid collectively to the other qualified children.

If such deceased member leaves no spouse surviving him but leaves unmarried children under the age of 18 years, the legally appointed guardian of such children shall make the election herein provided for on behalf of such surviving children as in his judgment may appear to be in their interest and advantage, and the election so made shall be binding and conclusive upon all parties in interest.

The rights and privileges conferred by this section upon the surviving spouse and/or children of such deceased member shall not be dependent upon whether they or any of them shall have been nominated by the deceased member as the beneficiary of any benefits payable upon or by reason of his death, but shall be superior to and shall supersede the rights and claims of any other beneficiary so nominated.

CHAPTER 514

An act to amend Section 28135 of the Government Code, relating to county officers.

[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 28135 of the Government Code is amended to read:

28135. In a county of the 35th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eight thousand five hundred dollars ($8,500) a year.

(b) The district attorney, thirteen thousand dollars ($13,000) a year. He shall devote his entire time to the duties of his office and shall not engage in the private practice of law during his term of office.

(c) Each supervisor, for all services required of him as supervisor, five thousand dollars ($5,000) a year, except that the chairman of the board of supervisors, shall receive five thousand six hundred dollars ($5,600) a year. Each supervisor shall also receive the following mileage and traveling expenses: when using a privately owned automobile, ten cents ($0.10) for each mile actually traveled each way: (1) in going to and from his residence to the courthouse in attending each day's session of the regular and special meetings of the board of supervisors and in attending each day's session of the meetings of the board of supervisors when the board convenes as a board of equalization, and (2) in the county in the performance of his duties as supervisor and as a member of the county board of equalization. When traveling in a privately owned automobile each member of the board of supervisors shall also be allowed mileage at the rate of ten cents ($0.10) a mile or railroad or bus fare, together with other traveling expenses incurred in traveling to and from places outside of the county when he is on county business authorized by the board of supervisors.

(d) For attending as a juror in the superior court or in the justice courts, each juror shall be paid three dollars ($3) for each day's attendance upon the court and eight cents ($0.08) a mile for each mile actually traveled each way in attending each day's session of the court.

For serving as a grand juror, each grand juror shall be paid six dollars ($6) for each day's attendance upon the duly called sessions of the grand jury and the meetings of committees appointed by the foreman of the grand jury and for each day's service when authorized in writing by the foreman to

make individual investigations. When using a privately owned automobile, each grand juror shall also be allowed eight cents ($0.08) a mile for each mile actually traveled by him each way in attending each day's sessions of the grand jury and meetings of committees appointed by the foreman of the grand jury and when making individual investigations upon being authorized in writing to make such investigations by the foreman.

The fees and traveling expenses shall be paid out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court in the case of grand jurors and jurors attending the superior court, and upon written order of the judge of the court in which the juror was in attendance in the case of jurors attending the justice courts.

The compensation provided by this section shall be paid to incumbent officers.

CHAPTER 515

An act to amend Section 7682 of the Labor Code, relating to inspection of boilers.

[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 7682 of the Labor Code is amended to read:

7682. The division shall inspect or cause to be inspected each installed fired boiler internally and externally at least every year, except that the division may grant extensions to permit the interval between internal inspections to be increased to a maximum interval of twenty-four (24) months where operating experience and design of the boiler has demonstrated to the satisfaction of the division that equivalent safety will be maintained.

For other classes of boilers, the division shall establish internal inspection intervals which will insure the safety of people working in the vicinity of the boiler. In determining such intervals the division shall consider such factors as the design and construction of the boilers and the conditions under which they operate.

External inspection shall be made of all boilers at the time of the internal inspection and at such other intervals as are deemed necessary by the division acting through qualified safety engineers and certified inspectors.

CHAPTER 516

An act to amend Section 31461.3 of the Government Code, relating to the County Employees' Retirement Law of 1937.

[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 31461.3 of the Government Code is amended to read:

31461.3. The average compensation during any period of service as a member of the State Employees' Retirement System or a member of a retirement system established under this chapter in another county shall be considered compensation earnable by a member for purposes of computing final compensation for such member provided:

(1) The period intervening between active memberships in the respective systems does not exceed 90 days.

(2) He retires concurrently under both systems and is credited with such period of service under such other system at the time of retirement.

This section shall be applied retroactively under this chapter in favor of any member whose membership in the State Employees' Retirement System or in a retirement system established under this chapter in any county terminated prior to October 1, 1957, provided that he was eligible to and elected deferred retirement therein within 180 days after such termination, the period intervening between active memberships in the respective systems did not exceed 90 days, and he retires concurrently under both systems and is credited with such period of service under such other system at the time of retirement. The limitation of the 90-day period between the active membership in the two retirement systems shall not apply as to an employee who entered the employment in which he became a member of the State Employees' Retirement System prior to July 18, 1961; provided he entered such employment within 90 days of the termination of employment in the county system whether such employment is by the state or by a county, a city or other public agency which contracts with State Employees' Retirement System.

CHAPTER 517

An act to amend Section 265 of the Revenue and Taxation Code, relating to property tax exemptions and declaring the urgency thereof, to take effect immediately.

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

265. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1964 on property owned by an educational institution of collegiate grade, acquired by it during that fiscal year and of a kind that might qualify for the college exemption, shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

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

Some educational institutions of collegiate grade purchased property during the 1964–65 fiscal year, after the lien date thereof, which property was taxed for that fiscal year, although now within the scope of the college exemption. If required to meet such tax obligations, the ability of such institutions to function effectively will be seriously impaired, to the great detriment of our educational system. This act will remedy that situation, and in doing so the public policy of the state for the exemption of property owned by educational institutions of collegiate grade, as expressed in Section 1a of Article XIII of the Constitution, will be subserved and the state as a whole will benefit.

CHAPTER 518

An act to amend Section 31478 of the Government Code, relating to the County Employees Retirement Law of 1937.

[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 31478 of the Government Code is amended to read:

31478. "Public agency" means the United States of America, this state, or any department or agency of either, or any county, or any city, which city or county is within this state, or any public corporation, municipal corporation, or public district, which public corporation, municipal corporation, or public district is situated in whole or in part within the county.

Section 31468 does not apply to this section.

CHAPTER 519

An act to amend Section 15401 of the Elections Code, relating to ballots.

[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 15401 of the Elections Code is amended to read:

15401. Notwithstanding any other provisions of this code, the ballots to be counted by means of electronic or electromechanical devices may be of such size, composition, texture, and may be printed in any type of ink or combination of inks that will be suitable for use in the counting devices in which they are intended to be placed. If the ballots used are assembled in pads, the stitching on such pads may be on the bottom or on top or either side.

CHAPTER 520

An act to add Section 1622.5 to the Revenue and Taxation Code, relating to tax appeals boards.

[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 1622.5 is added to the Revenue and Taxation Code, to read:

1622.5. In any county in which two or more boards have been created and are functioning:

(a) The clerk of the tax appeals boards may assign a member from one board to serve temporarily as a member of another board in order to complete a quorum, and

(b) The board of supervisors may appoint an alternate member for each board. Whenever any regular member of a board is temporarily unable to act as a member of the board, the alternate member may sit on the board and shall have the same authority to act as a regular member.

CHAPTER 521

An act to add Article 16.6 (commencing with Section 31875) to Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, relating to adjustment of retirement allowances.

[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. Article 16.6 (commencing with Section 31875) is added to Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, to read:

Article 16.6. Retrospective Cost-of-living Adjustment

31875. Any county may provide by ordinance that the principles set forth in Article 16.5 (commencing with Section 31870), as a basis for adjustment of retirement allowances in accordance with future cost-of-living changes, shall be applied for the purpose of adjusting retirement allowances in accordance with past cost-of-living changes.

31876. The retirement allowances payable following the effective date of this article in the county shall be in the same amounts as would be payable if Article 16.5 had been in effect in the county on the date specified in the ordinance as the date for application of this article in the county.

31877. Any adjustment made pursuant to this article with reference to changes in the Consumers Price Index which occurred prior to the effective date of this article in a county shall apply prospectively only; and no right, claim or interest whatsoever shall be created by the application of the provisions of this section in any county with respect to retirement allowance payments made for time prior to the effective date of this article in the county.

31878. (a) This article may be adopted by any county by ordinance.

(b) The ordinance shall specify a date as of which Article 16.5 shall be deemed applicable. The applicable date may be the first day of any prior year. If no applicable date is specified, Article 16.5 shall be deemed applicable as of the first day of the year preceding the year of retirement of the earliest retired member who is currently being paid a retirement allowance at the time the ordinance is adopted.

(c) The ordinance shall specify a date as of which the adjustments made pursuant to this article shall be effective. If no effective date is specified, the adjustments shall be made in allowances payable for time commencing on the first day of the month following the adoption of the ordinance.

31879. Any county may adopt or readopt this article alone from time to time, adopt Article 16.5 alone, or adopt this ar-

ticle and Article 16.5 at the same time or different times. If both articles are adopted, any accumulated increases in excess of two percent (2%) per year which are accumulated under this article shall be applicable to the computation of future allowance adjustments as provided in Article 16.5 and any allowance which is increased as provided in this article shall be subject to future increase or decrease as provided in Article 16.5.

CHAPTER 522

An act to repeal Chapter 1771 of the Statutes of 1953, relating to the Morrison Creek Flood Control District.

[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. Chapter 1771 of the Statutes of 1953 is repealed.

CHAPTER 523

An act to amend Section 18426 of the Health and Safety Code, relating to fire protection in mobilehome parks.

[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 18426 of the Health and Safety Code is amended to read:

18426. The Division of Housing shall adopt rules and regulations, which it determines are reasonably consistent with generally recognized fire protection standards, governing conditions relating to the prevention of fire or for the protection of life and property against fire in mobilehomes and mobilehome parks.

The rules and regulations shall be applicable in all mobilehome parks, except in a mobilehome park within a city, county, or city and county which has adopted and is enforcing a fire prevention code imposing restrictions equal to or greater than the restrictions imposed by such state regulations and which is the enforcement agency.

Notwithstanding the provisions of this section, the rules and regulations relating to the installation of water supply and fire hydrant systems shall not apply within mobilehome parks constructed, or approved for construction, prior to January 1, 1966.

CHAPTER 524

An act to amend Section 73433.5 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 73433.5 of the Government Code is amended to read:

73433.5. The compensation of the clerk of the municipal court and his attachés shall be as follows:

(a) Title of position	No. of positions	Salary range A	B	C	D	E
Clerk of the municipal court	1	$707	$742	$779	$818	$859
Assistant clerk	1	553	581	610	641	673
Department court clerk	4	423	444	467	490	515
Clerk II	1	315	330	347	364	383
Municipal legal clerk II	3	444	467	490	515	540
Municipal legal clerk I	5	402	423	444	467	490
Typist-clerk II	7	315	330	347	364	383
Typist-clerk I	4	272	285	300	315	330

(b) Within the positions set out in subdivision (a), there shall be five step levels which shall be designated as "step A," "step B," "step C," "step D," and "step E," which are defined as follows:

"Step A" shall consist of the minimum rate of compensation for the position to which the salary range applies and shall be the hiring rate for such position;

"Step B" shall be the rate of compensation payable to any person who has occupied his position for one (1) year on the first day of the month following the anniversary of his appointment to the position;

"Step C" shall be the rate of compensation payable to any person who has occupied his position for two (2) years on the first day of the month following the anniversary of his appointment to the position;

"Step D" shall be the rate of compensation payable to any person who has occupied his position for three (3) years on the first day of the month following the anniversary of his appointment to the position; and

"Step E" shall be the rate of compensation payable to any person who has occupied his position for four (4) years on the first day of the month following the anniversary of his appointment to the position.

(c) Notwithstanding any other provision of this article:

(1) The minimum salary for each position shall normally be "step A" for the position. If it is difficult to secure qualified personnel at that step or if a person of unusual qualifications

is engaged, the court or the clerk, as the case may be, may hire at any step of the salary range applicable to the position.

(2) A majority of the judges of the court may place the clerk in the step of the salary range to which he would be entitled if he had been placed in "step C" of such salary range on the effective date of his appointment as clerk.

(3) If a deputy clerk changes his position to another position of higher salary range, he shall receive the lowest amount provided in the salary range for the new position which is at least equal to the amount he would have received if he had been advanced one step higher in the salary range applicable to his old position. If at the time such deputy clerk changes his position to another of higher salary range he is receiving the salary provided in "step E" of the salary range applicable to his old position, he shall receive the lowest amount provided in the salary range for the newer position which is at least equal to the salary provided in "step E" of such old position plus the difference between the salaries provided in "step D" and in "step E" of such old position.

CHAPTER 525

An act to add Section 31808.2 to the Government Code, relating to the County Retirement Law of 1937.

[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 31808.2 is added to the Government Code, to read:

31808.2. Notwithstanding the provisions of Section 31808 and 31808.1, the retirement allowance with respect to service performed after the effective date of this article for allowances subject to Section 31808 and after the effective date of the resolution described in Section 31808.1 shall be computed on the basis of Section 31676.1 for the service, not subject to benefits under the federal system, between the effective date of this article or resolution, as such dates are set forth in Sections 31808 and 31808.1 and the date of return to active membership of members who separated from employment in any county subsequent to the aforesaid dates and who returned to the service of the same county.

CHAPTER 526

An act to amend Sections 13143, 13145 and 13146.3 of the Health and Safety Code, relating to the prevention of fire.

[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 13143 of the Health and Safety Code is amended to read:

13143. The State Fire Marshal, with the advice of the State Fire Advisory Board, shall prepare and adopt regulations establishing minimum standards for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, sanitarium, home for aged, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in any theater, dance hall, skating rink, auditorium, assembly hall, meeting hall, night club, fair building, or similar place of assemblage where fifty (50) or more persons may gather together in a building, room or structure for the purpose of amusement, entertainment, instruction or education. Regulations adopted pursuant to this section shall establish minimum standards relating to the means of egress and the adequacy of exits from, the installation and maintenance of fire extinguishing and fire alarm systems in, the storage and handling of combustible or explosive materials or substances, and the installation and maintenance of appliances, equipment, decorations, and furnishings that present a fire, explosion or panic hazard, and such minimum standards shall be predicated on the height and fire resistive qualities of the building or structure and the type of occupancy for which it is to be used. The regulations shall apply to auxiliary or accessory buildings used or intended for use with any of the occupancies mentioned in this section. Violation of any regulation shall be deemed to be in violation of this chapter.

In preparing and adopting regulations affecting public schools, the State Fire Marshal shall also secure the advice of the Department of Education. No regulation adopted by the State Fire Marshal shall conflict with any rule, regulation, or standard lawfully adopted by the Division of Architecture of the Department of Public Works under Article 3 of Chapter 3 of Division 9 of the Education Code.

SEC. 2. Section 13145 of said code is amended to read:

13145. The State Fire Marshal, the chief of any city or county fire department or fire protection district, and their authorized representatives, shall enforce in their respective areas regulations that have been formally adopted by the State Fire Marshal for the prevention of fire or for the protection of life and property against fire or panic.

SEC. 3. Section 13146.3 of said code is amended to read:

13146.3. The chief of any city or county fire department or fire protection district and his authorized representatives shall inspect every building used as a public or private school within his jurisdiction, for the purpose of enforcing regulations authorized by Section 13143, not less than once each year. The State Fire Marshal and his authorized representatives shall make such inspections not less than once each year in areas outside of corporate cities and county fire protection districts.

CHAPTER 527

An act to add Sections 332.3 and 364.65 to, and to amend Section 336.10 of, the Agricultural Code, relating to cattle.

[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 332.3 is added to the Agricultural Code, to read:

332.3. In all suits at law or in equity, when the title to any animal is involved, the brand or brand and marks of the animal shall be prima facie evidence that the owner of the brand or brand and mark was the owner of the animal at all times during which the brand or brand and mark was duly recorded as provided in this code.

The right of any person to use such brand or brand and mark may be established by a certified copy of the brand records on file in the Bureau of Livestock Identification.

SEC. 2. Section 336.10 of said code is amended to read:

336.10. It is unlawful to apply a recorded brand in any location on the animal except that specified on the brand registration certificate.

The use of a brand on any location other than that specified on the brand registration certificate is the same as the use of an unrecorded brand.

SEC. 3. Section 364.65 is added to said code, to read:

364.65. Any person engaged in the business of selling cattle on consignment at any public stockyard, public salesyard, or public cattle sales market shall prepare prior to inspection and keep after each sale a certificate of consignment which contains the following:

(a) The name and address of the owner.

(b) The name and address of the consignee.

(c) A description of each animal which shall indicate the sex, the breed and, in the case of branded animals, the brand and brand location.

(d) Signature of the owner or his agent.

The certificate of consignment shall be kept by the seller for a period of one year after the date of sale. All such certificates shall be exhibited on the demand of any peace officer or any agent of the department.

CHAPTER 528

An act to amend Section 28136 of the Government Code, relating to county officers' salaries and duties.

[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 28136 of the Government Code is amended to read:

28136. In a county of the 36th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, six thousand dollars ($6,000) a year.

(b) The district attorney, fifteen thousand dollars ($15,000) a year. The district attorney shall devote his entire time to the duties of his office and he shall not engage in the private practice of law during his term of office. If the office of district attorney is consolidated with that of public administrator, the holder of the consolidated office shall receive a salary of fifteen thousand dollars ($15,000) a year, and all fees received by the holder of the consolidated office in performing the duties of public administrator shall be paid into the county treasury.

(c) Each supervisor, six thousand dollars ($6,000) a year.

(d) Grand jurors and trial jurors in the superior court shall receive six and one-half dollars ($6.50) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile actually and necessarily traveled from their residences to the county seat, in going only for each and every day a juror is required by law to attend upon the particular duty assigned to him. Fees and mileage shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

CHAPTER 529

An act to amend Section 28130 of the Government Code, relating to compensation for public services in counties.

[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 28130 of the Government Code is amended to read:

28130. In counties of the 30th class the following shall receive as compensation for the services required of them by law or by virtue of their office, the following sums:

1. The auditor, twelve thousand dollars ($12,000) a year.

2. The district attorney, fifteen thousand dollars ($15,000) a year and he shall not engage in private law practice during his term of office.

3. Each supervisor, six thousand dollars ($6,000) a year for all services performed by him as supervisor and member of the board of equalization, and the use of county automobiles in connection with the performance of official duties.

4. Grand jurors and trial jurors in the superior court in civil and criminal cases, shall receive as compensation for each day's attendance, per day, five dollars ($5); and trial jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, twenty-five cents ($0.25); and grand jurors for each mile actually and necessarily traveled in attendance as such in going only, per mile, fifteen cents ($0.15).

If it is not legally competent to pay the compensation provided by this act to incumbent officers on the effective date of the 1955 amendment of this section, such increase in compensation shall nevertheless be payable to the officers designated in this section as soon as it is legally competent to do so.

CHAPTER 530

An act to amend Section 702 of the Unemployment Insurance Code, relating to employment by state college auxiliary organizations.

[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 702 of the Unemployment Insurance Code is amended to read:

702. (a) Any employing unit for which services that do not constitute employment are performed, may file with the director a written election that all such services performed by individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment by an employer for all the purposes of this division for not less than two calendar years. Upon the written approval of the election by the director, such services shall be deemed to constitute employment subject to this division from and after the date stated in the approval.

(b) Notwithstanding the provisions of subdivision (a) of this section, a state college auxiliary organization which meets the requirements of Section 634(a) may exclude from cover-

age under an election pursuant to this section service performed by a student who is enrolled and is regularly attending classes at the state college with which the auxiliary organization is affiliated.

CHAPTER 531

An act to amend Sections 36934 and 36936 of the Government Code, relating to city ordinances.

[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 36934 of the Government Code is amended to read:

36934. Ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the councilmen present all ordinances shall be read in full either at the time of introduction or passage. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this section.

SEC. 2. Section 36936 of said code is amended to read:

36936. Resolutions and orders for the payment of money, and all ordinances, require the votes of at least three councilmen for passage.

CHAPTER 532

An act to amend Section 28157 of the Government Code, relating to county officers salaries.

[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 28157 of the Government Code is amended to read:

28157. In a county of the 57th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

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

(b) The district attorney, twelve thousand four hundred eighty dollars ($12,480) a year. He shall devote his entire time to the duties of his office, and shall not engage in the private practice of law during his term of office.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year and twenty cents ($0.20) a mile one way to board meetings.

(d) Jurors' fees shall be as follows: for each day's attendance as a grand juror or trial juror in the superior court six dollars ($6), and twenty cents ($0.20) for each mile actually traveled in attending court as such juror, in going only. The county clerk shall certify to the auditor the number of days' attendance and number of miles traveled by each juror. The auditor shall draw his warrant therefor, and the treasurer shall pay the warrant.

CHAPTER 533

An act to amend Sections 13563 and 13564 of the Education Code, relating to reports of school principals.

[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 13563 of the Education Code is amended to read:

13563. The principal of each elementary school when directed by the city or district superintendent of schools shall submit an annual report to such superintendent, or, if no superintendent is employed in the district, to the county superintendent of schools, on forms furnished by the Superintendent of Public Instruction.

SEC. 2. Section 13564 of said code is amended to read:

13564. The principal of each high school, when directed by the city or district superintendent of schools, shall make an annual report to such superintendent, or, if no superintendent is employed in the district, to the county superintendent of schools, on forms furnished by the Superintendent of Public Instruction.

CHAPTER 534

An act to amend Section 707 of the Welfare and Institutions Code, relating to crimes of minors.

[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 707 of the Welfare and Institutions Code is amended to read:

707. At any time during a hearing upon a petition alleging that a minor is, by reason of violation of any criminal statute or ordinance, a person described in Section 602, when substantial evidence has been adduced to support a finding that the offense alleged is punishable as a felony under the general law and that the minor was 16 years of age or older at the time of the alleged commission of such offense, or that the offense alleged is punishable as a misdemeanor under the general law and that the minor was 18 years of age or older at the time of the alleged commission of such offense, and that the minor would not be amenable to the care, treatment and training program available through the facilities of the juvenile court, or if, at any time after such hearing, a minor who was 16 years of age or older at the time of the commission of an offense and who was committed therefor by the court to the Youth Authority, is returned to the court by the Youth Authority pursuant to Section 780 or 1737.1, the court may make a finding noted in the minutes of the court that the minor is not a fit and proper subject to be dealt with under this chapter, and the court shall direct the district attorney or other appropriate prosecuting officer to prosecute the person under the applicable criminal statute or ordinance and thereafter dismiss the petition or, if a prosecution has been commenced in another court but has been suspended while juvenile court proceedings are held, shall dismiss the petition and issue its order directing that the other court proceedings resume.

A denial by the person on whose behalf the petition is brought of any or all of the facts or conclusions set forth therein or of any inference to be drawn therefrom is not, of itself, sufficient to support a finding that such person is not a fit and proper subject to be dealt with under the provisions of the Juvenile Court Law.

CHAPTER 535

An act to amend Section 600 of the Welfare and Institutions Code, relating to delinquents and wards of the juvenile court.

[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 600 of the Welfare and Institutions Code is amended to read:

600. Any person under the age of 21 years who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge such person to be a dependent child of the court:

(a) Who is in need of proper and effective parental care or control and has no parent or guardian, or has no parent or guardian willing to exercise or capable of exereising such care

or control, or has no parent or guardian actually exercising such care or control.

(b) Who is destitute, or who is not provided with the necessities of life, or who is not provided with a home or suitable place of abode, or whose home is an unfit place for him by reason of neglect, cruelty, or depravity of either of his parents, or of his guardian or other person in whose custody or care he is.

(c) Who is physically dangerous to the public because of a mental or physical deficiency, disorder or abnormality.

CHAPTER 536

An act to amend Sections 3, 9, 11, 12, 12.2, 13.1, 13.9 and 13.15 of, and to repeal Section 12.1 of, the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes of 1949), relating to flood control and water conservation districts, declaring the urgency thereof, to take effect immediately.

[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 3 of the Sonoma County Flood Control and Water Conservation District Act (Chapter 994, Statutes of 1949) is amended to read:

Sec. 3. The objects and purposes of this act are to provide, to the extent that the board may deem expedient or economical for water conservation, the control and disposition of flood, storm and other waters of the district, and the generating electric energy, and to that end the district is hereby created to be a body corporate and politic and as such shall have power:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

(d) To obtain by grant, purchase, gift, devise or lease; to hold, use, enjoy, sell, and contract to sell, lease, or dispose of real, personal and mixed property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes.

(e) To acquire and contract to acquire by purchase, dedication, condemnation, donation or other lawful means in the name of the district from private persons, public and private corporations, associations, agencies or districts, lands, rights-of-way, easements, privileges, material, and property of every kind within or without the district, to do all work and to acquire, construct, maintain and operate any and all works

and improvements within or without the district, and to make, execute, carry out and enforce all contracts of every character, necessary, convenient, incidental, useful or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized.

(f) 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 by the state, any political subdivision or district thereof.

In condemnation proceedings, the district shall proceed under the provisions of Title 7, Part 3, of the Code of Civil Procedure, which said provisions are hereby made applicable for that purpose; and it is hereby declared that the use of the property, lands, rights-of-way, easements or materials which may be condemned, taken or appropriated under the provisions of this act is a public use, and the board is granted the same powers and rights with respect to the taking of property for the public uses of said district as are now or may hereafter be conferred by general law on the legislative body of a county, city and county, incorporated city or town, municipal water district or irrigation or reclamation district.

(g) To compel by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed, or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along any such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes. All costs of relocating or otherwise changing any portion of a state highway shall be paid from funds available for rights-of-way for flood control purposes and not from funds appropriated for state highway purposes. All costs of relocating or otherwise changing any portion of a county highway shall be paid from funds available for rights-of-way for flood control purposes, unless the county road commissioner recommends to the board of supervisors that the cost of relocating a particular county highway should be paid from funds appropriated for county highway purposes, and the board of supervisors, upon said recommendation, finds that the relocating of said highway is of general benefit to the county.

(h) To construct, maintain, repair and operate all levees, bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, tunnels, drains, poles, posts, wires, lamps, power plants, railroads, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and complete the same.

(i) To incur indebtedness, and to issue bonds in the manner herein provided and to provide for the issuance of warrants of the district in payment of district obligations and the registration of any warrants not paid for want of funds and the rate of interest such warrants shall bear after registration and until such payment.

(j) To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided.

(k) To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including, if it deem advisable, a clerk, superintendent of work, assessor, treasurer and collector and define their powers and duties, and fix and determine the amount of bond required of each appointee and pay the premium on each such bond; which said officers and employees and each of them shall serve at the pleasure of the board.

The board shall have the power to combine any two or more offices in its discretion.

(*l*) To make transfers of money from the general fund of the district to any special fund and to create and administer such special funds as in their discretion may seem advisable, and to abolish same; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works, and improvements provided for herein, and to abolish same; and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

(m) To make and enter into contracts with the United States, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United States, or any person, firm, association or corporation, jointly or severally, for the acquisition of property or rights or the construction, maintenance and operation in whole or in part of any or all works and improvements provided in this act.

(n) To lease or rent to or from any of the parties named in subdivision (m) of this section any property or rights necessary, in the opinion of the board, to accomplish or carry out any of the work or improvement or the maintenance thereof herein provided and under such terms and conditions as may be agreed upon between the parties.

(o) To receive and accept any and all contributions in labor, material or money from any of the parties named in subdivision (m) of this section, to be applied to the work or improvement herein provided for.

(p) To construct, purchase, lease or otherwise acquire works, and to purchase, lease, appropriate, or otherwise acquire surface waters and water rights, useful or necessary to make use of water for any purposes authorized by this act.

(q) To control flood and storm waters within the district and the flood and storm waters of streams outside of the district, which flow into the district; to construct any and all necessary drains or any other works and do any and every lawful act necessary to be done that the lands and other property within the district may be drained and protected from the effects of water, to maintain, repair, improve or protect any drains or other works which are deemed necessary, to do any and all works necessary for the drainage of the lands of the district, to locate and acquire land needed for rights-of-way, including drains, canals, sloughs, water gates, embankments and watercourses, and to construct works necessary to provide drains, canals, sloughs, water gates, embankments and watercourses and to provide the materials for said construction; to conserve such waters by storage in surface reservoirs, to divert and transport such waters for beneficial uses within the district; to do any act necessary to furnish sufficient water in the district for any present or future beneficial use, to sell water for the benefit of the district, conserve water for future use, and appropriate, acquire, and conserve water and water rights for any useful purpose, to operate works and exercise water rights, property rights and privileges useful or necessary to convey, supply, sell, or make use of water for any purpose authorized herein, to supply, provide, and transport water for recreational purposes within or without the district; to release such waters from surface reservoirs to replenish and augment the supply of waters in natural underground reservoirs and otherwise to reduce the waste of water and to protect life and property from floods within the district; to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including, but not limited to, irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; and to fix rates and charges for such purposes, all revenues received from the collection of the rates and charges as fixed to be used as follows: (a) to pay interest on a bonded debt; (b) so far as possible, provide a fund for the payment of the principal of the bonded debt as it becomes due; (c) pay the operating expenses of the district; (d) pay repairs and depreciation of works owned or operated by the district.

(r) To cooperate and contract with the United States under the Federal Reclamation Act of June 17, 1902 and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation or contract for the purposes of construction of works, whether for irrigation, drainage, or flood control, or for the acquisition, purchase, extension, operation or maintenance of such works, or for a water supply for any purposes, or for the assumption as principal or guarantor of indebtedness to the United States, or for carrying out any of the purposes of the district, and to carry out and perform the terms of any contract

so made; and for said purposes the district shall have in addition to the powers specifically set forth in this act, all powers, rights and privileges possessed by irrigation districts as set out in Chapter 2 of Part 6 of Division 11 of the Water Code, not inconsistent with the provisions of this act.

(s) To prescribe, revise and collect rates or other charges for the services and facilities furnished by it, and may pledge, place a charge upon, contribute or otherwise make available, as security or additional security for the payment of any revenue bonds issued by the district any and all revenues received or receivable from any services or facilities furnished by it.

The district may provide that charges for any services or facilities shall be collected together with and not separately from the charges for other revenues or facilities rendered by it, and that all charges shall be billed upon the same bill and collected as one item. If all or part of a bill is not paid, the district may discontinue any or all services or facilities for which the bill is rendered.

The district may provide for the collection of charges. Remedies for their collection and enforcement are cumulative and may be pursued alternatively or consecutively as the district determines.

The district may provide for a basic penalty of not more than 10 percent for nonpayment of the charges within the time and in the manner prescribed by it, and in addition may provide for a penalty of not exceeding one-half of 1 percent per month for nonpayment of the charges and basic penalty. It may provide for collection of the penalties herein provided for.

SEC. 2. Section 9 of said act is amended to read:

Sec. 9. The legal title to all property acquired under the provisions of this act shall immediately and by operation of law vest in the district, and shall be held by the district, in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. The board is authorized to hold, use, acquire, manage, occupy and possess said property, as provided herein. If the board determines by resolution duly passed and entered in its minutes, that any district property, real or personal, is no longer necessary to be retained for the uses and purposes of the district it may thereafter sell or otherwise dispose of said property, or lease the same, in the manner provided by law for the disposition and sale of property of counties, except that the title to water rights held by the district shall not be conveyed or alienated except by vote of the electors at an election held for that purpose; provided, however, that the district may, upon a finding by the board that such disposition will not adversely affect the district in any respect, and without compliance with provisions of law governing sale of property by counties, release or convey any right-of-way or easement to other public agencies, with or without consideration, or, for an adequate consideration, to any nonpublic person, corporation or association. The considera-

tion for any such release or conveyance, or the adequacy thereof, or whether such release or conveyance shall be made to a public agency without consideration, shall be determined by a four-fifths vote of the board at a meeting of the board after the board has considered such release or conveyance as a scheduled agenda item at not less than two of its regularly scheduled meetings. Nothing contained in this section, however, shall be deemed or construed to prevent the board by majority vote thereof from entering into a contract or contracts binding the district to provide a firm supply of water either within or without the boundaries of the district to any person, firm, corporation, municipal corporation or any other agency whatsoever without either a vote of the electorate or compliance with the law relating to the sale of property of counties.

SEC. 3. Section 11 of said act is amended to read:

Sec. 11. The district shall not incur any indebtedness or liability in any manner or for any purposes exceeding in any year the income and revenue provided for such year, and any indebtedness or liability incurred in violation of this section shall be absolutely void and unenforceable.

This section shall have no application to debts or liabilities incurred pursuant to the provisions of this act, authorizing the issuance of bonds, the levying of special assessments, the execution of contracts with the United States, the State of California, or other governmental agencies, including the repayment of loans from the United States or the state for projects in which the United States or the state has participated and for the maintenance, operation, and capital improvement of such projects, nor to the incurring of any indebtedness or liability authorized by a vote of the electors of the district at an election held for such purpose, nor to the incurring of any indebtedness or liability repayable entirely out of revenues derived or to be derived from the sale of water pursuant to Section 30.17 or otherwise, nor to the incurring of any indebtedness or liability incurred during one fiscal year and repayable during the following fiscal year to provide funds for highway and utility relocations and purchase of lands, easements, and rights-of-way required for flood control or water conservation projects approved by the United States and the State of California as to which the district is eligible for reimbursement of the cost of highway and utility relocations and lands, easements, and rights-of-way during the following fiscal year under provisions of Part 6 (commencing with Section 12570) of Division 6 of the Water Code.

SEC. 4. Section 12 of said act is amended to read:

Sec. 12. The board in any year shall have the power to levy a tax, which shall be in addition to taxes for the payment of and interest on any bonded indebtedness, upon the taxable property in said district. Said tax shall be levied and collected at the same time and in the same manner, together with and not separately from taxes for county purposes, and not to exceed, however, the sum of fifteen cents ($0.15) on each

one hundred dollars ($100) of the assessed valuation of all property within the district, measured by the county assessment roll last equalized prior to the levying of said tax, to pay for the construction of new projects of the district or the maintenance, repair, or extension of any projects in the district or to accumulate reserves to expend for any of such purposes in subsequent fiscal years; or to pay the costs and expenses of surveys, compensation for clerical, engineering, legal, printing and advertising of all resolutions, notices, and other matter required to be printed, posted or published; all costs and expenses of legal actions or proceedings; the rental or purchase of real or personal property used in connection with such work and surveys, or any other of its purposes; and to repay the county any and all moneys loaned to the district for the purposes herein stated and prior to the receipt of taxes.

SEC. 5. Section 12.1 of said act is repealed.

SEC. 6. Section 12.2 of said act is amended to read:

Sec. 12.2. The board in any year shall have the power to levy a tax upon the taxable property in the district, which shall be in addition to other taxes of the district levied pursuant to Section 12 of this act and shall be in addition to other taxes of the district or any zone within the district levied pursuant to any other provision of this act. The tax shall be levied and collected at the same time and in the same manner, together with and not separately from taxes for county purposes, to pay or otherwise meet the district's contractual obligation or undertaking to the federal government or the federal government and the State of California of the project for Russian River, Dry Creek, California, as authorized by act of Congress approved October 23, 1962, Public Law 87-874, 87th Congress, 2d Session, 76 Stat. 1173, and the proposed project in Knights Valley, Russian River Basin, with dams on Maacama and Franz Creeks, and the proposed project on Big Sulphur Creek, or to the State of California of the cost of construction, operation, and maintenance of elements of the California Water Plan to the extent that the elements of that plan may be constructed, operated and maintained, as a cooperative undertaking with Napa and Solano Counties and local retail water agencies in Sonoma County, to deliver water to the district.

SEC. 7. Section 13.1 of said act is amended to read:

Sec. 13.1. The board may establish zones, or annex new territory to an existing zone, within the district to undertake any project or works of improvement. As used in Sections 13.1 to 13.9, inclusive, of this act, "works of improvement" includes, without limitation as to the generality thereof, construction of new works, and repair, or reconstruction of existing works.

Proceedings for the establishment of a zone or annexation of territory to a zone may be instituted by the board, by resolution, on its own initiative and shall be instituted by the board upon receipt of a petition requesting the formation, or

annexation to, of a zone and signed by not less than 25 percent of the owners of real property in the territory proposed to be included within the zone as shown by the last equalized assessment roll of the county. The petition may consist of any number of separate instruments, each of which must comply with all of the requirements of a petition except as to number of signatures.

The procedure for undertaking projects or works of improvement through the creation of zones or annexation to zones is an alternate method for undertaking district projects and shall not affect or limit any other provisions of law authorizing or providing for undertaking such projects or works of improvement by the district as a whole.

A zone may be created and exist within a zone under this act. A zone including all or any part of an existing zone may be created and exist without destruction of such existing zone, except that the aggregate zone tax on such land included within two or more zones shall not exceed twenty-five cents ($0.25) on each one hundred dollars ($100) of assessed valuation, exclusive of any tax to pay principal and interest on bonded indebtedness of a zone, unless such excess tax is authorized by a majority of votes cast at an election held as follows within such area of land included within two or more zones. The board may, by resolution, call an election within an area included within two or more zones created under this act for the purpose of proposing the question whether or not assessments in excess of twenty-five cents ($0 25) on each one hundred dollars ($100) of assessed valuation shall be levied within such area so included within two or more zones, prescribing the notice, time, place and manner of conducting the election which shall be as nearly as practicable in conformity with the provisions of the Elections Code relating to general elections. Notice of the time, places and purpose of the election shall be given by publication in the district pursuant to Section 6066 of the Government Code and posted in not less than three public places within such area.

Where all or any part of an area within a second or subsequent zone is also within the boundaries of a pre-existing zone or zones, the limit of the assessment for such zone, exclusive of any tax to pay principal and interest on bonded indebtedness of a zone, shall not exceed an amount equal to the difference between the assessments of the pre-existing zone or zones and twenty-five cents ($0.25) on each one hundred dollars ($100) of assessed valuation unless a higher rate is authorized by a majority of the vote cast at an election held as provided in this section within the area of the land included in two or more zones. The question of whether or not assessments may be made in excess of twenty-five cents ($0.25) on each one hundred dollars ($100) may be submitted to the voters at the time of the formation of the zone or at any time thereafter.

Withdrawal of territory from a zone or termination after payment of all debts of a zone may be accomplished on order

of the board after notice and hearing before the board and findings by the board as hereinafter indicated either upon the board's own initiative or after receiving of a petition therefor signed by owners of not less than 25 percent of the assessed valuation or by not less than 25 percent of the owners of real property in the territory proposed to be withdrawn or the zone proposed to be terminated as the case may be, and determination by the board that the territory proposed to be withdrawn will receive no benefit from remaining within the zone or that the land included within a zone will receive no benefit from continuation of the zone as the case may be. Within 30 days after receiving such a petition bearing the requisite number of signatures or immediately upon determination on its own initiative that proceedings for withdrawal of territory from a zone or termination of a zone should be instituted the board shall adopt a resolution of intention to consider the withdrawal of territory or termination of zone setting forth the name of the zone and describing the territory proposed to be withdrawn or stating the proposal to terminate the zone as the case may be and stating the time and place for a public hearing at which the board will consider such proposal, which hearing shall be not less than 30 days nor more than 60 days after the adoption of the resolution. The clerk of the board shall publish the resolution which shall constitute a notice of hearing at least once not closer than seven days prior to the date of the hearing in a newspaper of general circulation printed and published within the district. Copies of such resolution entitled "Notice of Hearing" in bold letters at least one inch in height shall also be posted in not less than three public places within the zone at least two weeks before the date set for hearing. If written protest is filed with the clerk by the owners of real property within the zone in excess of 50 percent of the owners of land within the zone as shown by the last equalized assessment roll of the county, the proceeding shall be abandoned. In the absence of such protest the board shall hear all persons interested in or protesting the proposal and if in the opinion of the board the territory proposed to be withdrawn will receive no benefit from remaining in the zone or the land included within a zone will receive no benefit from continuation of the zone as the case may be the board shall enter its order withdrawing such territory from the zone or terminating the zone as the case may be. Any territory withdrawn from a zone shall remain liable for assessment pursuant to Section 28 of this act for payment of interest and principal on any bonded indebtedness of the zone and discharge of contractual obligations existing or authorized prior to such withdrawal, except that land removed from one zone and attached to another zone pursuant to the authority of Section 13.15 of this act may be relieved of liability for assessment for discharge of contractual obligations other than bonded indebtedness of the zone from which said land is so removed by such boundary adjustment. All assets of a zone which is terminated

shall be paid and belong to any remaining zone whose boundaries overlap those of the terminated zone or, should there be more than one, to all remaining zones in proportion to the area overlapping the terminated zone, or, if no zone remains, to the general fund of district.

The board shall be and it is hereby designated as, and empowered to act as, ex officio the board of directors of any zone created under this act and shall exercise the powers of any zone created under this act, and may perform all other acts necessary or proper, in its discretion, to accomplish the purposes of such a zone created under this act.

SEC. 8. Section 13.9 of said act is amended to read:

Sec. 13.9. Each year at the time the board of supervisors fixes and levies taxes for county purposes, they shall also fix the rates of zone assessments and shall levy the assessment upon the zone. The rate shall be such as will produce, after allowance of not to exceed 15 percent for delinquencies, the amount required to meet the expenditures incident to the project or works of improvement for which the zone is established and the cost of the maintenance thereof or both, during the current fiscal year. The assessment in any one fiscal year shall not exceed an aggregate of twenty-five cents ($0.25) on each one hundred dollars ($100) of assessed valuation for any and all zone projects or works of improvement unless the excess is authorized at an election as provided in this section.

The assessments levied pursuant to this section shall be in addition to any other taxes or assessments provided by this act and shall be levied and collected at the same time and in the same manner as other district taxes and assessments. All funds collected by reason of the assessment shall be expended only on behalf of the zone and only for the purpose for which the zone was formed as set forth in the notice of hearing on the proposal to establish the zone.

Whenever the board determines it in the best interest of a zone to undertake a project or works of improvement which will require a rate of zone assessment in excess of twenty-five cents ($0 25) on each one hundred dollars ($100) of assessed valuation it may submit the proposition to the electors within the zone. The board shall, by resolution, call an election for the purpose of proposing the question as to whether or not the assessments in excess of twenty-five cents ($0.25) for each one hundred dollars ($100) of excess valuation shall be proposed within the zone, prescribing the notice, time, place, and manner of conducting the election in conformity, as nearly as practicable, with the provisions of the Elections Code governing general elections. An election is invalid unless held within the zone and notice of the time, place, and purpose of the election has been given by publication in the district pursuant to Section 6066 of the Government Code and posted in not less than three public places in the zone.

SEC. 9. Section 13.15 of said act is amended to read:

Sec. 13.15. Proceedings heretofore had under this act creating the following described zones within the Sonoma County Flood Control and Water Conservation District are hereby ratified, confirmed and validated and, in addition thereto, said zones are hereby declared to exist for the purposes of and with the powers necessarily incident to the undertaking within the boundaries of said zone of any projects or works of improvement authorized to be undertaken by the Sonoma County Flood Control and Water Conservation District or which could be authorized to be undertaken by a zone created under this act notwithstanding any defect in or lack of ability to obtain such broad powers for such zones through said proceedings heretofore had; provided, that the zone assessment in any one fiscal year shall not exceed an aggregate of twenty-five cents ($0.25) on each one hundred dollars ($100) of assessed valuation for any and all of such zone projects or works of improvement, exclusive of the tax necessary to pay principal and interest on such zone bonded indebtedness, unless the excess has been authorized at an election as provided in Section 13.9 of this act.

Such zones created and declared are particularly described as follows:

Zone No. 1-A, Laguna-Mark West. That land within the County of Sonoma, State of California, comprising and contained within substantially all of the watershed tributary to the Russian River through Mark West Creek and/or the Laguna de Santa Rosa together with certain neighboring closely abutting land thereto, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 1-A, Laguna-Mark West" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 3, Sonoma County Records.

Zone No. 2-A, Petaluma Basin. That land within the County of Sonoma, State of California, comprising and contained within substantially all of the watershed tributary to San Pablo Bay through Petaluma Creek otherwise known as Petaluma River together with certain neighboring closely abutting land thereto, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 2-A, Petaluma Basin" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 8, Sonoma County Records.

Zone No. 5-A, Lower Russian River. That land within the County of Sonoma, State of California, comprising and contained within substantially all of the watershed tributary to the Russian River downstream from State Highway 101 bridge at Healdsburg together with certain neighboring closely abutting lands thereof excluding the lands tributary to the Russian River through Mark West Creek and Laguna de Santa Rosa

and through Dry Creek, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 5-A, Lower Russian River" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 14, Sonoma County Records.

Zone No. 7-A, North Coastal. Substantially all of the watershed tributary directly to the Pacific Ocean which lies within the County of Sonoma, State of California, northerly of the mouth of the Russian River together with certain neighboring closely abutting land thereto but excluding substantially all land tributary to the Russian River, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 7-A, North Coastal" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 19, Sonoma County Records.

Zone No. 8-A, South Coastal Substantially all of the watershed tributary directly to the Pacific Ocean which lies within the County of Sonoma, State of California, southerly of the mouth of the Russian River together with certain neighboring closely abutting land thereto but excluding substantially all land tributary to the Russian River, said zone being more particularly described in "Sonoma County Flood Control and Water Conservation District, Zone No. 8-A, South Coastal" description of boundaries recorded in the office of the County Recorder of Sonoma County in Official Records Book 1662 beginning at page 21, Sonoma County Records

In connection with each of the foregoing zones, the board of directors of Sonoma County Flood Control and Water Conservation District may by resolution, upon certification of the chief engineer of said district to the effect that fifty percent (50%) or more of the area of a particular parcel of land in one ownership lies within another of the foregoing zones instead of the zone within which it has theretofore been contained and upon request for adjustment of zone boundaries made by the owners of record of such parcel, subdivide said parcel and appropriately adjust the boundaries of said zones to include within each the land lying within the principal watersheds thereof or transfer the entire parcel into the zone within which more than fifty percent (50%) of the area of such parcel is contained notwithstanding any other provision of this act.

In connection with each of the foregoing zones, the board of directors of Sonoma County Flood Control and Water Conservation District may by resolution, upon certification of the chief engineer of said district to the effect that all of the area of a particular parcel of land in one ownership lies outside of the watershed of the zone within which it is contained and upon request of the owner of record thereof that said land be excluded from such zone, exclude said land from said zone notwithstanding any other provision of this act.

SEC. 10. 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 Sonoma County Flood Control and Water Conservation District is presently and actively engaged, during the 1964–65 fiscal year, in actual construction of the central Sonoma watershed project and in construction of the Russian River project in association with the Corps of Engineers, U.S. Army, and is awaiting federal legislation that will initiate the proposed Sonoma Creek and Knights Valley projects and that will provide the federal funds permitting actual construction of the Warm Springs Dam project to commence. Completion of all these projects is vitally necessary in order to implement the purposes of the Sonoma County Flood Control and Water Conservation District Act and to prevent further serious flood damage in the County of Sonoma, such as was disastrously experienced in the recent floods of December 1964 and January 1965. Limitations upon the district's authority under existing law are such that progress on these projects will be substantially halted by the end of the 1964–65 fiscal year unless the provisions of this act are placed in immediate effect. In order to permit uninterrupted progress on each of these projects, it is necessary that this act take effect immediately

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CHAPTER 537

An act to amend Sections 35400 and 35551 of, and to add Section 35553 to, the Vehicle Code, relating to limitations upon the size, length, and weight of 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 35400 of the Vehicle Code is amended to read:

35400. (a) No vehicle shall exceed a length of 35 feet, except that a semitrailer may be of a length not to exceed 40 feet.

(b) This section does not apply to a vehicle used in a combination of vehicles, when the excess length is caused by auxiliary parts, equipment, or machinery not used as space to carry any part of the load, except that the combination of vehicles shall not exceed the length provided for combination vehicles.

(c) This section does not apply to a vehicle when the excess length is caused by any parts necessary to comply with the fender and mudguard requirements of this code.

(d) Notwithstanding the provisions of subdivision (a), a three-axle motor truck not exceeding 35 feet in length and designed and used exclusively as a transit mixer may be equipped with an additional adjustable rear axle, provided the overall length of the vehicle does not exceed 40 feet, including the adjustable rear axle.

SEC. 2. Section 35551 of said code is amended to read:

35551. Every vehicle whether operated singly or in a combination of vehicles, and every combination of vehicles must comply with both subdivisions (a) and (b) of this section. The limitations imposed by this section are in addition and supplemental to all other provisions of this code imposing limitations upon the size and weight of vehicles.

(a) The total gross weight with load imposed on the highway by any group of two or more consecutive axles of a vehicle or of a combination of vehicles where the distance between the first and last axles of the two or more consecutive axles is 18 feet or less, shall not exceed that given for the respective distance in the following table:

Distance in feet between first and last axles of group	Allowed load in pounds on group of axles
4	32,000
5	32,000
6	32,200
7	32,900
8	33,600
9	34,300
10	35,000
11	35,700
12	36,400
13	37,100
14	43,200
15	44,000
16	44,800
17	45,600
18	46,400

(b) Except as specified in subdivision (c), the total gross weight with load imposed on the highway by any vehicle or combination of vehicles where the distance between the first and last axles is more than 18 feet shall not exceed that given for the respective distances in the following table:

Distance in feet	Allowed load in pounds
18	46,400
19	47,200
20	48,000
21	48,800
22	49,600

Distance in feet	Allowed load in pounds
23	50,400
24	51,200
25	55,250
26	56,100
27	56,950
28	57,800
29	58,650
30	59,500
31	60,350
32	61,200
33	62,050
34	62,900
35	63,750
36	64,600
37	65,450
38	66,300
39	68,000
40	70,000
41	72,000
42	73,280
43	73,280
44	73,280
45	73,280
46	73,280
47	73,280
48	73,280
49	73,280
50	73,280
51	73,280
52	73,600
53	74,400
54	75,200
55	76,000
56 or over	76,800

(c) The total gross weight with load imposed on state highways specified in this subdivision by any vehicle or combination of vehicles where the distance between the first and last axles is more than 18 feet shall not exceed that given for the respective distances in the following table:

Distance in feet	Allowed load in pounds
18	46,400
19	47,200
20	48,000
21	48,800
22	49,600
23	50,400
24	51,200

Distance in feet	Allowed load in pounds
25	55,250
26	56,100
27	56,950
28	57,800
29	58,650
30	59,500
31	60,350
32	61,200
33	62,050
34	62,900
35	63,750
36	64,600
37	65,450
38	66,300
39	67,150
40	68,000
41	68,000
42	68,000
43	68,000
44	68,000
45	68,000
46	68,800
47	69,600
48	70,400
49	71,200
50	72,000
51	72,800
52	73,600
53	74,400
54	75,200
55	76,000
56 or over	76,800

The state highways or portions thereof to which this subdivision (c) is applicable are:

Route 8 from Coyote Wells to Dixieland.

Route 37 from Vallejo to its junction with Route 121.

Route 40 from Daggett to Java.

Route 84 on the bridge across the San Joaquin River near Antioch.

Route 86 from Kane Springs to Oasis.

Route 113 across the Sutter Bypass Bridge.

Route 128 from Kellogg to Napa county line.

Route 160 on the bridge across the Sacramento River near Isleton.

Route 160 on the bridge across the Sacramento River near Paintersville.

Route 169 from Martins Ferry to Johnsons.

Upon determining that the structures on any of the highways listed in this subdivision are adequate to carry the types of

loads listed in subdivision (b), the Department of Public Works may designate any of such highways or portions thereof as being subject to the limits set forth in subdivision (b) rather than those in this subdivision by causing such designation to be filed and published in accordance with the Administrative Procedure Act (Chapters 4 and 5 (commencing with Sections 11370 and 11500) of Part 1 of Division 3 of Title 2 of the Government Code). The Department of Public Works may erect and maintain suitable signs at each end of the affected portions of any of the above highways and at such other points that the department deems necessary or desirable to give notice of such weight limits.

(d) The distance between axles shall be measured to the nearest even foot. When a fraction is exactly one-half foot the next larger whole number shall be used.

(e) Nothing herein shall affect the right to prohibit the use of any highway or any bridge or other structure thereon in the manner and to the extent specified in Articles 4 (commencing with Section 35700) and 5 (commencing with Section 35750) of Chapter 5 of Division 15 of this code.

(f) This section may be cited as the Collier-Porter Act.

SEC. 3. Section 35553 is added to said code, to read:

35553. The provisions of this article shall not apply to any vehicle in the immediate vicinity of an unloading or loading area while actually preparing for or in the process of unloading or loading, provided any overload is incidental to and necessitated by such action.

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

CHAPTER 538

An act to repeal Section 1125 of the Education Code, relating to school trustee areas.

[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 1125 of the Education Code is repealed.

CHAPTER 539

An act to amend Section 729 of the Welfare and Institutions Code, relating to juvenile 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 729 of the Welfare and Institutions Code is amended to read:

729. Every hearing in which an order is made adjudging a minor a dependent child of the juvenile court pursuant to Section 600 and every subsequent hearing in which such an order is made, except a hearing at which the court orders the termination of its jurisdiction over such minor, shall be continued to a specific future date not more than one year after the date of such order. The continued hearing shall be placed on the appearance calendar and the probation officer shall make an investigation, file a supplemental report and make his recommendation for disposition. The court shall advise all persons present of the date of the future hearing and of their right to be present, to be represented by counsel and to show cause, if they have cause, why the jurisdiction of the court over the minor should be terminated. Notice of hearing shall be mailed by the probation officer to the same persons as in an original proceeding and to counsel of record by certified mail addressed to the last known address of the person to be notified not earlier than 30 days preceding the date to which the hearing was continued.

CHAPTER 540

An act to amend Sections 6037, 6052, 6054, 6055, 6060, 6080, and 6093.4 of, and to add Sections 6054.1 and 6054.2 to, the Harbors and Navigation Code, relating to harbor districts.

[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 6037 of the Harbors and Navigation Code is amended to read:

6037. The resolution calling the first election and the resolution of the board calling any subsequent election shall be published pursuant to Section 6066 of the Government Code in a newspaper published, printed and circulated in the district.

The passage and publication of the resolution of the board of supervisors calling the first election and the passage and publication of the resolution of the board calling any subsequent election and publication, as provided for in this part,

constitute the notice of election and other or additional notice need not be given.

SEC. 2. Section 6052 of said code is amended to read:

6052. There shall be an election for harbor commissioners within each district on the first Tuesday after the first Monday of November of each even-numbered year.

SEC. 3. Section 6054 of said code is amended to read:

6054. Any qualified voter in the proposed or existing district may sign as many nomination papers as there are commissioners to be elected.

At the first election for commissioners, all candidates shall file their nomination papers with the county clerk of the county, not more than 65 nor less than 50 days before the day of election, and all candidates for harbor commissioners at any subsequent election shall file nomination papers with the board not more than 65 nor less than 50 days before the day of election.

SEC. 4. Section 6054.1 is added to said code, to read:

6054.1. If on the 40th day prior to a general district election only one person has been nominated for each of the offices to be filled at that election or no person has been nominated for any such office or offices, and a petition signed by 5 percent of the voters requesting that the election be held has not been presented to the district board, an election shall not be held.

SEC. 5. Section 6054.2 is added to said code, to read:

6054.2. If, pursuant to Section 6054.1, no election is held, the board of supervisors of the county in which the district is situated shall appoint those nominated for the offices or shall, if no person has been nominated, appoint any qualified person to the office. Any person thus appointed shall qualify, take office, and serve as if elected at a general district election.

SEC. 6. Section 6055 of said code is amended to read:

6055. The commissioners elected at the first election shall, within 10 days from the date of the canvass of the returns of the election, enter upon the duties of office. Before entering upon the duties of his office, each commissioner shall take and subscribe the official oath before the secretary or any officer authorized by law to administer oaths and shall file it with the county clerk of the county in which the district is situated.

They shall elect one of their number as president and one of their number as secretary. The president and secretary shall serve during the pleasure of the board.

SEC. 7. Section 6060 of said code is amended to read:

6060. The commissioners shall serve without salary until the yearly gross income of the district, exclusive of taxes levied by the district, exceeds twenty thousand dollars ($20,000) per year, when the board may, by ordinance, fix their salaries which shall not exceed the sum of two hundred dollars ($200) per month each.

In addition to any salary received pursuant to this section, the commissioners shall be allowed any actual and necessary expenses incurred in the performance of their duties.

SEC. 8. Section 6080 of said code is amended to read:

6080. All work authorized to be done under this part, exceeding in cost the sum of two thousand five hundred dollars ($2,500), shall be awarded upon competitive bidding. Notice of the proposed letting of such a contract shall be given by advertisement for a period of two weeks, in a newspaper of general circulation, published, printed and circulated in the district. The contract shall be awarded to the lowest responsible bidder.

The board may, without advertising for bids, negotiate with the Government of the United States for the purpose of assisting the board in the performance of any of the work authorized by this part, and the board may contribute to the United States all or any portion of the estimated cost of any work authorized by this part which is to be done by or under contract with the United States.

SEC. 9. Section 6093.4 of said code is amended to read:

6093.4. The board of supervisors shall at the time of levying the county taxes, levy a tax upon all the taxable property within the district sufficient to meet the amounts set forth in the final budget submitted by the district board; provided, that no taxes shall be levied for any capital outlay or capital outlay fund included in the final budget submitted by the district board, if not less than 10 percent of the qualified electors of the district have signed a petition filed with the board of supervisors protesting the levy for any capital outlay or capital outlay fund included in the final budget submitted by the district board, or if a written protest against the proposed capital outlay or capital outlay fund signed by a majority in number of the assessees of real property representing one-half or more of the assessed valuation of the taxable real property within the district, as shown by the last preceding equalized assessment roll, is filed with the board of supervisors, the board of supervisors shall delete said levy for capital outlay or capital outlay fund from the final budget before levying a tax to raise the amount required by the final budget. Such protest petition must be filed with the board of supervisors not later than five days prior to the final day on which the board of supervisors is required by law to make the annual tax levy. The money when collected by the tax collector of the county shall be paid to the treasurer of said district; provided further, that any levy for capital outlay or for capital outlay fund shall not exceed three cents ($0.03) per one hundred dollars ($100) assessed valuation of all the real and personal property in the district.

CHAPTER 541

An act making an appropriation to the Department of Water Resources for the repair and restoration of the Daguerre Point Debris Dam on the Yuba River, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 7, 1965. Filed with Secretary of State June 8, 1965]

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

SECTION 1. There is hereby appropriated from the General Fund to the Department of Water Resources the sum of two hundred ten thousand dollars ($210,000) for expenditure pursuant to Sections 340 to 342, inclusive, of the Water Code for repair and restoration of the Daguerre Point Debris Dam, on the Yuba River, including preliminary investigation in connection therewith.

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:

Floods of December 1964 severely damaged the north abutment of Daguerre Point Dam, which was recently reconstructed by the United States Army Corps of Engineers at a cost to the state of eight hundred thirty thousand dollars ($830,000) in matching funds. Repair of the damaged north abutment is necessary to protect the dam from destruction In order that the dam may be repaired at the earliest possible time, thereby avoiding serious damage to public and private property, it is essential that this act go into immediate effect.

CHAPTER 542

An act to amend Section 28129 of the Government Code and Section 7 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes of 1951), relating to compensation for public service in counties.

[Approved by Governor June 7, 1965. Filed with Secretary of State June 8, 1965]

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

SECTION 1. Section 28129 of the Government Code is amended to read:

28129. In a county of the 29th 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 dollars ($14,000) a year.

(b) The district attorney, twenty thousand dollars ($20,000) a year. He shall devote his entire time to the work of the county and state and is prohibited from engaging in private work or practice.

(c) Each supervisor, seven thousand four hundred dollars ($7,400) a year, which shall be in full for all services rendered as supervisor and as an ex officio member of the Board of Supervisors of the Napa County Flood Control and Water Conservation District.

(d) Grand jurors and trial jurors in the superior court, five dollars ($5) for each day's attendance, and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court or in attending sessions of the grand jury, in going only. In criminal actions the fees and mileage of trial jurors shall be paid by the treasurer out of the general funds of the county upon warrants drawn by the auditor, who shall draw the warrants upon the written order of the judge of the superior court in which the jurors were in attendance. The compensation provided for by this section shall be paid to incumbent officers.

SEC. 2. Section 7 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes of 1951), is amended to read:

Sec. 7. The Board of Supervisors of Napa County shall be and is hereby designated as, and empowered to act as, ex officio the Board of Supervisors of the Napa County Flood Control and Water Conservation District. As used elsewhere in this act the terms "board" and "board of supervisors" mean the Board of Supervisors of the Napa County Flood Control and Water Conservation District. Members of the board of directors of the district shall serve without compensation.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Napa.

CHAPTER 543

An act to amend Section 28137 of the Government Code, relating to county officers' salaries.

[Approved by Governor June 7, 1965. Filed with Secretary of State June 8, 1965.]

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

SECTION 1. Section 28137 of the Government Code is amended to read:

28137. In a county of the 37th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eight thousand five hundred dollars ($8,500) a year.

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year. Effective January 1, 1966, the salary shall be fifteen thousand dollars ($15,000) a year, and he shall devote his entire time to the duties of his office and shall not engage in private practice of law during his term of office.

(c) Each supervisor shall receive six thousand dollars ($6,000) a year, and his actual expenses while attending to the business of the county by the order of the board of supervisors and mileage at the rate of fifteen cents ($0.15) a mile one way, for traveling from his residence to the county seat to attend regular, special and adjourned sessions of the board of supervisors.

(d) Grand jurors and jurors in the superior court shall receive ten dollars ($10) for each day's attendance and fifteen cents ($0.15) for each mile actually traveled in attending court as a juror, and for attending regularly called grand jury meetings and grand jury committee meetings, one way. Mileage shall be paid for each time a regularly empaneled jury or grand jury is called in separate session.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 544

An act to amend Sections 5081, 5082, and 5134 of the Business and Professions Code, relating to the practice of accountancy.

[Approved by Governor June 7, 1965. Filed with Secretary of State June 8, 1965.]

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

SECTION 1. Section 5081 of the Business and Professions Code is amended to read:

5081. An applicant for admission to the examination for a certified public accountant certificate shall (a) be a citizen of the United States, or have declared his intention of becoming a citizen, (b) be of good moral character, (c) present satisfactory evidence that he has successfully completed a four-year day high school course, or the equivalent hours of courses in an evening high school, which included three years of English and two years of mathematics, or that he has the equivalent thereof as determined by a written examination approved for that purpose by the Department of Education and administered by an agency approved for that purpose by

the Department of Education, and (d) have one of the requirements specified in Section 5081.1.

SEC. 2. Section 5082 of said code is amended to read:

5082. An applicant for a certificate of certified public accountant shall be over the age of 21 years and shall have successfully passed written examinations in theory of accounts, in accounting practice, in auditing, in commercial law as affecting accountancy, and other related subjects as the certified public accountant members of the board may deem advisable.

SEC. 3. Section 5134 of said code is amended to read:

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

(a) The application fee for the certificate of certified public accountants shall be fixed by the board at not less than twenty-five dollars ($25) nor more than thirty-five dollars ($35). Should the applicant fail to pass the required examination, reexamination at subsequent examinations will be given the same applicant for an additional fee fixed by the board at not less than five dollars ($5) nor more than seven dollars and fifty cents ($7.50) for each subject in which the applicant is reexamined.

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

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

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

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

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

CHAPTER 545

An act to add Section 6303.1 to the Public Resources Code, relating to state-owned lands underlying navigable water.

[Approved by Governor June 7, 1965. Filed with Secretary of State June 8, 1965.]

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

SECTION 1. Section 6303.1 is added to the Public Resources Code, to read:

6303.1. Any person who willfully fills, dredges, or reclaims any state-owned land under the jurisdiction of the State Lands Commission underlying any navigable waters, or who erects,

maintains, removes, or alters any structure on such land, without written authorization from the State Lands Commission or other public agency having jurisdiction is guilty of a misdemeanor.

Nothing in this section shall be construed to prevent public agencies from performing emergency alteration, maintenance, repair or removal of flood control works or structures on state-owned lands underlying navigable waters.

CHAPTER 546

An act to amend Sections 17960, 17961, and 17964 of, and to repeal Sections 17962 and 17963 of, the Health and Safety Code, relating to housing.

[Approved by Governor June 7, 1965. Filed with Secretary of State June 8, 1965.]

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

SECTION 1. Section 17960 of the Health and Safety Code is amended to read:

17960. The building department of every city or county shall enforce within its jurisdiction all the provisions of this part and rules and regulations promulgated thereunder pertaining to the erection, construction, reconstruction, movement, enlargement, conversion, alteration, repair, removal, demolition, or arrangement of apartment houses, hotels, or dwellings.

SEC. 2. Section 17961 of said code is amended to read:

17961. The housing department or, if there is no housing department, the health department, of every city or county shall enforce within its jurisdiction all the provisions of this part and rules and regulations promulgated thereunder pertaining to the maintenance, sanitation, ventilation, use, or occupancy of apartment houses, hotels, or dwellings.

SEC. 3. Section 17962 of said code is repealed.

SEC. 4. Section 17963 of said code is repealed.

SEC. 5. Section 17964 of said code is amended to read:

17964. A city or county may designate and charge by charter, ordinance or resolution a department organized to carry out the purposes of this part, or an officer charged with the responsibility of carrying out this part, with the enforcement of this part or any rules and regulations promulgated thereunder for the protection of the public health, safety, and general welfare as set forth in Section 17921; provided that this section shall apply to the duties and responsibilities enumerated in Section 17961.5 only if, in the area involved, there is no city or county fire department or fire protection district.

CHAPTER 547

An act to amend Section 28115 of the Government Code, relating to county officers.

[Approved by Governor June 7, 1965. Filed with Secretary of State June 8, 1965.]

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

SECTION 1. Section 28115 of the Government Code is amended to read:

28115. In a county of the 15th class the following shall receive as full compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, sixteen thousand dollars ($16,000) a year. The auditor shall devote his full working time to the duties of his office.

(b) The district attorney, twenty-four thousand dollars ($24,000) a year; and his actual traveling expenses while away from his office on county business. The district attorney may be assigned an automobile or compensated at a mileage rate designated in the salary ordinance for employees using personal automobiles on official business. He shall not personally engage in private law practice.

(c) Each supervisor, nine thousand four hundred dollars ($9,400) a year and his necessary expenses when attending to the business of the county. When traveling in his own car on county business he shall receive nine cents ($0.09) for each mile actually traveled.

(d) For acting as a grand juror for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars ($5). For every mile actually traveled as a grand juror in attending court, grand jury meetings, regularly called committee meetings, or when properly appointed by the foreman of the grand jury to make individual investigations, nine cents ($0.09) for each mile actually traveled.

CHAPTER 548

An act to repeal Sections 3071, 3072, 3073, and 3074 of the Business and Professions Code, relating to the practice of optometry.

[Approved by Governor June 7, 1965. Filed with Secretary of State June 8, 1965.]

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

SECTION 1. Section 3071 of the Business and Professions Code is repealed.

SEC. 2. Section 3072 of said code is repealed.
SEC. 3. Section 3073 of said code is repealed.
SEC. 4. Section 3074 of said code is repealed.

CHAPTER 549

An act to amend Section 2842 of the Business and Professions Code, relating to vocational nursing.

[Approved by Governor June 7, 1965. Filed with Secretary of State June 8, 1965.]

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

SECTION 1. Section 2842 of the Business and Professions Code is amended to read:

2842. Each member of the board shall be a citizen of the United States and a resident of the State of California. One member shall be a duly licensed physician and surgeon; one member shall be a registered nurse who shall have had not less than five years' experience as a teacher or administrator in an accredited school of nursing offering a program of study in professional nursing under the provisions of Chapter 6, Division 2 of the Business and Professions Code or in an accredited school of vocational nursing; one member shall be a hospital administrator; one member shall be a public school administrator of this state; two members shall be certified psychiatric technicians, each of whom shall have had not less than five years experience in a psychiatric hospital, or in a psychiatric unit of a hospital licensed by the Department of Public Health, or private institution licensed by the Department of Mental Hygiene; and five members shall be duly licensed vocational nurses who have been licensed for a period of three years prior to appointment.

No person may serve as a member of the board for more than two consecutive terms.

Per diem and expenses of members of the board who are certified psychiatric technicians shall be paid solely from revenues received pursuant to the provisions of Chapter 10 (commencing with Section 4500) of Division 2.

CHAPTER 550

An act to amend Section 2883 of the Business and Professions Code, relating to vocational nursing.

[Approved by Governor June 7, 1965. Filed with Secretary of State June 8, 1965.]

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

SECTION 1. Section 2883 of the Business and Professions Code is amended to read:

2883. It shall be the duty of the board, through an official representative, to inspect all schools of vocational nursing in this state at such times as the board shall deem necessary. Written reports of the representative's visits shall be made to the board, which shall thereupon approve as accredited such schools of nursing as meet the requirements provided by the board.

Upon receiving the report of the representative, if the board determines that any accredited school of vocational nursing is not maintaining the standard required by the board, notice thereof in writing specifying the defect or defects shall be immediately given to the school. If the defects are not corrected within a reasonable time, the school of nursing may be removed from the accredited list and notice thereof in writing given to it.

CHAPTER 551

An act to amend Section 100.9 of the Streets and Highways Code, relating to highway signs.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 100.9 of the Streets and Highways Code is amended to read:

100.9. When any state highway is relocated in such a manner as to bypass a city or business district, the department shall erect and maintain appropriate directional signs, at the junction of the bypass and the road leading into such city or business district, and at a reasonable distance in advance of such junction, for the guidance of traffic desiring to enter the city or business district. Upon relinquishment of the bypassed highway to the county or city concerned, the signs, other than those designating the state or federal route number of such highway, previously erected on such highway shall be left in place by the department and thereafter shall be maintained by such county or city. When relinquishing any such bypassed highway, the department shall direct the attention of the county or city concerned to the provisions of this section regarding continued maintenance of such signs by the county or city.

CHAPTER 552

An act to amend Section 23113 of the Vehicle Code, relating to removal of material from highway.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 23113 of the Vehicle Code is amended to read:

23113. (a) Any person who drops, dumps, deposits, places or throws, or causes or permits to be dropped, dumped, deposited, placed or thrown, upon any highway or street any material described in Section 23112 shall immediately remove the same or cause the same to be removed.

(b) If such person fails to comply with the provisions of subdivision (a), the governmental agency responsible for the maintenance of the street or highway on which the material has been deposited may remove such material and collect, by civil action, if necessary, the actual cost of the removal operation in addition to any other damages authorized by law from the person made responsible under subdivision (a).

CHAPTER 553

An act to amend Section 2904 of the Business and Professions Code, relating to psychologists.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 2904 of the Business and Professions Code is amended to read:

2904. The confidential relations and communications between psychologist and client and psychiatrist and patient shall be placed upon the same basis as those provided by law between attorney and client, and nothing contained in this chapter shall be construed to require any privileged communication to be disclosed.

SEC. 2. Section 1 of this act shall remain in effect until January 1, 1967; at which time Section 2904 of the Business and Professions Code as amended by Section 1 of this act is repealed.

SEC. 3. Section 2 of this act shall be operative only if the Evidence Code as proposed by Assembly Bill No. 333 is enacted by the Legislature at the 1965 Regular Session.

CHAPTER 554

An act to amend Section 52 of Chapter 2146 of the Statutes of 1959, relating to the board of directors of the agency.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 52 of Chapter 2146 of the Statutes of 1959 is amended to read:

Sec. 52. If, on the 65th day prior to the day fixed for the agency general election, only one person has been nominated for each office or member of the board of directors to be filed at that election, or if no person has been nominated for any one or more of said offices, said board of directors shall be resolution entered in their minutes order that an election shall not be held, and shall immediately request that the board of supervisors of the county in which the agency or a greater portion thereof is situated, at a regular or special meeting held prior to the day of election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons who have been nominated, or if no person or persons have been nominated, any qualified person or persons. The person appointed shall qualify, take office, serve, and be subject to recall exactly as if elected at an agency general election.

In such case, the publication provided for in Article 6 (commencing at Section 2699), Chapter 2, Division 5 of the Elections Code shall, instead of calling an election, state that no election is to be held but that the board of supervisors will either appoint those nominated for the positions of directors or appoint a qualified person or persons to the office or offices for which no one has been nominated as the circumstances may warrant.

CHAPTER 555

An act to amend Section 28149 of, and to add Section 70049 to, the Government Code, relating to compensation of county officers.

[Approved by Governor June 8, 1965 Filed with Secretary of State June 9, 1965]

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

SECTION 1. Section 28149 of the Government Code is amended to read:

28149. In a county of the 49th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand three hundred dollars ($9,300) a year.

(b) The district attorney, fourteen thousand dollars ($14,000) a year for his services. He shall devote his entire time to the duties of his office and shall not engage in the private practice of law during his term of office.

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year and thirty cents ($0.30) a mile one way in attending the meetings of the board.

(d) Jurors shall receive the following fees and mileage:

For attending as a grand juror or as a trial juror in the superior court, for each day's actual attendance six dollars ($6), and twenty cents ($0.20) for each mile actually traveled, in going only; for attending as a trial juror in the justice court, in civil cases only, for each day's actual attendance five dollars ($5), and twenty cents ($0.20) for each mile actually traveled, in going only. The fees of jurors shall be paid to them on each day during the period of their attendance, if demanded, and the mileage shall be paid at the time the fee for the first day's attendance is paid.

SEC. 2. Section 70049 is added to said code, to read:

70049. In a county with a population of over 11,650 and under 12,000, as determined by the 1960 federal census, each regular official reporter shall receive as full compensation for taking notes in criminal cases an annual salary of seven thousand two hundred dollars ($7,200). All other fees of such reporters shall be as elsewhere provided by law.

CHAPTER 556

An act to add Section 8415 to the Elections Code, relating to county central committees.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 8415 is added to the Elections Code, to read:

8415. Each county central committee may authorize each elected member and each ex officio member of that committee to appoint an alternate member, if an elected or an ex officio member desires to appoint an alternate.

Such alternate member shall have the right to vote only with the written authorization of the member who appointed him. An alternate member of a county central committee shall be subject to the rules and regulations of the committee.

An alternate member must meet the same qualifications as the regular member and may vote only in the absence of the member who appointed him.

CHAPTER 557

An act to add Section 31676.97 to the Government Code, relating to the County Employees' Retirement Law.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 31676.97 is added to the Government Code, to read:

31676.97. In every county coming under the provisions of Section 31676.1 subsequent to January 1, 1964, and prior to October 1, 1964, every current service pension and prior service pension payable for time commencing October 1, 1965, is hereby increased to the amount it would be if the provisions of this chapter, including Sections 31676.1 and 31760.1, as they existed on the date that Section 31676.1 became applicable to the members' retirement system, had been in effect on the date of the actual retirement of the member; but this section does not authorize any decrease in any such pension, nor does this section give any such retired member, or his successors in interest, any claim against the county or district for any increase in any pension paid or payable for time prior to October 1, 1965. Calculations of pensions under this section shall be made on the basis of current interest rate and mortality tables.

CHAPTER 558

An act to amend Section 540 of the Code of Civil Procedure, relating to writs of attachment.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 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, where in 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.

CHAPTER 559

An act to amend Section 5241 of the Streets and Highways Code, relating to Improvement Act of 1911.

[Approved by Governor June 8, 1965 Filed with Secretary of State June 9, 1965]

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

SECTION 1. Section 5241 of the Streets and Highways Code is amended to read:

5241. Notice shall be posted inviting sealed proposals or bids for doing such work, or for furnishing materials, supplies and equipment or any portion thereof. Notice inviting such proposals, and referring to the specifications on file, shall be published, but if there is no newspaper published in the city, then it shall only be posted. The time fixed for the opening of the bids shall be not less than 10 days from the time of the first publication or posting of the notice.

Said notices shall state the estimated cost of any acquisition, which estimated cost is required to be advanced as a part of the incidental expenses referred to in Section 5256 of this code, at the time of entering into the contract.

CHAPTER 560

An act to amend Section 13593 of the Education Code, relating to classified school employees.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965]

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

SECTION 1. Section 13593 of the Education Code is amended to read:

13593. Regularly employed part-time classified employees shall be entitled to sick leave, and all other benefits conferred by law, and all vacation, maternity, and other leaves and benefits granted by the governing board to the majority of the regular full-time employees in the classified service of the district or to regular full-time employees in the same classified positions or general class of positions; but such leaves and benefits may be prorated in the same ratio as the regular work hours per day, days per week, weeks per month, or months per year of such part-time employees bear to 8 hours per day, 40 hours per calendar week, calendar weeks per month, or 12 calendar months during the school year.

Except for prorating benefits for part-time employees as herein authorized, the governing board shall provide at least the same benefits for all regular employees in the classified service as it provides for the majority of such employees.

Nothing in this section shall be construed to prohibit the granting of additional benefits for some employees in recognition of nature of work, level of classification, or length of service.

This section shall not apply to employees properly designated as substitute, short-term, or limited-term employees, as defined in Sections 13581 and 13726 of this code, unless such employees are specifically included by a governing board, or by a personnel commission for those districts included under the provisions of Article 5 (commencing with Section 13701) of this chapter.

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.

This section shall not apply to those benefits authorized under the provisions of Article 1 (commencing with Section 53200) of Chapter 2 of Part 1, of Division 2 of Title 5 of the Government Code.

CHAPTER 561

An act to amend Sections 68097.1, 68097.2 and 68097.5 of the Government Code, relating to witnesses in civil cases.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 68097.1 of the Government Code is amended to read:

68097.1. Whenever a member of the California Highway Patrol, sheriff, deputy sheriff or city policeman is required as a witness before any court or other tribunal in any civil action or proceeding in connection with a matter regarding an event or transaction which he has perceived or investigated in the course of his duties, a subpoena requiring his attendance may be served by delivering a copy either to such member personally or to his immediate superior. The attendance of a member of the California Highway Patrol, sheriff, deputy sheriff or city policeman may be required pursuant to this section only in accordance with the provisions of Section 1989 of the Code of Civil Procedure.

As used in this section and in Sections 68097.2 and 68097.5, "tribunal" means any person or body before whom or which attendance of witnesses may be required by subpoena, including an arbitrator in arbitration proceedings.

SEC. 2. Section 68097.2 of said code is amended to read:

68097.2. Any member of the California Highway Patrol, sheriff, deputy sheriff or city policeman who is obliged by a subpoena issued pursuant to Section 68097.1 to attend as a witness, shall receive the salary or other compensation to which he is normally entitled from the public entity by which he is employed during the time that he travels to and from the place where the court or other tribunal is located and while he is required to remain at such place pursuant to such subpoena. He shall also receive from the public entity by which he is employed the actual necessary and reasonable traveling expenses incurred by him in complying with such subpoena.

The party at whose request such subpoena is issued shall reimburse the public entity the amount of twenty-five dollars

($25) per day for each day that such officer is required to remain in attendance pursuant to such subpoena. The amount of twenty-five dollars ($25) shall be deposited with the clerk of the court or with the tribunal prior to the issuance of a subpoena pursuant to this section.

SEC. 3. Section 68097.5 of said code is amended to read:

68097.5. No member of the California Highway Patrol, sheriff, deputy sheriff or city policeman shall be ordered to return by the court for subsequent proceedings beyond the day stated in the subpoena referred to in Sections 68097.1, 68097.2, 68097.3 and 68097.4 unless the party at whose request such subpoena was issued or the party at whose request the witness is ordered to return, shall first deposit with the clerk of the court or with the tribunal the same sum required to be deposited for the issuance of a subpoena in the first instance.

CHAPTER 562

An act to amend Section 1281 of the Agricultural Code, relating to nuts.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 1281 of the Agricultural Code is amended to read:

1281. Every person who purchases English walnuts or almonds for purposes of processing or resale from persons other than licensed dealers, brokers, commission merchants, agricultural cooperatives, or wholesalers, shall keep a record of the name and address of the person from whom each lot of such walnuts or almonds was purchased. When such walnuts or almonds are delivered to the purchaser by motor vehicle, the purchaser shall record either the license number of the vehicle or the driver's license number of the person making delivery of each lot of such nuts.

The record and statement required to be made by this section shall be kept for one year from the date of purchase or delivery, whichever is later, and shall be made available for inspection upon request by any peace officer.

Violation of this section is a misdemeanor.

It shall be the duty of the commissioner of each county, under the supervision of the director, to enforce the provisions of this section insofar as they relate to the keeping of the records required herein.

CHAPTER 563

An act to amend Section 25413 of the Education Code, relating to junior colleges.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 25413 of the Education Code is amended to read:

25413. At the initial meeting of the governing board of a newly formed junior college district it shall elect one of its members as chairman, and shall designate a secretary.

The majority of members of the first elected board of any newly formed junior college 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 terms of the other members 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.

CHAPTER 564

An act to amend Sections 155, 911.22, 911.23, and 917.3 of the Agricultural Code, relating to weeds.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 155 of the Agricultural Code is amended to read:

155. The director, after investigation and practical survey, may by proclamation declare an area within this state to be practically free from one or more of the species of plants which have been determined to be noxious weeds in accordance with the provisions of Section 154.8.

Said plant or plants shall be named in said proclamation and said area thereafter shall be known as a weed-free area, as to the weeds named therein, which names shall be a part of the name of said area. The director may by similar proclamation change the boundaries of said area or declare said area free from additional weeds, naming the same. Such proclamation shall be under the seal of the department and shall be published in a newspaper or farm journal of general circulation, published and circulated in the area to be affected by said proclamation, at least once a week for two successive weeks. If there is no such newspaper or farm journal a copy of said proclamation shall be posted in one or more public places in said area.

SEC. 2. Section 911.22 of said code is amended to read:

911.22. "Primary noxious weeds," as used in this article, means perennial noxious weeds such as not only reproduce by seed, but also spread by underground roots or stems, and which, when established, are highly destructive and difficult to control in this state by ordinary good cultural practice. Exception is made for certain of such species which because of wide distribution in the state are classified herein as secondary noxious weeds.

Primary noxious weeds include the following:

Austrian fieldcress (Rorippa austriaca).

Blueweed (Helianthus ciliaris).

Camelthorn (Alhagi camelorum).

Canada thistle (Cirsium arvense).

Horsenettle, meaning Carolina horsenettle (Solanum caro linense), and white horsenettle (Solanum elaeagnifolium).

Leafy spurge (Euphorbia esula).

Perennial gaura, meaning hairy gaura (Gaura villosa), scarlet gaura (Gaura coccinea), scented gaura (Gaura odorata), and wavy-leaf gaura (Gaura sinuata).

Perennial peppercress (Lepidium latifolium).

Perennial sowthistle (Sonchus arvensis).

Quackgrass (Agropyron repens).

Russian knapweed (Centaurea repens).

Whitetop or hoary cress (Cardaria spp.), including heart-podded hoary cress (Cardaria draba), lens-podded hoary cress (Cardaria chalepensis), and globe-podded hoary cress (Cardaria pubescens).

Any other species which the director, as provided in Section 917.2, finds and declares to be a primary noxious weed.

SEC. 3. Section 911.23 of said code is amended to read:

911.23. "Secondary noxious weeds," as used in this article, means all species of noxious weeds not classified as primary noxious weeds.

Secondary noxious weeds include the following:

Alkali mallow (Sida hederacea).

Dodder (Cuscuta spp.).

Field bindweed (Convolvulus arvensis).

Halogeton (Halogeton glomeratus).

Italian thistle (Carduus pycnocephalus).

Italian thistle (Carduus tenuiflorus).

Johnson grass (Sorghum halepense) and other perennial Sorghum spp., including but not limited to Sorghum almum and perennial sweet Sudan grass.

Klamath weed (Hypericum perforatum).

Mediterranean sage (Salvia aethiopis).

Nutgrass, meaning yellow nutgrass (Cyperus esculentus) and purple nutgrass (Cyperus rotundus).

Poverty weed (Iva axillaris).

Puncture vine (Tribulus terrestris).

Sandbur grass (Cenchrus spp.).

Yellow star thistle (Centaurea solstitialis).

Any other species which the director, as provided in Section 917.2, finds and declares to be a secondary noxious weed.

SEC. 4. Section 917.3 of said code is amended to read:

917.3. The director, by rules and regulations promulgated as provided in Section 917.5, shall:

(a) Adopt germination standards for vegetable seeds.

(b) Adopt tolerances to be applied in all enforcement procedure required by this article.

(c) Prescribe methods of procedure in the examination of lots of agricultural and vegetable seeds, and in securing samples thereof.

(d) Establish a reasonable schedule of fees for tests, examinations, and services other than those required for enforcement or for quarantine purposes, which schedule shall be based upon the approximate cost of the service rendered, except that the director may provide for the examination of seeds for identification purposes without charge.

(e) Issue such other rules and regulations as will assist in carrying out the purposes of this article.

All standards and tolerances promulgated under this article shall be as nearly as practicable like those established under the Federal Seed Act.

CHAPTER 565

An act to amend Sections 1022, 1024, 1030.5, and 1061 of, and to repeal Sections 1026, 1036, and 1043 of, the Agricultural Code, relating to fertilizing materials.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 1022 of the Agricultural Code is amended to read:

1022. As used in this article the substances and mixtures of substances referred to in the preceding section are defined as follows:

(a) "Commercial fertilizers" are substances and mixtures of substances containing 5 percent or more of nitrogen, available phosphorus pentoxide, or potassium oxide soluble in distilled water, singly, collectively or in combination, except manures, hays, straws, peat and leaf mold.

(b) "Agricultural minerals" are mineral substances, mixtures of mineral substances, and mixtures of mineral and organic substances, containing less than 5 percent in available form of nitrogen, phosphorus pentoxide, or potassium oxide, singly, collectively, or in combination, except sand and soil.

(c) "Manures" are the excreta of domestic animals or domestic fowls when not artificially mixed with any material

or materials other than those which have been used for bedding, sanitary or feeding purposes for said animals or fowls or for the preservation of manure.

(d) "Auxiliary soil chemicals" are substances such as synthetic polyelectrolytes, biocatalytic soil conditioners, lignin or humus preparations, wetting agents to promote penetration of irrigation water, bacterial inoculants, and similar products intended to be used for influencing soils.

(e) "Soil amendments" are all substances, except those included within subdivisions (a), (b), (c), and (d), and include hays, straws, peat, leaf mold, sand, mixtures intended for use solely as potting media, and mineral substances such as diatomite, vermiculite, perlite, pumice, and clay which are intended for use solely because of their physical nature and with no claim for chemical constituents.

SEC. 2. Section 1024 of said code is amended to read:

1024. The analysis as to commercial fertilizer shall state the percentages represented to be therein, of nitrogen, specifying the form or forms in which it is present and the percentage of each form thereof; of available phosphoric acid; and/or of soluble potash,. The percentage of phosphoric acid shall be expressed in terms of phosphorus pentoxide and the percentage of potash in terms of potassium oxide.

SEC. 3 Section 1026 of said code is repealed.

SEC. 4. Section 1030.5 of said code is amended to read:

1030 5. Every producer of, manufacturer of, importer of, or dealer in any auxiliary soil chemical, before the same is offered for sale shall obtain from the director a certificate of registration authorizing the registrant to sell auxiliary soil chemicals. The certificate of registration for an auxiliary soil chemical shall be obtained in accordance with the procedure stated in Section 1030 for commercial fertilizers and agricultural minerals except that no payment of fees shall be required. Each applicant shall file prior to issuance of registration in each year a statement with the director stating the brand, brand name or name under which the product is to be sold or manufactured, and the percentage of every constituent of agricultural value claimed to be therein. A proper statement of ingredients and directions for use shall be given on the label. Sales of auxiliary soil chemicals in any other than the registrant's sealed or closed container or package are prohibited. The provisions of Sections 1039 and 1041 shall be comparably applicable to auxiliary soil chemicals as though the term "auxiliary soil chemicals" were specifically named and set forth in each of such sections.

SEC. 5. Section 1036 of said code is repealed.

SEC. 6. Section 1043 of said code is repealed.

SEC. 7. Section 1061 of said code is amended to read:

1061. As used in this article:

(a) "Economic poisons" includes any substance, or mixture of substances intended to be used for defoliating plants, regulating plant growth, or for preventing, destroying, re-

pelling, or mitigating any and all insects, fungi, bacteria, weeds, rodents, predatory animals or any other form of plant or animal life which is, or which the director may declare to be, a pest, which may infest or be detrimental to vegetation, man, animals or households, or be present in any environment whatsoever.

(b) "Insect" means any of the animals known as "Insecta" and similar animals such as centipedes, spiders, mites, ticks and lice.

(c) "Weed" means any plant which grows where not wanted.

(d) "Rodent" means all members of the order Rodentia and all rabbits and hares.

(e) "Registrant" means a person who has registered an economic poison and has obtained a certificate of registration or license from the department.

(f) "Defoliating" includes killing or artificially accelerating the drying of plant tissues, with or without causing abscission.

(g) "Regulating plant growth" means the use of, but not limited to the use of, hormones, auxins, enzymes, and materials for reducing preharvest drop of fruit, and materials for promoting rooting of cuttings.

CHAPTER 566

An act to amend Sections 4190, 4320, 4383, 4384, and 4395 of, and to add Section 4384.1 to, the Agricultural Code, relating to dairy product fees and assessments, to take effect immediately, tax levy.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 4190 of the Agricultural Code is amended to read:

4190. Manufacturers who are subject to the provisions of this chapter shall pay to the director on all milk fat contained in ice cream mix and ice milk mix manufactured by them, a fee of two mills ($0.002) per pound milk fat.

Said fee is a maximum fee. The director may fix such fee at a less amount, and may adjust such fee from time to time, whenever he finds that the cost of administering the provisions of this chapter can be defrayed with such below-maximum fee. The amount of said fee shall be paid to the director on or before the 30th day following the last day of the month in which said mix was manufactured. The amount so received by the director shall be paid into the Department of Agriculture Fund.

SEC. 2. Section 4320 of said code is amended to read:

4320. All programs shall be administered by the persons named in the order of the director making the program effective, and shall be administered subject to the approval of the director. All amounts required to be paid to the director under this article by producers or distributors shall be paid to such director on or before the 30th day following the last day of the month during which such fluid milk was received by distributors and all distributors receiving milk from producers in any area where the provisions of this article are in effect whereby the director is empowered to require payments from producers shall deduct and pay to the director such payments provided for under this article from the payments due for such distributors to such producers for fluid milk.

SEC. 3. Section 4383 of said code is amended to read:

4383. Distributors, including nonprofit cooperative associations acting as distributors, who purchase or handle fluid milk or fluid cream from producers, including their own production, if any, shall pay a fee of four mills ($0.004) per pound milk fat on all such milk fat used for Class 1 purposes and a fee of two mills ($0.002) per pound milk fat on all such milk fat used for Class 2 purposes except on such milk fat which is subject to a payment of a fee required by Section 4190 of this code.

The amount of said fee shall be paid to the director on or before the 30th day following the last day of the month in which such fluid milk or fluid cream was received.

SEC. 4. Section 4384 of said code is amended to read:

4384. Distributors, including nonprofit cooperative associations acting as distributors, who are subject to the provisions of any stabilization and marketing plan made effective by this chapter, shall deduct as an assessment from payments made to producers for fluid milk, fluid cream, or both, including each distributor's own production, the sum of four mills ($0.004) per pound milk fat on all milk fat contained in fluid milk, fluid cream, or both, for all milk fat used for Class 1 purposes and the sum of two mills ($0.002) per pound milk fat for all milk fat used for Class 2 purposes.

The amount of the assessments so deducted shall be paid to the director on or before the 30th day following the last day of the month during which such fluid milk or fluid cream was received.

SEC. 5. Section 4384.1 is added to said code, to read:

4384.1. The director may fix the rate of assessments required by Section 4384 and the fees required by Section 4383 at a less amount and may adjust the rate of assessment required by Section 4384 and the fees required by Section 4383 from time to time, whenever he finds that the cost of administering the provisions of this chapter can be defrayed from revenues derived from such lower assessment rates and lower fees.

SEC. 6. Section 4395 of said code is amended to read:

4395. The director is hereby charged with the duty of supervision of the milk fat and milk solids not fat testing and the weighing and sampling of fluid milk delivered to distributors, and from the funds provided by the provisions of Article 11 (commencing with Section 4375) he is authorized to allocate such sum for any fiscal year, not exceeding sixty-seven thousand dollars ($67,000), which shall be used exclusively for the supervision and checking the correctness of the milk fat, milk solids not fat, and bacteriological tests and the weighing and sampling of all fluid milk delivered to distributors in accordance with the stabilization and marketing plans established pursuant to the provisions of this division.

SEC. 7. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect. This act shall not become operative until July 1, 1965.

SEC. 8. Any revenues derived from any increases in fees provided for in this act shall not be available for expenditure unless appropriated.

CHAPTER 567

An act to add Section 5784.8a to the Public Resources Code, relating to recreation and park districts.

[Approved by Governor June 8, 1965 Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 5784.8a is added to the Public Resources Code, to read:

5784.8a On or before the 1st day of July in any year the governing body of a city, the area of which is located entirely or partially within a recreation and park district, may elect to pay out of municipal funds the whole or a stated percentage of the amount of taxes which will be levied for district purposes for the fiscal year commencing upon the 1st day of July upon property located within the city.

The election shall be made by the adoption of an order reciting that the city, pursuant to this section, elects to pay the whole or a stated percentage of the amount of taxes which will be levied by the district upon property located within the incorporated limits of the city and stating the time and manner in which payment shall be made.

Upon the adoption of the order a certified copy of it shall be presented to the board of directors of the district for its approval. If the board of directors of the district is satisfied that the financial condition of the city reasonably will assure such payment and if the time and manner of payment is acceptable, the board shall by order approve the city's election

to pay the taxes. Immediately upon the adoption of the order approving the city's election to pay the taxes, certified copies of both orders shall be filed with the auditor, assessor and tax collector of the supervising authority.

Thereafter, if the whole of the taxes which are levied on property within the city is to be paid by the city, the auditor of the supervising authority shall not extend the district tax on such property, or if only a percentage of the tax which is levied on such property is to be paid by the city the auditor shall only extend the balance of the district tax on such property.

If the payment made by a city exceeds the total amount of district taxes which have been levied against property within the city, the amount of the excess without interest shall be refunded to the city prior to the close of the fiscal year for which the payment was made.

An election to pay taxes pursuant to this section is effective only for the fiscal year for which made.

CHAPTER 568

An act to amend Section 1027 of the Penal Code, relating to witnesses.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 1027 of the Penal Code is amended to read:

1027. When a defendant pleads not guilty by reason of insanity the court must select and appoint two alienists, at least one of whom must be from the medical staffs of the state hospitals, and may select and appoint three alienists, at least one of whom must be selected from such staffs, to examine the defendant and investigate his sanity. It is the duty of the alienists so selected and appointed to examine the defendant and investigate his sanity, and to testify, whenever summoned, in any proceeding in which the sanity of the defendant is in question. Said alienists so appointed by the court shall be allowed, in addition to their actual traveling expenses, such fees as in the discretion of the court seem just and reasonable, having regard to the services rendered by the witnesses. The fees allowed shall be paid by the county where the indictment was found or in which the defendant was held for trial.

Nothing contained in this section shall be deemed or construed to prevent any party to any criminal action from producing any other expert evidence as to the sanity of the defendant; where expert witnesses are called by the district at-

torney in such action, they shall only be entitled to such witness fees as may be allowed by the court.

Any alienist so appointed by the court may be called by either party to the action or by the court itself and when so called shall be subject to all legal objections as to competency and bias and as to qualifications as an expert. When called by the court, or by either party, to the action, the court may examine the alienist, 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 alienist were a witness for the adverse party. When the alienist 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 action the adverse party may examine him the same as in the case of any other witness called by such party.

CHAPTER 569

An act to repeal Article 4 (commencing with Section 25451) of Chapter 2 of Division 18.5 of, and Article 6 (commencing with Section 25461) of Chapter 2 of Division 18.5 of, the Education Code, relating to junior college districts.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Article 4 (commencing with Section 25451) of Chapter 2 of Division 18.5 of the Education Code is repealed.

SEC. 2. Article 6 (commencing with Section 25461) of Chapter 2 of Division 18.5 of the Education Code is repealed.

CHAPTER 570

An act to amend Section 1684 of the Labor Code, relating to farm labor contractors.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 1684 of the Labor Code is amended to read:

1684. The Labor Commissioner shall not issue to any person a license to act as a farm labor contractor until:

(a) Such person has executed a written application therefor in a form prescribed by the Labor Commissioner, subscribed and sworn to by such person, accompanied by a filing fee of ten dollars ($10), and containing (1) a statement by such

person of all facts required by the Labor Commissioner concerning the applicant's character, competency, responsibility, and the manner and method by which he proposes to conduct his operations as a farm labor contractor if such license is issued, and (2) the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates or profit sharers, in the proposed operation as a labor contractor, together with the amount of their respective interests.

(b) The Labor Commissioner, after investigation, is satisfied as to the character, competency, and responsibility of such person.

(c) Such person has deposited with the Labor Commissioner a surety bond in a penal sum of one thousand five hundred dollars ($1,500). Such bond shall be payable to the people of the State of California and shall be conditioned that said farm labor contractor will comply with all the terms and provisions of this chapter and will pay all damages occasioned to any person by failure so to do, or by any violation of the provisions of this chapter, or false statements or misrepresentations made in the procurement of his license.

A person may, in lieu of the surety bond required by this subdivision, deposit with the Labor Commissioner the sum of one thousand five hundred dollars ($1,500) in lawful money of the United States.

(d) Such person has paid to the Labor Commissioner a license fee of twenty-five dollars ($25).

CHAPTER 571

An act to add Section 23761 to the Education Code, relating to the California State Colleges.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 23761 is added to the Education Code, to read:

23761. Every alien student is deemed to be a nonresident student unless he has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States.

Nothing in this article or in Sections 243 and 244 of the Government Code prevents the trustees from causing to be classified as a resident student any alien who has been lawfully admitted to the United States for permanent residence in accordance with all applicable provisions of the laws of the United States or any citizen of the United States if such citizen or alien has attained his majority in accordance with the laws

of this state and for a period of one year immediately preceding the opening day of a semester during which he proposes to attend the state college has been entirely self-supporting and actually present in the state with the intention of acquiring a residence therein.

CHAPTER 572

An act to amend Sections 18013, 18253, 18277, 18278, 18279, 18350, 18355, 18359, 18362, 18365, 18375, 18377, and 18425 of, to amend the heading of Chapter 6 (commencing with Section 18425) of Part 2, Division 13 of, to add Sections 18005.1, 18005.3, 18006.5, 18011.5, and 18204 to, and to repeal Sections 18204, 18351, and 18376 of, the Health and Safety Code, relating to mobilehomes and mobilehome parks, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 18005.1 is added to the Health and Safety Code, to read:

18005.1. "Lease" is an oral or written contract for the use, possession, and occupation of property. It includes rent.

SEC. 2. Section 18005.3 is added to said code, to read:

18005.3. "Rent" is money or other consideration given for the right of use, possession, and occupation of property.

SEC. 3. Section 18006.5 is added to said code, to read:

18006.5. "Conditional permit" is a construction, reconstruction, or operation permit issued by the enforcement agency which may prescribe conditions on the use or occupancy of a mobilehome park.

SEC. 4. Section 18011.5 is added to said code, to read:

18011.5. On the condition that lots shall accommodate only mobilehomes bearing Division of Housing official insignia of approval, issued pursuant to Section 18371, the enforcement agency may permit variations from the provisions of the rules and regulations promulgated pursuant to this part, within mobilehome parks for which conditional permits are issued, in the following respects:

(a) Mobilehome lot drain inlets need not be equipped with 'P' traps.

(b) Park drainage systems need not be equipped with relief vents when 'P' traps are not installed at mobilehome lots as permitted by subdivision (a) of this section.

(c) Mobilehome lot water service connections need not be equipped with backflow preventer devices or pressure relief valves.

SEC. 5. Section 18013 of said code is amended to read:

18013. (a) This part does not apply to any apartment house, hotel, or dwelling which is subject to the provisions of

Part 1.5 (commencing with Section 17910) of this division

(b) This part does not apply to any labor camp, except a labor camp in which mobilehomes are used to house five or more prospective employees of any person other than the owner or operator of the labor camp, which is subject to the provisions of Article 4 (commencing with Section 2410), Chapter 1, Part 9, Division 2 of the Labor Code.

(c) This part does not apply to any charitable or recreational organization, incorporated under the laws of the State of California as a nonprofit corporation, which owns acreage in fee or leases acreage in a zoned recreation area or which has sites in a state or federal forest, and the use thereof is limited to the members of such organization, and where such organization complies with rules and regulations for recreational trailer parks established by the Division of Housing for such installations to protect the health and safety of the occupants and the general public. Such rules and regulations shall be adopted, amended, repealed and enforced in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2, of the Government Code and shall include a schedule of fees to pay the cost of administration and enforcement of this section.

(d) Any charitable or recreational organization intending to operate under this section shall file a notice of intention with the Division of Housing, on forms provided by the division, submitting pertinent data therewith.

SEC. 6. Section 18204 of said code is repealed.

SEC. 7. Section 18204 is added to said code, to read.

18204. Applications which have been processed by the enforcement agency, for permits required by this chapter, are void six months after filing if the applicant fails to secure such permit. The enforcement agency may, however, extend the application for a reasonable time beyond the six-month period.

SEC. 8. Section 18253 of said code is amended to read:

18253. (a) It is unlawful for any operator or owner of a mobilehome park to rent or hold out for rent any mobilehome in such mobilehome park for a period of less than 90 days, with the following exceptions.

(1) This subdivision shall not apply in any area within the state which has been designated as a disaster area, by reason of the December 1964 and January 1965 floods, where permanent construction is prohibited. This exception shall terminate on December 31, 1967.

(2) This subdivision shall not apply to any mobilehome which meets the requirements for rental units, including occupancy requirements, promulgated and enforced by the Division of Housing in accordance with the provisions of Chapter 4 5 (commencing with Section 11371). Part 1, Division 3, Title 2, of the Government Code. The Division of Housing is authorized to promulgate such rules and regulations

(b) It is also unlawful for the owner or operator of any mobilehome park to rent or hold out for rent any mobilehome in

such mobilehome park which contains any plumbing, heat-producing or electrical equipment which does not meet the requirements that are prescribed by the Division of Housing pursuant to Sections 18371, 18371.5, and 18372.5, or which violates any of the provisions of Section 18250. The enforcement agency shall have the right to enter and inspect any mobilehome which is rented or held out for rent by the owner or operator of any mobilehome park in order to determine whether or not the rental, or holding out for rent, of such mobilehome is unlawful under this section.

The enforcement agency may enter any uninhabited mobilehome which is held out for rent but not actually rented at any time between 8 o'clock a.m. and 6 o'clock p.m. of any business day. No person authorized by this section to enter mobilehomes which are rented, or held out for rent, shall enter any inhabited mobilehome between the hours of 6 o'clock p.m. of any day and 8 o'clock a.m. of the succeeding day, without the consent of the owner or of the occupants of the mobilehome, nor enter any mobilehome in the absence of the occupants without a proper written order executed and issued by a court having jurisdiction to issue the order.

SEC. 9. Section 18277 of said code is amended to read:

18277. (a) The minimum distance required for the separation of a mobilehome from a building shall be 10 feet. The minimum distance required for the separation of a mobilehome from any other mobilehome shall be: 10 feet from side to side, 8 feet from side to rear, and 6 feet from rear to rear; provided, however, that each mobilehome and each building shall not be located closer than 3 feet from the rear or side of a lot line. The minimum distance required for the separation or location of buildings from property lines shall be in accordance with the requirements of the rules and regulations promulgated under Section 18300 of this part.

The minimum distance required for the separation or location of mobilehome accessory buildings or structures shall be in accordance with the requirements of the rules and regulations promulgated under subdivision (g) of Section 18250.

(b) In mobilehome parks, or portions thereof, constructed prior to September 15, 1961, no mobilehome shall be located closer than six feet from any permanent building or another mobilehome. This subdivision does not, however, apply to a building which contains only a private toilet or bath, or both, that is constructed for the exclusive use of the occupants of the mobilehome lot.

SEC. 10. Section 18278 of said code is amended to read:

18278. (a) Each mobilehome shall have access from the mobilehome lot to a driveway of not less than 25 feet in clear width. All driveways shall have clear and unobstructed access to a public thoroughfare.

(b) In mobilehome parks, or portions thereof, constructed prior to September 15, 1961, each mobilehome shall have

access, from the mobilehome lot, to a driveway not less than 15 feet in width.

SEC. 11. Section 18279 of said code is amended to read:

18279. A mobilehome park shall not accommodate any mobilehomes for which there are no lots conforming to the provisions of this part.

SEC. 12. Section 18350 of said code is amended to read:

18350. Public toilets, showers and lavatories shall be provided as follows:

(a) In mobilehome parks constructed and operated exclusively for dependent mobilehomes: one toilet, one shower, and one lavatory for each sex for each 15 dependent mobilehome lots.

(b) In mobilehome parks constructed and operated for dependent and independent mobilehomes, the following ratio of toilets, showers, and lavatories for each sex:

Lots	Toilets	Showers	Lavatories
1–25	1	1	1
26–70	2	2	2

One additional toilet shall be provided for each sex for each 100 additional lots or fractional part thereof in excess of 70 lots.

(c) All toilet facilities for dependent mobilehomes shall not be farther than 400 feet from any dependent mobilehome lot.

(d) Each toilet shall be for the exclusive use of the occupants of the mobilehome lots in the mobilehome park.

(e) Mobilehome parks constructed and operated exclusively for independent mobilehomes need not be provided with public toilets, showers, or lavatories.

SEC. 13. Section 18351 of said code is repealed.

SEC. 14. Section 18355 of said code is amended to read:

18355. It is unlawful for any person to use, or permit the use of, any plumbing fixture in any mobilehome located within a mobilehome park unless the plumbing in such mobilehome park meets the requirements of the Division of Housing as set forth in the rules and regulations of the division for such use, and the division is hereby empowered to draft and enforce such rules and regulations as it determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part.

SEC. 15. Section 18359 of said code is amended to read:

18359. There shall be constructed in every mobilehome park containing two or more lots, a laundry room or compartment with not less than two laundry trays or a clothes washing machine.

SEC. 16. Section 18362 of said code is amended to read:

18362. Laundry trays and clothes washing machines shall be supplied with hot and cold water.

SEC. 17. Section 18365 of said code is amended to read:

18365. There shall be an adequate supply of potable water for all the requirements of the park, except that irrigation or sprinkler systems need not be supplied with potable water. Potable water shall be obtainable from faucets installed not more than 100 feet from each mobilehome lot or site.

SEC. 18. Section 18375 of said code is amended to read:

18375. Metal or plastic waste containers equipped with tight-fitting lids shall be provided in every mobilehome park, and all garbage, waste and rubbish shall be removed from the premises and disposed of without creating a nuisance.

SEC. 19. Section 18376 of said code is repealed.

SEC. 20. Section 18377 of said code is amended to read:

18377. It shall be unlawful to permit any waste water or material from sinks or other plumbing fixtures in a mobilehome to be deposited upon the surface of the ground, and all such fixtures, when in use, shall be connected to an approved sewage disposal system.

SEC. 21. The heading of Chapter 6 (commencing with Section 18425) of Part 2, Division 13 of said code is amended to read:

CHAPTER 6. FUEL GASES

SEC. 22. Section 18425 of said code is amended to read:

18425. The Division of Housing shall promulgate such rules and regulations regarding fuel gas equipment and installations in mobilehome parks as the division determines are reasonably necessary for the protection of life and property and to carry out the purposes of this part. The rules and regulations shall be applicable to all fuel gas equipment and installations in a mobilehome park, except in permanent buildings within a mobilehome park in a city, county, or city and county which has adopted and is enforcing a gas code imposing restrictions equal to or greater than the restrictions imposed by such rules and regulations and which is the enforcement agency.

SEC. 23. 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:

One result of the recent floods which devastated the northern part of the state was the destruction of thousands of homes. This loss of housing has worked a tremendous hardship upon the people in the stricken area. This bill will permit the greater use of mobilehomes and as a consequence will alleviate the hardship caused by this disaster. Therefore, it is imperative that it take effect immediately.

CHAPTER 573

An act to amend Section 17601.1 of the Education Code, relating to reports of average daily attendance of school districts.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 17601.1 of the Education Code is amended to read:

17601.1. For the purposes of this chapter, the governing board of each school district shall report to the Superintendent of Public Instruction during each fiscal year the average daily attendance of the district for all full school months during (1) the period between July 1st and December 31st, inclusive, to be known as the "first period" report for the first principal apportionment, and (2) the period between July 1st and April 15th, inclusive, to be known as the "second period" report for the second principal apportionment. The county superintendent of schools shall report the average daily attendance for the schools and classes maintained by him and the average daily attendance for the county school tuition fund. If the average daily attendance in the regular day schools of a district for the period of time between July 1 and June 30 exceeds the average daily attendance in the regular day schools reported for the second period report, the appropriate increases and decreases in the several categories of attendance for which separate foundation programs are required to be computed shall be brought forward to the corresponding categories of the second period report for the next succeeding fiscal year.

Each report shall be prepared in accordance with instructions on forms prescribed and furnished by the Superintendent of Public Instruction and average daily attendance shall be computed in the following manner:

(a) The average daily attendance in the regular day elementary, junior high, and high schools maintained by the school districts shall be determined by dividing the total number of days of attendance in all full school months in each period by the number of days such schools are actually taught in all full school months in each period

(b) The average daily attendance in grades 13 and 14 of the regular day schools of each junior college shall be determined by dividing the hours of attendance during the period by the number equal to three times the number of days actually taught within the period during the "academic year" as defined in Section 5554. For the purposes of this article, the average daily attendance in each period shall not exceed 1.2 times the number of different pupils enrolled in the district during the period.

(c) The average daily attendance in summer school and outdoor science and conservation education classes maintained during the period between the last day the regular day schools are in session during the preceding year and the first day the regular day schools are in session during the current year shall be reported on both the first period and second period reports. Such average daily attendance shall be computed by dividing the days of attendance by 175. For junior colleges, the hours of attendance shall be divided by 525, and the average daily attendance shall not exceed 1.2 times the total number of different pupils enrolled in the district in the summer school.

(d) The attendance for schools and classes maintained by the county superintendent of schools and for the county school tuition fund credited after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance of the school, class, or fund shall be determined for the first period by dividing the days of attendance by 75 and for the second period, the days of attendance shall be divided by 175.

(e) The days of attendance in classes for adults and continuation schools and classes maintained after the last full school month of the second period of the preceding year and prior to the end of each reporting period shall be reported on each report. The average daily attendance in such schools and classes shall be determined for the first period by dividing the days of attendance by 75; for the second period, the days of attendance shall be divided by 175.

CHAPTER 574

An act to amend Section 50563 of the Government Code, relating to public property.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 50563 of the Government Code is amended to read:

50563. The proceeds of the sale of such improvement shall be distributed by the local agency to the owners of the property which has been or is being assessed to pay for such improvement as their names and addresses appear on the last equalized city or county assessment roll, as the case may be, available on the date the distribution there is commenced, and at their addresses as shown upon such roll or as shown to the official effecting the distribution. Each property owner shall receive an amount which bears the same ratio to the total proceeds as the current assessment against his property bears to

the total current assessment for such improvement. In the event the total amount each property owner is entitled to receive exceeds fifty dollars ($50), such property owner shall certify under penalty of perjury that he is the owner or was the legal owner of such property on the date of distribution. Payment to such person by the local agency shall relieve such local agency of all and any liability for payment under this section.

CHAPTER 575

An act to add Section 25546.115 to the Education Code, relating to junior college construction aid, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965]

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

SECTION 1. Section 25546.115 is added to the Education Code, to read:

25546.115. Notwithstanding any provision of this chapter to the contrary, an entitlement computed under Section 25546.10 for a unified, high school, or junior college district maintaining a junior college at the time it made application for the entitlement, may be transferred by the Superintendent of Public Instruction, upon request, to a subsequently formed junior college district which includes within its boundaries the unified, high school, or junior college district which made the application for the entitlement.

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 considerable number of newly formed junior college districts do now, or will, include other districts which have maintained junior colleges and for which entitlements have been computed under the Junior College Facility Construction Law of 1963. It is of the utmost importance that such entitlements be made available at the earliest possible time to the subsequently formed junior college districts in order that the construction of urgently needed junior college facilities can proceed. For this reason it is necessary that this act take immediate effect.

CHAPTER 576

An act to add Section 19584.1 to the Education Code, relating to state school building aid.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 19584.1 is added to the Education Code, to read:

19584.1. The area of any classroom or building used for adult education classes during the regular schoolday, except any such building area that has been constructed or acquired with the proceeds from the sale of school district bonds or state or federal funds allocated to the district under any state school building aid program, shall not be included in any computation of the area of adequate school construction existing in any applicant school district under this chapter.

CHAPTER 577

An act to amend Section 17 of the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session), relating to the San Diego Unified Port District.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 17 of the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session) is amended to read:

Sec. 17. The term of each commissioner shall be for four years, except as provided in this section.

The terms of the commissioners appointed by the City Councils of the Cities of Coronado and National City, and the terms of two of the commissioners appointed by the City Council of the City of San Diego shall commence on the 3rd day of January 1965, and on the 3rd day of January every four years thereafter.

The present terms of the commissioners heretofore appointed by the City Councils of the Cities of Chula Vista and Imperial Beach, and one of the commissioners heretofore appointed by the City Council of the City of San Diego shall expire the 2nd day of January 1967. The terms of the successors of said commissioners shall commence on the 3rd day of January 1967, and on the 3rd day of January every four years thereafter.

The commissioners appointed by the City Council of the City of San Diego shall so classify themselves by lot so that their terms shall conform to the provisions of this section.

Any vacancy shall be filled by appointment by the city council of the city from which the vacancy has occurred. Any appointment to fill a vacancy during the term of a commissioner shall be for the unexpired term. Each commissioner, before entering upon the duties of his office, shall take and subscribe the oath as provided in Section 1360 of the Government Code of the State of California, and a certificate of the same shall be filed with the city clerk of the city from which the commissioner shall have been appointed, and a copy of which shall be filed with the district. A commissioner may be removed from the board by a four-fifths vote of the city council which appointed such commissioner.

CHAPTER 578

An act to amend Section 2319 of, and to repeal Section 2327 of, the Business and Professions Code, relating to the practice of medicine.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 2319 of the Business and Professions Code is amended to read:

2319. An applicant for a reciprocity certificate need not have completed his year's service prior to the issuance to him of a license in the other state; provided, however, that a one year's service satisfactory to the board in a hospital approved by the board for the training of interns shall have been completed by the applicant before application to the board for a reciprocity certificate

SEC. 2 Section 2327 of said code is repealed.

CHAPTER 579

An act to amend Section 2147.6 of the Business and Professions Code, relating to the practice of medicine.

[Approved by Governor June 8, 1965 Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Section 2147.6 of the Business and Professions Code is amended to read:

2147.6. Physicians, with valid visitor's visas issued by the United States of America, who seek postgraduate study in an approved medical school either as a fellow, instructor, or exchange professor, may, after proper application to and approval by the board and receipt of an appointment from the dean of the approved medical school, be permitted by the board to participate in the professional activities of the department in the approved medical school to which they are appointed under the direction of the chairman of the department. Such permission granted by the board shall be for a period not in excess of five years, and must be renewed semiannually. Such renewal shall only be granted subject to the discretion of the board. Except to the extent authorized by this section, no such visiting physician may treat the sick or afflicted or receive compensation therefor or otherwise engage in or offer to engage in the practice of medicine and surgery.

The time spent in an approved medical school pursuant to this section shall not be used to satisfy the requirements contained in Sections 2193 and 2193.5.

CHAPTER 580

An act to amend Section 2191 of the Business and Professions Code, relating to the practice of medicine.

[Approved by Governor June 8, 1965 Filed with Secretary of State June 9, 1965]

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

SECTION 1. Section 2191 of the Business and Professions Code is amended to read:

2191. Each applicant shall present evidence satisfactory to the board that he has completed a two-year resident course of college grade, or its equivalent, including the subjects of physics, chemistry, and biology, or their equivalent, before commencing the study of medicine. An applicant matriculating in a medical school after January 1, 1954, shall present evidence satisfactory to the board of having completed a three-year resident course of college grade, or its equivalent, including the subjects of physics, chemistry, and biology, or their equivalent, before commencing the study of medicine.

CHAPTER 581

An act to repeal Section 61719 of the Government Code, Sections 4775 and 6545 of the Health and Safety Code, and Section 31505 of the Water Code, relating to assessments.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965]

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

SECTION 1. Section 61719 of the Government Code is repealed.

SEC. 2. Section 4775 of the Health and Safety Code is repealed.

SEC. 3. Section 6545 of said code is repealed.

SEC. 4. Section 31505 of the Water Code is repealed.

CHAPTER 582

An act to add Article 3 (commencing with Section 6580), to Chapter 5 of Division 7 of Title 1 of the Government Code, and Section 783.5 to the Penal Code, relating to parks, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 8, 1965. Filed with Secretary of State June 9, 1965.]

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

SECTION 1. Article 3 (commencing with Section 6580) is added to Chapter 5, Division 7, Title 1 of the Government Code, to read:

Article 3. Joint County Park Boards

6580. As used in this article, the following words shall have the following meanings:

(a) "Joint county park board" means a board, commission, or other public entity organized pursuant to an agreement made in accordance with Article 1 (commencing with Section 6500) of this chapter for the purpose of improving, operating, and maintaining a single park or other recreation facility located within more than one county, if none of the territory within the park or other recreation facility is contained within an incorporated city, and further, if all of the counties within which the park or other recreation facility is located are parties to the agreement creating the board, commission, or other public entity.

(b) "Counties" means all of the counties within which a portion of the park or other recreation facility, operated and maintained by a joint county park board, is located.

(c) "Park" means a park or other recreation facility operated and maintained by a joint county park board.

6581. A joint county park board may designate the sheriff of any one of the counties as the park sheriff. The park sheriff shall be designated by a contract made by and between the board of supervisors of the county of the park sheriff and the joint county park board. The contract shall provide for the amount to be paid the county of the park sheriff for the services to be rendered by the park sheriff at the park, and the method and time of termination of the contract. The contract shall further provide that an amount equal to the funds received by the county of the park sheriff from the joint county park board during the term of the contract shall be expended during the term of the contract for the purposes of providing services at the park through the park sheriff. The contract shall not take effect until it has been executed by the parties to it and, in addition, has been approved in writing by the park sheriff and by duly adopted resolutions of each of the boards of supervisors of the counties.

6582. Upon the designation of a park sheriff in the manner provided in Section 6581, and until such time as the designation is revoked by the termination of the contract designating the park sheriff, the park sheriff shall have and shall exercise throughout the park all of the functions, duties, obligations, and responsibilities of the office of sheriff, and shall have and may exercise within the park, all of the privileges in connection with the office of sheriff, all as though the entire park were a part of the county of the park sheriff, except as to those duties constituting the civil functions of the sheriff.

6583. The provisions of this article applicable to a park sheriff, if one has been designated, shall apply to all deputies and subordinates of the park sheriff in their capacities as such deputies or subordinates.

SEC. 2. Section 783.5 is added to the Penal Code, to read:

783.5. When a public offense is committed in a park situated in more than one county, the jurisdiction over such an offense is in any competent court in any county in which any part of the park is situated. "Park," as used in this section means any area of land, or water, or both, which has been designated as a park or recreation area by any public agency or political subdivision of this state.

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 is within the state an existing park located within three counties. In order to insure the public peace, to prevent injury to members of the public, and to efficiently enforce state laws and local ordinances within said park it is necessary that this act take effect immediately.

CHAPTER 583

An act to amend Section 7110 of the Business and Professions Code, relating to contractors.

[Approved by Governor June 8, 1965 Filed with Secretary of State June 9, 1965]

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

SECTION 1. Section 7110 of the Business and Professions Code is amended to read:

7110. Willful or deliberate disregard and violation of the building laws of the state, or of any political subdivision thereof, or of the safety laws or labor laws or compensation insurance laws or Unemployment Insurance Code of the state, or violation by any licensee of any provision of the Health and Safety Code or Water Code, relating to the digging, boring, or drilling of water wells constitutes a cause for disciplinary action.

CHAPTER 584

An act to amend Section 25431.5 of the Education Code, relating to junior colleges, to take effect immediately, urgency measure.

[Approved by Governor June 8, 1965 Filed with Secretary of State June 9, 1965]

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

SECTION 1. Section 25431.5 of the Education Code is amended to read:

25431.5. (a) Except as provided in Section 25432.5, no junior college district shall be formed and the State Board of Education shall not approve a petition to form a junior college district if the assessed valuation of taxable property in the proposed district is less than one hundred fifty thousand dollars ($150,000) for each unit of estimated potential average daily attendance. For the purposes of this section, the assessed valuation of the territory in the district shall be that shown by the last equalized assessment roll of the county or counties in which the district will be located as of the time the petition to form the district is presented to the State Board of Education.

(b) This section shall not apply to the formation of a junior college district in any county in which there are only two junior college districts and in which county the only territory not included in a junior college district consists of three contiguous unified school districts. This subdivision shall remain in effect until December 31, 1967, and shall have no force or effect after that date.

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

There is at least one area of the state where it is essential that a junior college be established to serve the needs of the people. This act will permit the formation of a junior college district in that area. In order that a junior college district may be formed prior to the 1965–1966 fiscal year so that it may provide the essential educational program in the area for that fiscal year it is essential that this act go into immediate effect.

CHAPTER 585

An act to add Section 155 4 to the Revenue and Taxation Code and Section 43005.5 to the Government Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 155.4 is added to the Revenue and Taxation Code, to read:

155.4. Notwithstanding anything in this code to the contrary, in any county with a population of 4,000,000 or more, as determined by the 1960 federal census, the board of supervisors may by ordinance provide that every person who at 12 o'clock meridian of the first Monday in March, 1964, was the owner of, or had in his possession or under his control, any taxable property, which property was thereafter damaged or destroyed by flood or storm conditions prior to December 31, 1964, in an area or region subsequently proclaimed by the Governor to be in a state of disaster may, within thirty (30) days after the effective date of this section, make application for reassessment of such property and deliver to the assessor a written statement under oath, accompanied by a certificate of a disinterested competent person or authority, showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown therein to be in excess of five hundred dollars ($500). The assessor shall, within sixty (60) days after the effective date of this section, assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the board a description of the property so reassessed, the name of the person making the application in connection with the property, and the value

of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled. If the taxpayer has already paid the tax previously computed, such difference shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax.

SEC. 2. Section 43005.5 is added to the Government Code, to read:

43005.5. Notwithstanding any other contrary provisions of law, in any county with a population of 4,000,000 or more, as determined by the 1960 federal census, the city legislative body may by ordinance provide that every person who at 12 o'clock meridian of the first Monday in March, 1964, was the owner of, or had in his possession or under his control, any taxable property, which property was thereafter damaged or destroyed by flood or storm conditions in an area or region subsequently proclaimed by the Governor to be in a state of disaster, may, within thirty (30) days after the effective date of this section, make application for the reassessment of such property and deliver to the assessing official of the city a written statement under oath, accompanied by a certificate of a disinterested competent person or authority showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown thereon to be in excess of five hundred dollars ($500). The assessor shall, within sixty (60) days after the effective date of this section, assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the board a description of the property so reassessed, the name of the person making the application in connection with the property, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled. If the tax-

payer has already paid the tax previously computed, such difference shall be refunded to him, as an erroneously collected tax.

This section shall apply to all cities, whether operating under a charter or the general laws of this state.

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. Facts constituting such necessity are:

The recent disastrous flood in the City of Burbank, an area subsequently proclaimed by the Governor to be in a state of disaster has destroyed and damaged property to such an extent that unless partial relief from taxation is given to the owners thereof, there is grave danger that they may be unable to pay the taxes currently levied thereon. Section 2.8 of Article XIII of the Constitution authorizes the Legislature to provide for appropriate relief from ad valorem taxation in such situations. In order that such relief may be afforded at the earliest possible time to the people in these stricken areas, it is necessary that this act go into immediate effect.

CHAPTER 586

An act to add Section 31567 to the Government Code, relating to the County Employees' Retirement Law of 1937.

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

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

SECTION 1. Section 31567 is added to the Government Code, to read:

31567. Any member of a retirement system established under this chapter who is employed in a position, the principal duties of which consist of active law enforcement or active fire suppression as defined under Sections 31469.3, 31470.2 and 31470.4, and who, prior to 1952, had the right to elect to become a safety member of such system shall again have the right to elect to become a safety member. Notice of such election shall be given in writing to the board of retirement administering the system.

The member's status as a safety member shall be effective on the first day of the second month following that in which the notice of election is received by the board of retirement.

Such a member may elect to receive credit for service rendered as a member of such system, as if he had been a safety member commencing in 1952. Notice of such election shall be given in writing to the board of retirement no less than 30 days prior to the member's retirement. The member shall receive credit for such service, as a safety member, if he con-

tributes the difference between the member contributions actually made for that period of service and the contributions that he would have been required to make if he had been a safety member during that period. The member shall also contribute interest on the difference at the rates at which interest was credited on member contributions for each year of the period for which credit is sought.

An election under this section shall be irrevocable, and the additional contribution payments hereunder required, if not completed as specified, shall be forfeited to the retirement fund, and a forfeiting member shall then receive only general membership benefits. Additional contributions shall be made by lump sum payment or in such monthly payroll deduction amounts as determined by the board, but must be made prior to the member's retirement.

CHAPTER 587

An act to repeal Chapter 6.5 (commencing with Section 54750) and Chapter 6.6 (commencing with Section 54775) of Part 1, Division 2, Title 5 of, and to repeal Chapter 3 (commencing with Section 58850), Division 1, Title 6 of, to repeal Section 35002.1 and 35002.2 of, to amend Sections 34303.5, 35002, 35014, 35121.6, 35313.6, and 50194 of, to add Chapter 6.6 (commencing with Section 54773), Part 1, Division 2, Title 5 to, and Chapter 3 (commencing with Section 58850) to Division 1, Title 6 of, the Government Code, relating to local agencies.

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

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

SECTION 1 Section 34303.5 of the Government Code is amended to read:

34303.5. No petition seeking the incorporation of a new city may be circulated or filed with the board of supervisors, and neither the board nor the clerk of the board shall accept any such petition for filing, until the proposal for the incorporation of the new city, including a map and specific detailed legal description of the territory proposed to be incorporated, has been submitted to the local agency formation commission in compliance with Government Code Section 54791 and the boundary description of the territory proposed to be incorporated has been determined by the executive officer of the commission to be definite and certain.

SEC. 2. Section 35002 of said code is amended to read:

35002. No petition seeking the annexation of territory to a city shall be circulated or filed, nor shall any public officer accept any such petition for filing, nor shall any legislative

body initiate proceedings to annex on its own motion, until the proposal for the annexation of territory to a city, including a map and specific legal description of the boundaries of the territory, has been submitted to the local agency formation commission in compliance with Government Code Section 54794 and the boundary description of the territory proposed to be annexed has been determined by the executive officer to be definite and certain.

SEC. 3. Section 35002.1 of said code is repealed.

SEC. 4. Section 35002.2 of said code is repealed.

SEC. 5. Section 35014 of said code is amended to read:

35014. No tide or submerged lands in the Pacific Ocean which are owned by the state shall be annexed to a city except that portion of the tide or submerged lands encompassed within the seaward extensions of the existing land boundaries of the city, or of the proposed land boundaries of the territory being annexed as part of the same proceedings, extended from the point where the land boundaries intersect the shoreline at such an angle to the shoreline and following such a course or courses as may be approved by the State Lands Commission.

The proposal for annexation, including a map and legal description of the boundaries of the territory, shall be filed with the State Lands Commission, prior to the filing of the proposal with the local agency formation commission in compliance with the provisions of Government Code Section 54794. The State Lands Commission shall approve or disapprove of the boundaries of the annexation proposal and in making such determination it shall, where feasible and appropriate, require such extensions of the land boundaries of the city to be at right angles to the shoreline at each point of intersection of the shoreline with the land boundaries of the city, provided that, in the interest of insuring an orderly and equitable pattern of offshore boundaries, it may establish such other angle and such other courses for each such offshore boundary as it may deem necessary considering any irregularity of the shoreline, other geographical features, the effect of such offshore annexations on the uplands of the city and adjoining territory, and the existing and potential boundaries of other cities and of unincorporated communities.

The State Lands Commission shall report its decision to the legislative body of the city within 30 days, and its determination of the proper offshore boundaries shall be conclusive.

Failure to report within the time limit shall be deemed approval of the boundaries.

SEC. 6. Section 35121.6 of said code is amended to read:

35121.6. If the legislative body of the city makes any changes in the boundaries in accordance with the provisions of Section 35121.5, it shall resubmit the boundaries as changed to the local agency formation commission pursuant to Government Code Section 54790 for report as to definiteness and certainty. Upon receipt of the report the city legislative body

may, if necessary, amend the boundary description to make the boundary description definite and certain.

SEC. 7. Section 35313.6 of said code is amended to read:

35313.6. If the legislative body of the city makes any changes in the boundaries in accordance with the provisions of Section 35313.5, it shall resubmit the boundaries as changed to the local agency formation commission pursuant to Government Code Section 54790 for report as to definiteness and certainty. Upon receipt of the report the city legislative body may, if necessary, amend the boundary description to make the boundary description definite and certain.

SEC. 8. Section 50194 of said code is amended to read:

50194. Prior to being filed or acted upon petitions shall be submitted to and reported upon by the local agency formation commission of the county in accordance with subsection (f) of Section 54790 prior to being filed or acted upon.

SEC. 9. Chapter 6.5 (commencing with Section 54750) and Chapter 6.6 (commencing with Section 54775) of Part 1, Division 2, Title 5 of said code are repealed.

SEC. 10. Chapter 6.6 (commencing with Section 54773) is added to Part 1, Division 2, Title 5 of said code, to read:

CHAPTER 6.6. LOCAL AGENCY FORMATION COMMISSION

Article 1. General

54773. This chapter shall be known and may be cited as the Knox-Nisbet Act.

54775. Unless the provisions or context otherwise require, the following definitions shall govern the construction of this chapter:

(a) "City officer" means the mayor or a member of the legislative body of the city.

(b) "Commission" means a local agency formation commission created pursuant to this chapter.

(c) "County officer" means a member of the board of supervisors, the county clerk, the county auditor or county controller, the county assessor, the county surveyor, the county engineer or the county registrar of voters.

(d) "Local agency" means city or special district.

(e) "Principal county," in the case of a special district whose territory is or will be located in two or more counties, shall have the meaning contained in any definition of "principal county," as set forth in the law pursuant to which said special district was or is proposed to be formed. If the law pursuant to which the special district was, or is proposed to be, formed contains no such definition, for purposes of this chapter "principal county" means the county having all or the greater portion of the entire assessed value, as shown on the last equalized assessment roll of the counties, of the taxable property in, or proposed to be included in, the special district.

(f) "Special district" means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. "Special district" does not include the state, a city, a county, or a school district. "Special district" does not include a special assessment district formed under the Improvement Act of 1911, the Municipal Improvement Act of 1913, the Street Opening Act of 1903, the Vehicle Parking District Law of 1943, the Parking District Law of 1951, the Pedestrian Mall Law of 1960, or any similar assessment law, or any similar procedural ordinance adopted by a chartered city. "Special district" does not include an improvement district or zone formed for the sole purpose of designating an area which is to bear a special tax or assessment for an improvement benefiting that area.

54776. The board of supervisors shall furnish the commission with necessary quarters, equipment, and supplies, and the usual and necessary operating expenses incurred by the commission shall be a county charge.

54777. The commission may appoint an executive officer who shall conduct and perform the day-to-day business of the commission. If the commission does not appoint an executive officer, the county administrator, or, if there is none, the county clerk, shall act as executive officer for the commission.

54778. The county surveyor and such other officers and employees of a city, county or special district as may be necessary, shall furnish the executive officer with any records, information or other relevant materials in their possession which may be necessary to assist the commission.

The county surveyor or such other county officer or employee as the board of supervisors may designate shall review the boundary description of any proposal filed with the commission and report to the commission with respect to the matters set forth in subdivision (f) of Section 54790.

Article 2. Creation of Commission and Selection of Commissioners

54780. There is hereby created in each county a local agency formation commission. Except as provided in Section 54781 and 54782, the commission shall consist of five members, selected as follows:

(a) Two representing the county, each of whom shall be a county officer, appointed by the board of supervisors.

(b) Two representing the cities in the county, each of whom shall be a city officer, appointed by the city selection committee.

(c) One representing the general public, appointed by the other four members of the commission.

54781. If there is no city in the county, the commission shall consist of five members, selected as follows:

(a) Three representing the county, each of whom shall be a county officer, appointed by the board of supervisors.

(b) Two representing the general public, appointed by the other three members of the commission.

54782. If there is only one city in the county, the commission shall consist of five members, selected as follows:

(a) Two representing the county, each of whom shall be a county officer, appointed by the board of supervisors.

(b) One representing the city, who shall be a city officer, appointed by the legislative body of the city.

(c) Two representing the general public, appointed by the other three members of the commission.

54783. Except for the terms of office of the members of the first commission, the term of office of each member shall be four years and until the appointment and qualification of his successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of one member is two years, of two members is three years and of one member is four years. The body which originally appointed a member whose term has expired shall appoint his successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing him. The expiration date of the term of office of each member shall be the first Monday in May in the year in which his term is to expire. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant.

The chairman of the commission shall be selected by the members thereof.

Commission members shall serve without compensation but shall be reimbursed the actual amounts of their reasonable and necessary expenses incurred in attending meetings and in performing the duties of their office.

54784. In each county containing two or more cities, there shall be a city selection committee consisting of the mayor of each city within such county, or, where there is no mayor, the chairman or president of the city legislative body. A majority of the members of each city selection committee shall constitute a quorum.

The city selection committee shall meet at the call of the local agency formation commission chairman, or at the request of 60 percent of the members of the city selection committee to fill vacancies in the commission.

The city selection committee shall appoint one alternate member to the commission in the same manner as it appoints a regular member. When the commission is considering a proposal for the annexation of territory to a city of which one of the members of the commission is an officer, the member is disqualified from participating in the proceedings of the commission with respect to the proposal and the alternate member shall serve in his place for such purpose.

54785. A city or county officer may serve as a member of the commission while holding office as a city or county officer.

If a member who is a city or county officer ceases to be an officer of a city or county during his term, his membership on the commission shall thereafter be considered vacant.

Article 3. Powers

54790. The commission shall have the following powers and duties, subject to the limitations upon its jurisdiction herein set forth:

(a) To review and approve or disapprove with or without amendment, wholly, partially or conditionally proposals for:

(1) The incorporation of cities;

(2) The formation of special districts, and

(3) The annexation of territory to local agencies.

(b) To adopt standards and procedures for the evaluation of proposals.

(c) To make and enforce rules and regulations for the orderly and fair conduct of hearings by the commission.

(d) To incur usual and necessary expenses for the accomplishment of its functions.

(e) To appoint and assign staff personnel and to employ or contract for professional or consulting services to carry out and effect the functions of the commission.

(f) To review the boundaries of the territory involved in any proposal with respect to the definiteness and certainty thereof, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

54791. Before a notice of intention to circulate a petition seeking the incorporation of a new city may be filed, the proponents shall file a notice of intention to form the new city with the commission. The notice shall contain the specific boundaries of the territory proposed to be incorporated. Within 15 days after receipt of such notice the executive officer of the commission shall report to the proponents on the definiteness and certainty of the boundaries as described in the notice.

54792. Before proceedings are initiated to form a special district, the proponents of the creation of such district, or the legislative body initiating the formation of the district, shall file a notice of intention to form the special district with the commission. The notice shall contain the specific boundaries of the proposed district and a description of the kind of district proposed to be formed. Within 15 days after receipt of such notice the executive officer shall report to the proponents on the definiteness and certainty of the boundaries of the district as described in the notice.

For the purpose of this section proceedings to initiate the formation of a special district means:

(1) The circulation of a petition to form a special district or the filing of notice to circulate such a petition, if such a petition is required.

(2) The adoption of a resolution or ordinance by the board of supervisors initiating the formation of a special district.

54793. Within 10 days after

(1) The clerk of the board of supervisors certifies pursuant to Section 34306 that a petition for the incorporation of a new city is sufficient; or

(2) The appropriate officer or legislative body has determined the sufficiency of a petition to form a special district; or

(3) A resolution or ordinance has been adopted by a legislative body initiating the formation of a special district,

the appropriate officer, body or agency shall notify the commission of such action. No further action shall be taken concerning the proposed formation until the commission has rendered its decision as provided in Section 54799.

54794. No petition seeking the annexation of territory to a local agency shall be circulated or filed, nor shall any public officer accept any such petition for filing, nor shall any governing body initiate proceedings to annex on its own motion until it has filed a notice of intention to annex with the commission. The notice shall contain the specific boundaries of the territory proposed to be annexed. Within 15 days after receipt of such notice the executive officer of the commission shall report to the proponents on the definiteness and certainty of the boundaries as described in the notice.

No further action shall be taken concerning the proposed annexation until the commission has rendered its decision as provided in Section 54799.

54795. If the territory of an existing or proposed special district, or the territory proposed to be annexed to an existing special district shall be located in more than one county, a copy of the petition or resolution shall be filed with the executive officer of each commission within which any of the territory is located. The commission of the principal county shall have sole and exclusive jurisdiction over the proceedings required by this chapter.

54796. When any filing has been made with the executive officer pursuant to Sections 54791, 54792 or 54794, he shall set a date, time, and place for a hearing by the commission on the proposal. The date of the hearing shall not be more than 60 days following the date of such filing. At least 15 days prior to any hearing on a proposal filed pursuant to Sections 54791, 54792 or 54794, the executive officer shall give mailed notice of the hearing to the legislative body of each local agency whose boundaries shall lie within three miles of the territory involved in any proposal, to any interested party who has filed a written request for such notice with the executive officer, and to any proponents of a proceed-

ing. In addition, at least 15 days prior to the hearing, notice of any hearing on a proposal filed pursuant to Section 54791 or Section 54792 shall be published by the executive officer, in accordance with Section 6061, in a newspaper of general circulation which is circulated within the affected territory.

54797. At the hearing, the commission shall hear any interested parties and consider the report of the commission's staff.

54798. Factors to be considered in the review of a proposal shall include but not be limited to:

(a) Population, population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

(b) Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for such services and controls; probable effect of the proposed incorporation, formation or annexation and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests and on the local governmental structure of the county.

(d) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

54799. The commission may continue the hearing from time to time, not to exceed 60 days from the date specified in the notice of hearing. Within 31 days after the conclusion of the hearing, the commission shall make its determination upon the proposal.

If the commission approves a proposal, further proceedings may thereafter be conducted and completed pursuant to applicable law and in accordance with the determinations of the commission. If the commission approves the proposal with modifications or conditions, further proceedings may be continued only in compliance with such modifications or conditions. If the commission disapproves of the proposal, further proceedings shall terminate.

54799.1. If the commission disapproves a proposal, no further proceeding shall be taken thereon. No subsequent proposal involving the same or substantially the same territory and undertaken under the same provisions of law may be filed with the commission for at least one year after the date of disapproval.

SEC. 11. Chapter 3 (commencing with Section 58850) of Division 1, Title 6 of said code is repealed.

SEC. 12. Chapter 3 (commencing with Section 58850) is added to Division 1, Title 6 of said code, to read:

CHAPTER 3. CHANGE OF BOUNDARIES

58850. Unless the provisions or context otherwise require, the following definitions shall govern the construction of this chapter:

(a) "County surveyor" means the county surveyor or such other county officer or employee as the board of supervisors may designate.

(b) "Proposal" means any proposal for the formation of a new, or a change in the boundaries of an existing, district exercising functions that are, or may be, supported by taxes or special assessment taxes levied on property within the district and collected with county taxes. This chapter does not apply to proposals concerning special assessment districts formed for the purpose of providing various municipal and county improvements, or to a municipal utility district, or a transit district organized under the Transit District Law (Division 10, commencing with Section 24501, of the Public Utilities Code), whose boundaries include all or portions of two or more counties.

58851. The county surveyor and the county assessor shall review the boundary description contained in those proposals which are not subject to the jurisdiction of the local agency formation commission pursuant to Chapter 6.6 (commencing with Section 54775) of Part 1 of Division 2 of Title 5 of this code. Whenever the county boundary commission is referred to in state law, the reference shall be deemed to be to the local agency formation commission when the reference is in connection with any proposal over which the local agency formation commission has jurisdiction.

58852. Prior to circulation of a petition, if such circulation is required, or otherwise prior to filing with the board of supervisors or with the governing body of a district, the proposal shall be submitted to the county surveyor as provided in this chapter. Each such proposal shall be accompanied by a map showing the boundaries of the territory involved and by a specific detailed legal description of the boundaries of such territory.

58853. If the territory involved in the proposal is located in two or more counties, a copy of the proposal shall be filed with the county surveyor of each such county. The county surveyor of each such county shall have jurisdiction over and shall report upon those portions of the boundaries and territory which shall be located within each such county.

58854. Within 30 days after filing, the county surveyor shall review and report on boundaries set forth in the proposal. Failure to report on a proposal within said 30-day

period shall be deemed approval of the boundaries as set forth therein.

58855. Within 10 days after the filing of any proposal, the county surveyor shall give mailed notice of such filing to each city and district whose boundaries shall lie within three miles of the territory described in the proposal. All such notices shall in general terms indicate the area described in the proposal and shall be mailed to the clerk or secretary of the legislative body of any such city or district. Failure to give or receive any such notice will not invalidate any proceedings.

58856. Factors to be considered by the county surveyor in review of a proposal shall include:

(a) The definiteness and certainty of the proposed boundaries;

(b) Conformance of the proposed boundaries with lines of ownership, as shown on the last equalized assessment roll of the county or by documents of record in the office of the county recorder; and

(c) Other similar matters of public interest resulting from the location of the proposed boundaries.

58857. If he deems it to be in the public interest, the county surveyor may hold a public hearing on the proposal. Notice of any such hearing shall be given to the same cities and districts as were given notice pursuant to Section 58855 and may be given to such other cities, districts, public agencies, or persons as the county surveyor may direct.

58858. The county surveyor may make changes in the boundaries set forth in a proposal if:

(a) The proponents consent; and

(b) The territory contained within the revised boundaries complies with the requirements of any applicable law and does not include any territory which could not have been included at the time of the filing of the proposal.

If written notice was previously given pursuant to Section 58855, within five days after making any such change, the county surveyor shall give written notice thereof to any city or district, within three miles of the changed boundaries, which was not previously given notice.

58859. The county surveyor shall deliver a copy of his report together with any recommendations made by the county assessor to the proponents and to the legislative body having jurisdiction to conduct appropriate proceedings.

58860. If the proponents do not accept the county surveyor's recommendations as contained in his report, they shall file a statement of reasons with the legislative body having jurisdiction to conduct the appropriate proceedings. The proponents shall also furnish a copy of such statement to the county surveyor. The proposal may be circulated or filed with the board of supervisors or the governing body of the district, if any, only after such a report has been furnished.

58861. Before acting upon any proposal, the legislative body having jurisdiction shall consider the report of the

county surveyor and give it such weight as in its judgment the public interest requires.

SEC. 13. The members of any local agency formation commission, any executive officer and all staff personnel of any such commission heretofore created pursuant to Chapter 1808 of the Statutes of 1963 shall, without interruption, continue to perform the respective duties of their offices or employments for the compensation, if any, and the terms of such offices and employments as heretofore provided, until the selection and qualification of their successors pursuant to the provisions of this act, subject to removal and control as provided by this act.

SEC. 14. This act is intended to implement recommendations contained in Volume 6, No. 22, of the Final Report of the Assembly Interim Committee on Municipal and County Government to the 1965 Regular Session of the Legislature.

CHAPTER 588

An act to add Sections 4889 and 6500 to the Health and Safety Code, relating to districts for sewage disposal.

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

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

SECTION 1. Section 4889 is added to the Health and Safety Code, to read:

4889. If a district has a boundary which is contiguous to a boundary of a city and the district has a contract with that city under which the city is responsible for the operation and maintenance of all facilities of the district, the governing board of the district may, by a resolution adopted by a $\frac{4}{5}$ vote of the board, declare the board dissolved and thereafter the governing body of the city shall be ex officio the governing board of the district.

SEC. 2. Section 6500 is added to said code, to read:

6500. If a district has a boundary which is contiguous to the boundary of a city and the district has a contract with that city under which the city is responsible for the operation and maintenance of all facilities of the district, the governing board of the district may, by a resolution adopted by a $\frac{4}{5}$ vote of the board, declare the board dissolved and thereafter the governing body of the city shall be ex officio the governing board of the district.

CHAPTER 589

An act to amend Section 188.9 of the Streets and Highways Code, relating to state highway funds.

[Approved by Governor June 9, 1965. Filed with Secretary of State June 10, 1965.]

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

SECTION 1. Section 188.9 of the Streets and Highways Code is amended to read:

188.9. Out of the moneys expended pursuant to Section 188.8 the commission shall allocate and the department shall expend or cause to be expended during the period commencing July 1, 1963 and ending June 30, 1967, and for each period of four years thereafter, not less than an amount in each county according to the following schedule:

(a) During the period commencing July 1, 1963 and ending June 30, 1967, one million dollars ($1,000,000) in Alpine County, one million dollars ($1,000,000) in Sierra County, and four million dollars ($4,000,000) in each of the remaining counties.

(b) During each period of four years thereafter, three million dollars ($3,000,000) in Alpine County, three million dollars ($3,000,000) in Sierra County, and four million dollars ($4,000,000) in each of the remaining counties.

Such expenditures shall be included in determining the minimum expenditures for each highway district.

If during any four-year period the commission determines that all state highway construction needs in a county included in the estimate which was the basis of the expenditure provision of Section 188.8 will be eliminated by expenditure of a lesser sum than provided for in this section, the commission shall allocate and the department shall expend or cause to be expended in such county such lesser amount during the four-year period.

CHAPTER 590

An act to add Section 1008 to, and to amend Section 16409 of, the Education Code, relating to copyrights by school boards.

[Approved by Governor June 9, 1965. Filed with Secretary of State June 10, 1965.]

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

SECTION 1. Section 1008 is added to the Education Code, to read:

1008. The governing board of any school district may secure copyrights, in the name of the district, to all copyrightable works developed by the school district, and royalties or

revenue from said copyrights are to be for the benefit of the school district securing said copyrights.

SEC. 2. Section 16409 of said code is amended to read:

16409. A school district may, in accordance with regulations adopted by the governing board of the district and for educational use, sell, give, or exchange for similar published materials, published materials prepared by the district in connection with the curricular and special services that the district is authorized to perform. Unless restricted by the regulations of the governing board, the sale or gift may be made to, and the exchange may be made with, any person, political subdivision, public officer or agency, or educational institution. The distribution of the published material in accordance with this section is declared to be a public purpose and in furtherance of Article IX, Section 1, of the Constitution.

A school district may also license the use of copyrights held by the district, to the same persons or entities and for the same purposes as provided in the above paragraph.

The district shall grant a license to any public agency organized under the authority of this state, unless an exclusive license has previously been granted a private publisher.

Any charge which may be assessed such a public agency for the license to use the copyright or for materials, to which the district holds the copyright, shall not exceed the cost to the district of the preparation and reproduction of the materials.

Any granting of a license, by a school district, to reproduce copyrighted material is declared to be for a public purpose in furtherance of Article IX, Section 1, of the Constitution.

CHAPTER 591

An act to amend Section 2359 of the Fish and Game Code, relating to striped bass.

[Approved by Governor June 9, 1965. Filed with Secretary of State June 10, 1965.]

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

SECTION 1. Section 2359 of the Fish and Game Code is amended to read:

2359. No striped bass may be transported or carried out of or into this state, except striped bass taken from the Colorado River by sportfishing licensees to the extent and in the manner following:

(a) A resident of California, or the holder of a valid nonresident California sportfishing license, lawfully taking such fish on the waters or from the Arizona shore of the river may transport or carry such fish into California.

(b) A resident of Arizona, or the holder of a valid nonresident Arizona sportfishing license, lawfully taking such fish on the waters or from the California shore of the river may transport or carry such fish into Arizona

CHAPTER 592

An act to amend Section 9791 of the Government Code, relating to distribution of legislative publications.

[Approved by Governor June 9, 1965 Filed with Secretary of State June 10, 1965]

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

SECTION 1. Section 9791 of the Government 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, two 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 and each Deputy Legislative Counsel.

CHAPTER 593

An act to amend Section 2877 of the Business and Professions Code, relating to vocational nursing.

[Approved by Governor June 9, 1965 Filed with Secretary of State June 10, 1965]

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

SECTION 1. Section 2877 of the Business and Professions Code is amended to read:

2877. If the holder of a license is suspended, he shall not be entitled to practice vocational nursing during the term of suspension and shall return his license to the board.

Upon the expiration of the term of suspension, he shall be reinstated by the board and shall be entitled to resume his practice of vocational nursing unless it is established to the satisfaction of the board that he has practiced vocational nursing in this state during the term of suspension. In this event, the board shall revoke his license.

CHAPTER 594

An act to amend Section 26508 of the Vehicle Code, relating to airbrake safcty devices.

[Approved by Governor June 9, 1965. Filed with Secretary of State June 10, 1965.]

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

SECTION 1. Section 26508 of the Vehicle Code is amended to read:

26508. Every vehicle or combination of vehicles using compressed air at the wheels for applying the service brakes shall be equipped with an emergency stopping system meeting the requirements of this section and capable of stopping the vehicle or combination of vehicles in the event of failure in the service brake air system as follows:

(a) Every motor vehicle operated either singly or in a combination of vehicles and every towed vehicle shall be equipped with an emergency stopping system.

(b) Motor vehicles used to tow vehicles which use compressed air at the wheels for applying the service brakes shall be equipped with a device or devices with both a manual and automatic means of actuating the emergency stopping system on the towed vehicle as follows:

(1) The automatic device shall operate automatically in the event of reduction of the service brake air supply of the towing vehicle to a fixed pressure which shall be not lower than 20 pounds per square inch nor higher than 45 pounds per square inch.

(2) The manual device shall be readily operable by a person seated in the driver's seat, with its emergency position or method of operation clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means.

(c) Motor vehicles manufactured prior to 1964 shall be deemed to be in compliance with subdivisions (e) and (f) when equipped with axle-by-axle protected airbrakes using a separate air tank system for each of at least two axles, provided that each system independently meets all other requirements of this section. Each system shall be capable of being manually applied, released, and reapplied from the driver's seat but shall not be capable of being released from the driver's seat after any reapplication unless there is available a means which can be applied from the driver's seat to stop and hold the vehicle or combination of vehicles.

(d) Towed vehicles shall be deemed to be in compliance with this section when:

(1) The towed vehicle is equipped with a no-bleed-back relay-emergency valve or equivalent device, so designed that the supply reservoir used to provide air for the brakes is safe-

guarded against backflow of air from the reservoir through the supply line,

(2) The brakes are applied automatically and promptly upon breakaway from the towing vehicle and maintain application for at least 15 minutes, and

(3) The combination of vehicles is capable of stopping within the distance and under the conditions specified in subdivisions (k) and (*l*).

(e) If the service brake system and the emergency stopping system are connected in any way, they shall be so constructed that a failure or malfunction in any one part of either system, including brake chamber diaphragm failure but not including failure in the drums, brakeshoes, or other mechanical parts of the wheel brake assemblies, shall not leave the vehicle without one operative stopping system capable of complying with the performance requirements in subdivision (k).

(f) Every emergency stopping system shall be designed so that it is capable of being manually applied, released, and reapplied by a person seated in the driver's seat. The system shall be designed so that it cannot be released from the driver's seat after any reapplication unless immediate further application can be made from the driver's seat to stop and hold the vehicle or combination of vehicles. The emergency stopping system may also be applied automatically.

(g) No vehicle or combination of vehicles upon failure of the service brake air system shall be driven on a highway under its own power except to the extent necessary to move the vehicles off the roadway to the nearest place of safety.

(h) No vehicle or combination of vehicles shall be equipped with an emergency stopping system that creates a hazard on the highway, or increases the service brake stopping distance of a vehicle or combination of vehicles, or interferes in any way with the application of the service brakes on any vehicle or combination of vehicles.

(i) Any energy-storing device which is a part of the emergency stopping system shall be designed so that it is recharged or reset from the source of compressed air or other energy produced by the vehicle, except that energy to release the emergency stopping system may be produced by the driver's muscular effort from the driver's seat. No device shall be used which can be set to prevent automatic delivery of air to protected air supply reservoirs of motor vehicle emergency stopping systems when air is available in the service brake air supply system.

(j) Any vehicle manufactured on or after January 1, 1964, which uses axle-by-axle protected airbrakes as the emergency stopping system shall use a separate air tank system for each axle.

(k) Every motor vehicle or combination of vehicles, at all times and under all conditions of loading, upon application of the emergency stopping system, shall be capable of:

(1) Developing a stopping force that is not less than the percentage of its gross weight tabulated herein for its classification.

(2) Decelerating in a stop from 20 miles per hour at not less than the feet per second per second tabulated herein for its classification, and

(3) Stopping from a speed of 20 miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the emergency stopping system control begins.

EMERGENCY STOPPING SYSTEM REQUIREMENTS

	Classification of vehicle and combination of vehicles	Stopping force as a percentage of gross vehicle or combination weight	Deceleration in feet per second per second	Stopping distance in feet
A	Single-motor vehicles	16.7	5.5	90
B	Combination of vehicles	19.0	6.0	90
C	Single-motor vehicle with 3 or more axles manufactured prior to 1964	12.1	4.0	120

(*l*) Tests for deceleration and stopping distance shall be made on a substantially level, dry, smooth, hard surface that is free from loose material and where the grade does not exceed plus or minus 1 percent. No test of emergency stopping system performance shall be made upon a highway at a speed in excess of 25 miles per hour

(m) The provisions of this section shall not apply to:

(1) Auxiliary dollies, special mobile equipment, or special construction equipment.

(2) Motor vehicles which are operated in a driveaway-towaway operation and not registered in this state.

(3) Disabled vehicles when being towed.

(4) Vehicles which are operated under a one-trip permit as provided in Section 4003.

(5) Vehicles which because of unladen width, length, height or weight may not be moved upon the highway without the permit specified in Section 35780.

(n) The emergency stopping system requirements specified in subdivision (k) shall not apply to a vehicle or combination of vehicles being operated under a special weight permit nor to any overweight authorized emergency vehicle operated under the provisions of Section 35002.

(o) Every owner or lessee shall instruct and require that the driver be thoroughly familiar with the requirements of this

section. The driver of a vehicle or combination of vehicles required to comply with the requirements of this section shall be able to demonstrate the application and release of the emergency system on the vehicle and each vehicle in the combination.

CHAPTER 595

An act to amend Sections 25, 11300 and 11301 of the Vehicle Code, relating to lamp and brake testing stations.

[Approved by Governor June 9, 1965. Filed with Secretary of State June 10, 1965.]

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

SECTION 1. Section 25 of the Vehicle Code is amended to read:

25. It is unlawful for any person to display or cause or permit to be displayed any sign, mark, or advertisement indicating an official connection with either the Department of Motor Vehicles or the Department of California Highway Patrol unless such person has lawful authority, permission, or right to make such display.

SEC. 2. Section 11300 of said code is amended to read:

11300. The Department of the California Highway Patrol shall designate, furnish instructions to, and supervise official stations for adjusting lamps or brakes upon vehicles to conform with the provisions of this code. The department shall develop regulations prescribing the qualifications of any station as a condition to designating the station as an official station.

Violation of any provisions of the regulations adopted by the department shall constitute grounds for suspension or revocation of the station designation.

SEC. 3. Section 11301 of said code is amended to read:

11301. (a) Whenever a station upon an inspection or after an adjustment, made in conformity with the instructions of the Department of the California Highway Patrol, determines that the lamps or the brakes upon any vehicle conform with the requirements of this code, it shall issue to the owner or driver of the vehicle a certificate of adjustment on a form prescribed by the department which certificate shall contain the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle, and the official designation of the station.

(b) No person shall issue, cause or permit to be issued, any certificate purported to be an official adjustment certificate unless he is duly authorized to issue such certificate by the department.

CHAPTER 596

An act to amend Sections 28525, 28572, and 28617 of the Health and Safety Code, relating to sanitation and health requirements for restaurants, itinerant restaurants, vehicles and vending machines.

[Approved by Governor June 9, 1965. Filed with Secretary of State June 10, 1965.]

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

SECTION 1. Section 28525 of the Health and Safety Code is amended to read:

28525. "Vending machine" means any self-service device which, upon insertion of a coin, coins, or token, or by similar means, dispenses unit servings of food or beverage, either in bulk or in package, without the necessity of replenishing the device between each vending operation, but not including devices dispensing peanuts, wrapped candy, gum, or ice exclusively.

SEC. 2. Section 28572 of said code is amended to read:

28572. All food or beverage shall be prepared, stored, displayed, dispensed, placed, and served so as to be protected from dust, flies, vermin, pollution by rodents, unnecessary handling, droplet infection, overhead leakage, or other contamination. Food that is transported from a restaurant or commissary where it has been prepared to any different site shall be protected from contamination in transit.

SEC. 3. Section 28617 of said code is amended to read:

28617. All food or beverage shall be prepared, stored, displayed, dispensed, placed, and served so as to be protected from dust, flies, vermin, pollution by rodents, unnecessary handling, droplet infection, overhead leakage, or other contamination. Food that is transported from a restaurant or commissary where it has been prepared to any different site shall be protected from contamination while in transit.

CHAPTER 597

An act to add Section 1111.3 to the Education Code, relating to school district governing boards.

[Approved by Governor June 9, 1965. Filed with Secretary of State June 10, 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, in the case of a unified school district formed in an even-numbered year, where in connection with the formation of which the first governing board was elected in such even-numbered year, all of the members of such first elected governing board shall serve until June 30th of the second succeeding odd-numbered year. Their successors shall be elected at an election conducted on the third Tuesday in April of such second succeeding odd-numbered year. The majority of such successors receiving the highest number of votes shall serve until June 30th of the second odd-numbered year thereafter succeeding. The other members' terms shall expire on June 30th of the first odd-numbered year thereafter succeeding.

CHAPTER 598

An act to amend Sections 11501 and 11561 of the Elections Code, relating to candidates' campaign statements.

[Approved by Governor June 9, 1965. Filed with Secretary of State June 10, 1965.]

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

SECTION 1. Section 11501 of the Elections Code is amended to read:

11501. "Candidate" means any person who seeks nomination or election to a federal, state, county, judicial, or district office, or to a municipal office in a general law or chartered city, at any election or primary conducted within this state. "Candidate" also includes persons seeking election to a county central committee at the direct primary election.

SEC. 2. Section 11561 of said code is amended to read:

11561. A candidate or nominee for a municipal office or for election to the governing body of a district need not file a campaign statement if the lawful receipts and expenses of his campaign do not exceed two hundred dollars ($200). However, elected candidates or candidates nominated at a primary election shall file a written declaration to that effect if their campaign receipts and expenses do not exceed two hundred dollars ($200).

CHAPTER 599

An act to add Section 1922 to the Health and Safety Code, relating to rabies vaccines.

[Approved by Governor June 9, 1965. Filed with Secretary of State June 10, 1965.]

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

SECTION 1. Section 1922 is added to the Health and Safety Code, to read:

1922. Rabies vaccines for animal use shall not be supplied to other than a veterinary biologic supply firm, a person licensed to practice veterinary medicine under Chapter 11 (commencing with Section 4800) of Division 2 of the Business and Professions Code, or a public agency.

CHAPTER 600

An act to add Section 27460 to the Vehicle Code, relating to snow tread tires.

[Approved by Governor June 9, 1965. Filed with Secretary of State June 10, 1965.]

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

SECTION 1. Section 27460 is added to the Vehicle Code, to read:

27460. Any passenger vehicle or motor truck having an unladen weight of 5,000 pounds or less and operated and equipped with four-wheel drive and with snow tread tires on all four drive wheels may be operated upon any portion of a highway without tire chains, notwithstanding the fact that such highway is signed for the requirement of chains and provided that tire chains for at least one set of drive wheels are carried in or upon such vehicle. The snow tread tires shall meet the requirements specified in Section 27459 of this code, and such vehicle shall not, when so operated, tow another vehicle except as may be necessary to move a disabled vehicle from the roadway.

No person shall use such tires on four-wheel drive vehicles in place of tire chains whenever weather and roadway conditions at the time are such that the stopping, tractive and cornering abilities of the tires are not adequate or whenever the Department of Public Works or local authorities, in their respective jurisdictions, place signs prohibiting their operation unless equipped with tire chains.

CHAPTER 601

An act to amend Section 28152 of the Government Code, relating to county officers.

[Approved by Governor June 9, 1965 Filed with Secretary of State June 10, 1965]

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

SECTION 1. Section 28152 of the Government Code is amended to read:

28152. In a county of the 52nd class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, three thousand nine hundred dollars ($3,900) a year.

(b) The district attorney, seven thousand eight hundred dollars ($7,800) a year. He may charge and receive for his own use necessary expenses for traveling on county and public business, to be allowed as other county charges are allowed by law.

(c) Each supervisor, five thousand four hundred dollars ($5,400) a year for his services as supervisor and ten cents ($0.10) a mile for traveling from his residence to the county seat and return for each regular or special session of the board. The chairman of the board of supervisors shall receive an additional six hundred dollars ($600) a year for his services as chairman.

(d) Grand jurors and jurors in the superior court, six dollars ($6) for each day's attendance, and twenty-five cents ($0.25) for each mile actually traveled, in going only, while acting as such jurors. The court shall make an order directing the auditor to draw his warrant on the treasurer in favor of each juror for the per diem and mileage and the treasurer shall pay the warrant.

CHAPTER 602

An act to amend Section 11612 of the Business and Professions Code, relating to the release of security improvements

[Approved by Governor June 9, 1965 Filed with Secretary of State June 10, 1965.]

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

SECTION 1. Section 11612 of the Business and Professions Code is amended to read:

11612. In the event an agreement or contract is entered into, pursuant to subdivision (b) or (c) of Section 11611, for the improvement of the streets or easements, the governing body shall require that the agreement or contract shall be secured by a good and sufficient improvement security.

Any contract entered into pursuant to subdivision (c) of Section 11611 may provide that, upon the furnishing by the contractor of the labor and material and faithful performance bonds required by the particular special assessment act, the improvement security of the subdivider may be reduced by an amount corresponding to the amount of bonds so furnished by the contractor.

"Improvement security" as used in this section means one or more of the following: (1) a cash deposit or deposits made with the city or county, (2) a bond or bonds by one or more duly authorized corporate sureties or (3) an instrument or instruments of credit from one or more financial institutions subject to regulation by the state or federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payment and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument. Said improvement security shall be in the amounts and for the following purposes: (a) an amount determined by the governing body, not less than 50 percent nor more than 100 percent of the total estimated cost of the improvement, conditioned upon the faithful performance of the agreement or contract and (b) an additional amount determined by the governing body, not less than 50 percent nor more than 100 percent of the total estimated cost of the improvement, securing payment to the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvement.

Improvement security may be released or reduced in whole or in part in the following manner:

(a) Improvement security given for faithful performance of the agreement or contract may be released upon final completion and acceptance of the work or the governing body may provide for the partial release of the improvement security upon the acceptance of the work as it progresses under rules established by the governing body.

(b) Improvement security securing the payment to the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials may six months after the completion and acceptance of the work be reduced to an amount not less than the total of all claims on which an action has been filed and notice thereof given in writing to the governing body, and if there are no actions filed, the improvement security may be released in full.

The governing body may authorize the county surveyor or city engineer, or other public official or employee to authorize release or reduction of the improvement security under the above set forth conditions and in accordance with such rules as it may prescribe.

CHAPTER 603

An act to add Chapter 9 (commencing with Section 26670) to Part 10 of Division 11 of the Water Code, relating to irrigation district assessments.

[Approved by Governor June 9, 1965. Filed with Secretary of State June 10, 1965.]

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

SECTION 1. Chapter 9 (commencing with Section 26670) is added to Part 10 of Division 11 of the Water Code, to read:

CHAPTER 9. COLLECTION, PAYMENT IN LIEU OF ASSESSMENT AND DISTRIBUTION OF WATER BY PUBLIC AGENCIES

26670. As used in this chapter, "public agency" means any city or district, other than an irrigation district, authorized to distribute water, which is in whole or in part included within the exterior boundaries of an irrigation district.

26671. Any district may enter into a contract with any public agency which provides in effect as follows:

1. The public agency shall:

a. Collect for the district assessments levied by the district against all or part of the lands within the district and shall collect such assessments and pay the amount thereof over to the district at such times and in the manner agreed upon between the district and the public agency; or, in the alternative,

b. Pay to the district in lieu of assessments by the district upon all or any part of the lands within the district a sum of money which shall not be less than the total amount of assessments which would have been levied by the district against those lands in the absence of such contract calculated upon the same basis as assessments made upon an acreage basis against other land in the district receiving gravity water service. Such payment shall be made at such time and in the manner agreed upon between the district and the public agency.

2. The district shall make available to the public agency each year for distribution and use upon the lands within the district covered by the contract, such a quantity of water as may be agreed upon by the district and the public agency.

3. The owner of lands within the district covered by such a contract shall each year be entitled to receive and use from the water so made available by the district to the public agency, or from other water available to the public agency, an amount of water sufficient to supply his reasonable and beneficial needs, limited however to his proportionate share of such water made available by the district based upon the ratio which the number of acres owned by him bears to the total number of acres within the district receiving a surface supply of water from the district and the public agency.

4. The public agency may charge such rates as it may determine for the service of water to any lands covered by the contract unless such rates are limited by agreement between the district and the public agency.

26672. The water made available by the district to the public agency may be used upon the lands covered by such contract for such irrigation, municipal, domestic or other uses as the district and the public agency may agree upon.

26673. Upon the execution of such contract and so long as the contract remains in force and effect, the district shall be relieved of any further obligation to furnish water for use on the lands covered by the contract.

26674. Nothing in this chapter authorizes the sale or transfer of any water right nor shall the agreement authorized in Section 26671 be construed or deemed to constitute the sale or transfer of a water right.

26675. No right in any water or water right owned by the district or the public agency shall be acquired or lost by the use permitted by this chapter.

26676. Except as otherwise provided herein the contract between the district and the public agency may include such terms and conditions as may be agreed upon between the district and the public agency.

26677. The provisions of this chapter shall supersede all provisions of this code inconsistent herewith.

CHAPTER 604

An act to amend Section 6 53 of the West Bay Rapid Transit Authority Act (Chapter 104 of the Statutes of the 1964 First Extraordinary Session), relating to the West Bay Rapid Transit Authority, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 10, 1965 Filed with Secretary of State June 11, 1965.]

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

SECTION 1. Section 6.53 of the West Bay Rapid Transit Authority Act (Chapter 104 of the Statutes of the 1964 First Extraordinary Session) is amended to read:

6.53. In addition to any taxes which the authority is authorized to levy pursuant to Section 6 52, at the time of the first county tax levy following the first meeting of the authority, the authority may levy and collect a tax at a rate of one cent ($0.01) on each one hundred dollars ($100) of assessed valuation upon all taxable property within each county in which the authority is authorized to operate to pay the preliminary expenses of the authority, including, but not limited to the preparation of the master plan pursuant to

Chapter 5 (commencing with Section 5.1) of this act and the calling and conducting of the election thereon.

SEC. 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 the present law, the West Bay Rapid Transit Authority is required, at the time of the first county tax levy following the first meeting of the authority, to levy and collect a tax at a rate of one cent ($0.01) on each one hundred dollars ($100) of assessed valuation upon all taxable property within each county in which the authority is authorized to operate to pay the preliminary expenses of the authority.

It now appears that the levy of this tax may not be necessary. In order that this act, which would make the levy of the tax permissive rather then mandatory, may become effective before the tax would be required to be levied, it is imperative that this act take effect immediately.

CHAPTER 605

An act to amend Sections 912, 1201, and 1760.7 of the Welfare and Institutions Code, relating to the Youth Authority.

[Approved by Governor June 10, 1965. Filed with Secretary of State June 11, 1965.]

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

SECTION 1. Section 912 of the Welfare and Institutions 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 Deuel 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. 2. Section 1201 of said code is amended to read:

1201. For each person committed to any state school the county from which he was committed shall make payments to the state as provided in Section 911 of this code.

SEC. 3. Section 1760.7 of said code is amended to read:

1760.7. The director shall investigate, examine, and make reports upon adult and juvenile probation.

The director may establish standards for the performance of probation duties, and upon request consult with and make investigations and recommendations to probation officers, probation committees, juvenile justice commissions, and to judges of the superior courts, including such judges as are designated juvenile court judges of any county.

The director may also, upon request, establish standards for the operation and maintenance of juvenile halls established pursuant to Article 14 (commencing with Section 850) of Chapter 2 of Part 1 of Division 2 of this code, and for the training and qualifications of personnel who are to serve in such halls. He may, upon request, consult with, make investigations for, and recommendations to probation officers, probation committees, juvenile justice commissions, and to judges of the superior courts, including such judges as are designated juvenile court judges of any county, to aid them in the operation and maintenance of their juvenile halls.

CHAPTER 606

An act to add Section 1729.5 to the Insurance Code, relating to insurance.

[Approved by Governor June 10, 1965. Filed with Secretary of State June 11, 1965.]

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

SECTION 1. Section 1729.5 is added to the Insurance Code, to read:

1729.5. An independent agent who has a service contract with a corporation licensed under this code or who is a stockholder or member of any incorporated association or corporation organized under the Corporations Code for the purpose of providing services to insurance agents and brokers may use the name of such a corporation or association on any stationery or advertisements and other written or printed matter used to identify the business of the agent or broker provided that the name of the agent or broker is clearly identified as bearing only such relationship to the corporation or association in one of the following ways:

"Representing _____;"

"A stockholder of _____;"

"Placing business through_____;"

"Using services of _____."

The use of such corporation or association name in the manner provided in this section shall not constitute such use as would mislead the public within the meaning of Section 1724.5.

CHAPTER 607

An act to add Section 11004.8 to the Business and Professions Code, and to add Sections 25102.3 and 25102.4 to the Corporations Code, relating to corporate securities, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 10, 1965. Filed with Secretary of State June 11, 1965.]

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

SECTION 1. Section 11004 8 is added to the Business and Professions Code, to read:

11004.8. The provisions of this chapter shall not be applicable to the formation of a stock cooperative, as defined in Section 25102.4 of the Corporations Code, or to the sale or issuance of shares or other interests therein, if:

(a) All of the shares or other interests therein were sold or issued prior to October 1, 1965, or the effective date of legislation, if any, adopted or to be adopted at the 1965 Regular Session of the Legislature which adds a Section 11004.5 to this code, whichever date is earlier; and

(b) The sale or issuance of such shares or other interests in such stock cooperative is or was pursuant to and in accordance with a permit issued by the Commissioner of Corporations pursuant to Section 25507 of the Corporations Code, authorizing such sale or issuance.

SEC. 2. Section 25102.3 is added to the Corporations Code, to read:

25102.3. Except as otherwise expressly provided in this division, the Corporate Securities Law does not apply to any security, other than that of a stock cooperative, which is also subdivided land or a subdivision, as defined in Section 11000 of the Business and Professions Code, or which is included within such subdivided lands or such a subdivision, and for which a public report has been issued by the Real Estate Commissioner prior to January 1, 1964, pursuant to Section 11018 of the Business and Professions Code.

SEC. 3. Section 25102.4 is added to said code, to read:

25102.4. A "stock cooperative," as that term is used in Section 25102.3 of this code, and in Section 11004.8 of the Business and Professions Code, is a corporation which is formed or availed of primarily for the purpose of holding title to (either in fee simple or for a term of years) improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a

portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock in the corporation held by the person having such right of occupancy.

SEC. 4. It is at the present time unclear whether or not the utilization of a stock cooperative, for the purpose of developing real estate, requires that such a stock cooperative obtain the issuance of a public report by the Real Estate Commissioner pursuant to Section 11018 of the Business and Professions Code, in addition to the obligation that a permit be obtained from the Commissioner of Corporations pursuant to Division 1 (commencing with Section 25000) of Title 4 of the Corporations Code. It is the intent of the Legislature, by its enactment of this act, and of Section 1 in particular, to remove such uncertainty and to validate the good faith activities of such stock cooperatives which failed to obtain public reports from the Real Estate Commissioner, but which did obtain permits from the Commissioner of Corporations.

SEC. 5. Prior to January 1, 1964, it was unclear to the public whether or not the issuer of securities such as those defined herein in Section 25102.3 of the Corporations Code was required to apply for and obtain a permit with respect to such issuance from the Commissioner of Corporations, pursuant to Division 1 (commencing with Section 2500) of Title 4 of the Corporations Code, in addition to the obligation upon such issuer to obtain the issuance of a public report by the Real Estate Commissioner pursuant to Section 11018 of the Business and Professions Code. By January 1, 1964, such uncertainty had been dissipated. It is the intent of the Legislature, by its enactment of this act, and of Section 2 in particular, to validate the good faith activities of such issuers, who failed to obtain permits from the Commissioner of Corporations, but who did obtain public reports from the Real Estate Commissioner.

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:

In order to prevent the imposition of an undue burden on persons who made a good-faith attempt to comply with the law, and to clarify the procedures in the issuance of securities and subdivision of lands, thereby expediting such issuance and subdivision and spurring the economy, it is imperative that this act take effect immediately.

CHAPTER 608

An act to amend Section 37110 of the Government Code, relating to city government.

[Approved by Governor June 10, 1965. Filed with Secretary of State June 11, 1965.]

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

SECTION 1. Section 37110 of the Government Code is amended to read:

37110. The legislative body may expend a sum not to exceed 5 percent of the money accruing to the general fund in the fiscal year for music and promotion. This limitation shall not be applicable to any moneys accruing to the general fund derived pursuant to Section 51030.

CHAPTER 609

An act to amend Section 84 of Chapter 2146, Statutes of 1959, relating to the Antelope Valley-East Kern Water Agency.

[Approved by Governor June 10, 1965. Filed with Secretary of State June 11, 1965.]

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

SECTION 1. Section 84 of Chapter 2146 of the Statutes of 1959 is amended to read:

Sec. 84. Territory included within the Antelope Valley-East Kern Water Agency may be excluded from such agency; provided, that where any part of the corporate area of any city is included in the territory proposed to be excluded from the agency, the whole of the corporate area of such city, or part thereof, then included within such agency shall be included in the territory so proposed to be excluded from such agency. Such territory may consist of one or more parcels, which need not be contiguous one with the other.

Proceedings for the exclusion of territory from the agency may be initiated by petition. Such petition, which may consist of any number of separate instruments, shall be filed with the secretary of the agency, signed by voters residing within the boundaries of the area proposed to be excluded equal in number to at least fifteen (15) percentum of the number of such voters voting for all candidates for the office of Governor of this state at the last general election prior to the filing of such petition and signed by owners of at least 25 percent of the land sought to be excluded; provided, that where one or more cities, or parts thereof, are included in the area so proposed to be excluded, such petition must be signed by at least fifteen (15) percentum of the voters of each such city, or part thereof,

so voting at such election and must be signed by owners of at least 25 percent of the land sought to be excluded from each such city or part thereof.

Such petition may consist of any number of separate instruments and must be filed with the secretary of the agency. Such petition shall be accompanied by a certified check in the amount of one thousand dollars ($1,000) which shall be deposited in the treasury of the agency to be used for the purpose of defraying the costs of the election and other procedural expenses. The funds so deposited shall be used solely for such purpose, and any funds, remaining after the completion of the proceedings shall be refunded to the person whose name appears on the petition or first instrument of the petition filed with the agency.

Such petition shall set forth and describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion and shall contain a prayer that such area be excluded from the agency.

Within ten (10) days of the date of filing of such petition, the secretary of the agency shall submit the description to the boundary commission of the county in which the area to be excluded lies, and the secretary of the agency after receiving report of such boundary from said commission shall examine the same and ascertain whether or not such petition is signed by the requisite number of voters and if requested by the secretary of the agency, the board of directors shall authorize him to employ persons especially for that purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation. When the secretary of the agency has completed his examination of the petition, he shall attach to the same his certificate, properly dated, showing the result of such examination; and if from such examination he shall find that said petition is signed by the requisite number of voters, or is not so signed, he shall certify that the same is sufficient or insufficient, as the case may be.

If, by the certificate of the secretary of the agency, the petition is found to be insufficient, he shall also certify to the number of voters required to make such petition sufficient, and it may be amended by filing a supplemental petition or petitions within ten (10) days of the date of such certificate. The secretary of the agency shall, within ten (10) days after the filing of such supplemental petition or petitions, make like examination of the same and certify to the result of such examination as hereinbefore provided.

If any supplemental petition be filed, all the signatures appended to the petition or to the supplemental petition or petitions shall be considered in determining the number of voters signing the petition.

If his certificate shall show any such petition, or such petition as amended, to be insufficient, it shall be filed by him with the board of directors of the agency and kept as a public record, without prejudice, however, to the filing of a new

petition to the same effect. But if, by the certificate of the secretary, such petition, or petition as amended is shown to be sufficient, the secretary shall present the same to the board of directors without delay.

The text of such petition shall be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks, before the time at which the same is to be presented *to* the board of directors of the agency in at least one, but not to exceed three, newspapers printed and published in such agency, together with a notice stating the time of the meeting at which the same will be presented. When contained upon more than one instrument, one copy only of such petition need be published. No more than five of the names attached to said petition need appear in such publication of said petition and notice, but the number of signers shall be stated.

After an election for the exclusion of such area from the agency the sufficiency of such petition in any respect shall not be subject to judicial review or be otherwise questioned.

The board of directors of the agency, by resolution, may initiate proceedings for the exclusion of territory from such agency. Such resolution shall describe the boundaries of the area proposed to be excluded, shall state the reason for proposing such exclusion, shall require all persons interested in the proposed exclusion to appear before the board and be heard as to why said area should not be so excluded, shall fix the time of the meeting of the board at which persons so interested will be heard, and shall direct the secretary of the agency to give notice thereof. The secretary whereupon shall cause the text of said resolution and a notice of the time and place of said hearing to be published once each week for at least two weeks, the last publication to be made not less than one week nor more than four weeks, before the time so fixed for the hearing, in at least one, but not to exceed three, newspapers printed and published in the agency.

After an election for the exclusion of such area from the agency the sufficiency of such resolution shall not be subject to judicial review or be otherwise questioned.

If the proceedings for exclusion have been initiated by petition, such petition shall be granted by ordinance of the board of directors of such agency. If such proceedings have been initiated by resolution, the board of directors shall hear all persons interested in the proposed exclusion who appear at the hearing, which may be adjourned from time to time, and after the conclusion of the hearing, the board may determine by ordinance that such area should be excluded from the agency. When such petition is granted or if such determination is made, the proposition of such exclusion shall be submitted to the vote of the voters within the area proposed to be excluded, at an election called by the board of directors and held, as herein provided, within 70 days after the effective date of such ordinance. Notice of such election shall be given by publi-

cation in a newspaper of general circulation published in the agency once a week for three successive weeks, the last publication to be not more than four weeks nor less than one week, prior to the date fixed for such election. Such notice shall describe the boundaries of the area so proposed to be excluded and shall designate such area by some appropriate name, or other words of identification, by which such area may be referred to and indicated upon the ballot to be used at any election at which the question of such exclusion is submitted, as in this act provided. The measure so submitted at such election shall be stated on the ballot substantially as follows:

"Shall _____ (giving the name or other designation of the area proposed to be excluded, as stated in the notice of the election) be excluded from the Antelope Valley-East Kern Water Agency?"

At the right of such proposition there shall be printed the words, "Yes" and "No" with voting squares. The board of directors shall canvass the votes cast at such election and if such proposition is approved by a majority of the voters voting thereon at such election, the president and secretary of the board of directors shall certify that fact to the Secretary of State. All elections on propositions for the withdrawing of territory shall be combined, when possible, with the next ensuing primary or general election.

Upon receipt of such last-mentioned certificate, the Secretary of State shall, within 10 days, issue his certificate reciting the passage of said ordinance and the exclusion of said area from said agency. A copy of said certificate shall be transmitted to, and filed with, the county clerk of the county or counties in which the Antelope Valley-East Kern Water Agency is situated. From and after the date of such certificate, the area named therein shall be deemed excluded from, and shall no longer form a part of, said Antelope Valley-East Kern Water Agency, but the taxable property within such excluded area shall continue taxable by the Antelope Valley-East Kern Water Agency for the purpose of paying the bonded or other indebtedness of the Antelope Valley-East Kern Water Agency outstanding or contracted for at the time of such exclusion and until such bonded or other indebtedness shall have been satisfied, to the same extent that such property would be taxable for such purpose if such exclusion had not occurred.

CHAPTER 610

An act to amend Section 94 of Chapter 2146 of the Statutes of 1959, relating to the Antelope Valley-East Kern Water Agency.

[Approved by Governor June 10, 1965 Filed with Secretary of State June 11, 1965]

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

SECTION 1. Section 94 of Chapter 2146 of the Statutes of 1959 is amended to read:

Sec 94 The inclusion in, or annexation or addition to, the Antelope Valley-East Kern Water Agency, of the corporate area of any public corporation or public agency, shall not destroy the identity or legal existence or impair the powers of any such public corporation or public agency, notwithstanding the identity of purpose, or substantial identity of purpose, of the Antelope Valley-East Kern Water Agency.

CHAPTER 611

An act to add Section 13841.5 to the Health and Safety Code, relating to fire protection district officers.

[Approved by Governor June 10, 1965 Filed with Secretary of State June 11, 1965]

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

SECTION 1. Section 13841.5 is added to the Health and Safety Code, to read:

13841.5. The secretary may be a member of the district board. He may receive such compensation as may be set by the district board, which compensation shall be in lieu of any other compensation to which he may be entitled by reason of attendance at any meetings of the district board.

CHAPTER 612

An act to amend Sections 13019 and 13058 of, and to add Section 13050.1 to, the Public Resources Code, relating to definition and qualification of voters in resort improvement districts.

[Approved by Governor June 10, 1965 Filed with Secretary of State June 11, 1965]

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

SECTION 1. Section 13019 of the Public Resources Code is amended to read:

13019. "Voter" means an owner, or the officer appointed therefor by the board of directors of a corporation owner, or the legal representative of the owner, including one joint tenant or one tenant in common. If the voters at a district election so determine in accordance with Section 13050.1, "voter" shall mean a registered voter of the district.

SEC. 2. Section 13050.1 is added to said code, to read:

13050.1. The district board may submit to the voters at any district election substantially the following proposition: "Shall voting at district elections be by registered voters rather than by property owners?" Upon petition of not less than 50 voters, the district board shall submit such proposition to the voters, and if so requested in the petition shall for the purpose call a special election, which shall be held within 90 days after the petition is received. If a majority of the votes cast is in favor of the proposition, thereafter only registered voters in the district shall be entitled to vote in district elections, and ownership of property shall not be a qualification to vote.

SEC. 3. Section 13058 of said code is amended to read:

13058. Each voter, as defined in Section 13019, shall have one vote.

CHAPTER 613

An act to add Section 2505 to the Elections Code, relating to elections in special districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 10, 1965. Filed with Secretary of State June 11, 1965.]

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

SECTION 1. Section 2505 is added to the Elections Code, to read:

2505. If the governing body of any special district fails to call or to take any other steps necessary to the holding of the regular district election at which any member or members of the governing body of the district are to be selected, the board of supervisors of the county in which the district is located, upon being notified of this fact by any voter in the district, may call a special election within the district for the selection of the governing board member or members involved. The election shall be held not later than 90 days after it is called by the board of supervisors, and shall be conducted in the same manner as the regular district election. The costs of such special election shall be borne by the district for which the election is held.

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 permits the board of supervisors of a county in which a special district is located to call a special election for the selection of governing board members of the district, when the governing body of the district fails to take the necessary steps for the holding of the regular district election. There now exist situations in which governing board members of special districts will not be elected because of the failure of the governing body to provide for the regular election. In order that this situation may be remedied, so that the residents of these districts can be represented by persons of their choice, it is essential that this act take effect immediately.

CHAPTER 614

An act to add Section 11.5 to Chapter 40 of the Statutes 1962, First Extraordinary Session, relating to the Crestline-Lake Arrowhead Water Agency.

[Approved by Governor June 10, 1965. Filed with Secretary of State June 11, 1965.]

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

SECTION 1. Section 11.5 is added to Chapter 40 of the Statutes of 1962, First Extraordinary Session, to read:

Sec. 11.5. The agency, by ordinance, may fix, on or before the 1st day of July in each calendar year, a water standby or availability charge in any area within the agency boundaries to which water is made available by the agency, whether the water is actually used or not. The standby charge shall not exceed five dollars ($5) per acre per year for each acre of land or parcel less than one acre within the agency boundaries. The ordinance fixing a standby charge may establish schedules varying the charges according to land uses, water uses, and degree of water availability. If any standby charge remains unpaid on the first day of the month before the month in which the board of supervisors of each affected county is required by law to levy the amount of taxes required for county purposes, the amount of the unpaid standby charge shall be added to and become part of the annual tax levied upon the land to which water for which the standby charge is unpaid was available. The amount of the unpaid standby charge shall constitute a lien on that land, and shall be added to and become a part of the first installment of the tax. At least 15 days before the first day of the month in which the board of supervisors of each affected county is required by law to levy the amount of taxes required for county purposes, 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 agency upon which a standby charge remains unpaid, together with the amount of the unpaid standby charge on each such parcel of land.

CHAPTER 615

An act to amend Section 11200 of the Health and Safety Code, relating to narcotics.

[Approved by Governor June 10, 1965. Filed with Secretary of State June 11, 1965.]

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

SECTION 1. Section 11200 of the Health and Safety Code is amended to read:

11200. The provisions of this division requiring prescriptions and physicians' reports do not apply to preparations containing in one fluid ounce, or, if a solid or semisolid preparation, in one avoirdupois ounce, without additional narcotics, not more than two grains of Noscapine (formerly Narcotine) or to mistura glycyrrhiza compound, N.F.

The provisions of this division requiring prescriptions and physicians' reports also do not apply to preparations containing in one fluid ounce, or if a solid or semisolid preparation, in one avoirdupois ounce, without additional narcotics, not more than one grain of codeine, unless such preparation is designed or intended for use as a cough syrup or cough medicine. Such preparation, however, may be dispensed upon an oral order, whether telephonic or otherwise, which shall be reduced to writing within 24 hours.

The exemptions provided in this section do not exempt any person from the provisions of Section 11225 of this division.

CHAPTER 616

An act to add Sections 17417 and 18103 to, and to amend Section 17411 of the Revenue and Taxation Code, relating to personal income taxes.

[Approved by Governor June 10, 1965. Filed with Secretary of State June 11, 1965.]

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

SECTION 1. Section 17411 of the Revenue and Taxation Code is amended to read:

17411. Gain from—

(a) The sale or exchange of stock of a collapsible corporation;

(b) A distribution in partial or complete liquidation of a collapsible corporation, which distribution is treated under this part as in part or full payment in exchange for stock; and

(c) A distribution made by a collapsible corporation which, under Section 17323(c)(1),

is treated, to the extent it exceeds the basis of the stock, in the same manner as a gain from the sale or exchange of property, to the extent that it would be considered (but for the provisions of this article) as gain from the sale or exchange of a capital asset held for more than six months shall, except as provided in this article, be considered as gain from the sale or exchange of property which is not a capital asset.

SEC. 2. Section 17417 is added to said code, to read:

17417. (a) Subdivision (a) of Section 17411 shall not apply to a sale of stock of a corporation (other than a sale to the issuing corporation) if such corporation (hereinafter in this section referred to as "consenting corporation") consents (at such time and in such manner as the Franchise Tax Board may by regulations prescribe) to have the provisions of subdivision (b) apply. Such consent shall apply with respect to each sale of stock of such corporation made within the six-month period beginning with the date on which such consent is filed.

(b) Except as provided in subdivision (c), if a Section 17417 asset (as defined in subdivision (d)) is disposed of at any time by a consenting corporation (or, if subdivision (c) applies, by a transferee corporation), then the amount by which—

(1) In the case of a sale, exchange, or involuntary conversion, the amount realized, or

(2) In the case of any other disposition, the fair market value of such asset,

exceeds the adjusted basis of such asset shall be treated as gain from the sale or exchange of such asset. Such gain shall be recognized notwithstanding any other provision of this part, but only to the extent such gain is not recognized under any other provisions of this part.

(c) If the basis of a Section 17417 asset in the hands of a transferee is determined by reference to its basis in the hands of the transferor by reason of the application of Section 24502, 24521, 24551, 24571, or 24578(a) of Part 11 of this code, then the amount of gain taken into account by the transferor under subdivision (b) shall not exceed the amount of gain recognized to the transferor on the transfer of such asset (determined without regard to this section). This subdivision shall apply only if the transferee—

(1) Is not an organization which is exempt from tax imposed by Part 11 of this code, and

(2) Agrees (at such time and in such manner as the Franchise Tax Board may by regulations prescribe) to have the

provisions of subdivision (b) apply to any disposition by it of such Section 17417 asset.

(d) For purposes of this section—

(1) The term "Section 17417 asset" means any property which, as of the date of any sale of stock referred to in subdivision (a), is not a capital asset as defined in Section 18161, and is property owned by, or subject to an option to acquire held by, the consenting corporation. For purposes of this paragraph, land or any interest in real property (other than a security interest), and unrealized receivables or fees (as defined in Section 17412(d)), shall be treated as property which is not a capital asset.

(2) If manufacture, construction, or production with respect to any property described in paragraph (1) has commenced before any date of sale described therein, the term "Section 17417 asset" includes the property resulting from such manufacture, construction, or production.

(3) In the case of land or any interest in real property (other than a security interest) described in paragraph (1), the term "Section 17417 asset" includes any improvements resulting from construction with respect to such property if such construction is commenced (by the consenting corporation or by a transferee corporation which has agreed to the application of subdivision (b)) within two years after the date of any sale described in paragraph (1).

(e) Subdivision (a) shall not apply to the sale of stock of a corporation by a shareholder if, during the five-year period ending on the date of such sale, such shareholder (or any related person within the meaning of subdivision (h) of Section 17415) sold any stock of another consenting corporation within any six-month period beginning on a date on which a consent was filed under subdivision (a) by such other corporation.

(f) If a corporation (hereinafter in this paragraph referred to as "owning corporation") owns 5 percent or more in value of the outstanding stock of another corporation on the date of any sale of stock of the owning corporation during a six-month period with respect to which a consent under subdivision (a) was filed by the owning corporation, such consent shall not be valid with respect to such sale unless such other corporation has (within the six-month period ending on the date of such sale) filed a valid consent under subdivision (a) with respect to sales of its stock. For purposes of applying subdivision (d) to such other corporation, a sale of stock of the owning corporation to which subdivision (a) applies shall be treated as a sale of stock of such other corporation. In the case of a chain of corporations connected by the 5-percent ownership requirements of this paragraph, rules similar to the rules of the two preceding sentences shall be applied.

(g) The Franchise Tax Board shall prescribe such regulations as it may deem necessary to provide for adjustments to

the basis of property to reflect gain recognized under subdivision (b).

SEC. 3. Section 18103 is added to said code, to read:

18103. (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) received, 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 returned as income for periods prior to such reacquisition.

(2) The amount of gain determined under paragraph (1) resulting from a reacquisition during any taxable 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 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 subsection (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.

(e) If—

(1) Subdivision (a) applies to a reacquisition of real property with respect to the sale of which—

(A) An election under Section 17154 (relating to gain from sale or exchange of residence of an individual who has attained age 65) is in effect, or

(B) Gain was not recognized under Sections 18091 to 18100, inclusive (relating to sale or exchange of residence);

and

(2) Within one year after the date of the reacquisition of such property by the seller, such property is resold by him,

then, under regulations prescribed by the Franchise Tax Board, subdivisions (b), (c), and (d) of this section shall not apply to the reacquisition of such property and, for purposes of applying Sections 17154 and 18091 to 18100, inclusive, the resale of such property shall be treated as a part of the transaction constituting the original sale of such property.

CHAPTER 617

An act to amend Section 28146 of the Government Code, relating to county officers' salaries.

[Approved by Governor June 10, 1965. Filed with Secretary of State June 11, 1965.]

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

SECTION 1. Section 28146 of the Government Code is amended to read:

28146. In a county of the 46th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eight thousand dollars ($8,000) a year in lieu of all fees and commissions. In the event the board of supervisors separates the offices of clerk and auditor, the

auditor shall receive for his services, six thousand eight hundred dollars ($6,800) a year.

(b) The district attorney, thirteen thousand two hundred dollars ($13,200) a year. He shall devote his entire time to the duties of his office and he shall not engage in the private practice of law during his term of office.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year for his services as supervisor, and ten cents ($0.10) a mile when traveling while engaged in official business in the county. He shall not receive more than seven hundred dollars ($700) in any one year for mileage as supervisor.

(d) For attending as grand juror or as trial juror, each such juror shall receive such fees and mileage as are now or may hereafter be allowed by law.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 618

An act to repeal Article 7 (commencing with Section 9880) of Chapter 20 of Division 3 of the Business and Professions Code, relating to electronic repair dealers, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 10, 1965. Filed with Secretary of State June 11, 1965.]

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

SECTION 1. Article 7 (commencing with Section 9880) of Chapter 20 of Division 3 of the Business and Professions 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:

The act repeals the provision of the Electronic Repair Dealer Registration Law which terminates such law on September 20, 1965. If, because of the pendency of this measure, the period of effectiveness of the law remains uncertain, it is likely that registrants will be reluctant to renew their registrations, that persons required to be registered will be disposed not to register, and that registrants will be encouraged to disregard the provisions of the law which govern their conduct. In order that the protection of the public which the law affords may not be thus diminished, it is necessary that this act take effect immediately.

SEC. 3. Any revenues derived from increases in fees or assessments provided by this act shall not be available for expenditure until appropriated.

CHAPTER 619

An act to amend Section 28151 of the Government Code, relating to county officers.

[Approved by Governor June 10, 1965 Filed with Secretary of State June 11, 1965.]

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

SECTION 1. Section 28151 of the Government Code is amended to read:

28151. In a county of the 51st class the following shall receive as compensation for the services required of them by law, or by virtue of their office, the following sums:

(a) The auditor, two thousand four hundred dollars ($2,400) a year.

(b) The district attorney, nine thousand dollars ($9,000) a year and necessary traveling expenses to be allowed by the board of supervisors.

(c) Each supervisor, four thousand five hundred dollars ($4,500) a year, for services as member of the board of supervisors and member of the board of equalization, and twenty cents ($0.20) a mile, going only, in traveling from his residence to the county seat at each session of the board. The chairman of the board of supervisors shall receive an additional three hundred dollars ($300) a year for his services as chairman.

(d) For each day's attendance as a grand juror five dollars ($5). For each day's attendance as a trial juror five dollars ($5). Grand and trial jurors shall receive ten cents ($0 10) for each mile actually traveled each way while serving as such grand or trial juror. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror. The auditor shall draw his warrant therefor and the treasurer shall pay the warrant.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 620

An act to amend Section 28118 of the Government Code, relating to salaries of county officers.

[Approved by Governor June 10, 1965 Filed with Secretary of State June 11, 1965]

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

SECTION 1. Section 28118 of the Government Code is amended to read:

28118. In a county of the 18th 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, ten thousand eight hundred dollars ($10,800) a year.

(b) The district attorney, eighteen thousand dollars ($18,000) a year. He shall devote his entire time to the duties of his office and shall not engage in the private practice of law during his term in office.

(c) Each supervisor, eight thousand four hundred dollars ($8,400) a year for all personal services performed by him as supervisor and member of the board of equalization, and his actual and necessary traveling expenses incurred in performing any of the duties of his office, the claim for which shall be allowed and paid out of the county general fund in the same manner as other claims are allowed and paid. The traveling expenses exclusive of meals and hotel accommodations shall not exceed eight cents ($0.08) a mile.

(d) Each member of the grand jury shall be allowed four dollars ($4) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of five cents ($0.05) a mile for each mile actually and necessarily traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee duly called by the secretary or committee chairman, but no mileage shall be allowed outside of the county. For attending as a trial juror in a criminal action in the superior court, three dollars ($3) per day if called but not sworn to try the cause, and four dollars ($4) per day if called and sworn to try the cause. For attending as a trial juror in a civil action in the superior court, four dollars ($4) per day if called but not sworn to try the cause and five dollars ($5) per day if called and sworn to try the cause. For attending as a trial juror in the justice court for each juror sworn to try the cause, two dollars ($2) a day. For each mile actually traveled in attending court as a juror, seven cents ($0.07) a mile each way from the place of residence to the court.

CHAPTER 621

An act to amend Section 28120 of the Government Code and Section 4 of Chapter 994 of the Statutes of 1949, relating to public officials.

[Approved by Governor June 10, 1965. Filed with Secretary of State June 11, 1965.]

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

SECTION 1. Section 28120 of the Government Code is amended to read:

28120. In a county of the 20th class the following shall receive as compensation for services required of them by law or by virtue of their offices the following sums:

(a) The auditor, sixteen thousand five hundred dollars ($16,500) a year.

(b) The district attorney, twenty thousand dollars ($20,000) a year. He shall devote his entire time to the duties of his office, and shall not engage in private law practice.

(c) Each supervisor, including the chairman, ten thousand dollars ($10,000) a year for all services required by law or by virtue of the office, and to each supervisor seven cents ($0.07) a mile in traveling to and from his place of residence to the courthouse on each day of a board meeting.

Each member of the board of supervisors shall devote his entire time, during the business hours of the day, to the duties of his office.

Any supervisor when required to travel within or without the county on official business of the county may use or travel in any vehicle owned and maintained by the county for official purposes. When traveling on official business the expense of maintenance and upkeep of such automobiles and of all necessary supplies shall be borne by the county.

(d) The fees for jurors shall be as follows:

For each day's attendance as a trial juror in the superior court, or in a justice court in civil and criminal cases, six dollars ($6) per day.

For each mile actually and necessarily traveled each day in attending court as a juror and returning therefrom, seven and one-half cents ($0.075).

For acting as a grand juror each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, five dollars ($5), and ten cents ($0.10) for each mile actually traveled. A grand juror excused at his own request is not entitled to a per diem fee, but is entitled to mileage, ten cents ($0.10) for each mile actually and necessarily traveled.

The compensation provided for by this section shall be paid to incumbent officers.

SEC. 2. Section 4 of Chapter 994 of the Statutes of 1949 is amended to read:

Sec. 4. The Board of Supervisors of the County of Sonoma shall be, and they are hereby designated as, and empowered to act as, ex officio the board of the district and shall exercise the powers of the district enumerated in this act, except as otherwise provided, and may perform all other acts necessary or proper, in their discretion, to accomplish the purposes of this act. The board may adopt and enforce reasonable rules and regulations for the administration and government of the district and to facilitate the exercise of its powers and duties herein set forth and may employ and fix the compensation of all necessary agents and employees to look after the perform-

ance of any work or improvement provided in this act. The members of the board of directors of the district shall receive no compensation for their services as such, but each shall receive his actual and necessary expenses in the performance of his duties under this act, payable from the fund of said district. The directors shall elect a chairman, who shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their minutes, select one of their number to act as chairman temporarily. Any member of the board may administer oaths, when necessary in the performance of his official duties. A majority of the members of the board shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless a majority of all members present concur therein.

SEC. 3. Section 2 of this act, and the amendments to subdivision (c) of Section 28120 of the Government Code enacted at the 1965 Regular Session of the Legislature, shall not become operative until January 1, 1967.

CHAPTER 622

An act to amend Section 12802 of the Vehicle Code, relating to application for a driver's license.

[Approved by Governor June 10, 1965. Filed with Secretary of State June 11, 1965.]

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

SECTION 1. Section 12802 of the Vehicle Code is amended to read:

12802. Every application shall be signed and verified by the applicant before a person authorized to administer oaths and the applicant shall submit such evidence of age as the department may require, and, if the applicant is a minor, the application shall also be signed and verified as provided in Chapter 2 (commencing with Section 17700) of Division 9.

CHAPTER 623

An act to add Section 10140.6 to the Business and Professions Code, relating to real estate licensees.

[Approved by Governor June 10, 1965. Filed with Secretary of State June 11, 1965.]

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

SECTION 1. Section 10140.6 is added to the Business and Professions Code, to read:

10140.6. A real estate licensee shall not publish, circulate, distribute, nor cause to be published, circulated, or distributed in any newspaper or periodical, or by mail any matter pertaining to any activity for which a real estate license is required which does not contain a designation disclosing that he is performing acts for which a real estate license is required. The designation of a corporate licensee under its corporate name or the designation of a noncorporate licensee under his fictitious business name will be deemed compliance with this section.

The provisions of this section shall not apply to classified rental advertisements reciting the telephone number at the premises of the property offered for rent or the address of the property offered for rent.

CHAPTER 624

An act to amend Sections 986, 2110, and 2110.5 of, and to add Sections 2110.3 and 2110.7 to, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor June 10, 1965. Filed with Secretary of State June 11, 1965.]

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

SECTION 1. Section 986 of the Unemployment Insurance Code is amended to read:

986. (a) Notwithstanding any provision of law in this state to the contrary, each employer shall:

(1) Except as provided in subdivision (a)(2) of this section, withhold in trust the amount of his workers' contributions from their wages at the time the wages are paid, shall show the deduction on his payroll records, and shall furnish each worker with a statement in writing showing the amount which has been deducted, in such form and at such times as may be prescribed.

(2) Hold in trust the amount of his workers' contributions, at the time their wages are paid, where he undertakes or agrees to pay without deduction from the wages of his workers the amount of worker contributions required of his workers under this division.

(b) Each employer shall transmit all such contributions withheld or held in trust to the department for the Disability Fund, in addition to his own contributions for the Unemployment Fund, pursuant to authorized regulations.

SEC. 2. Section 2110 of said code is amended to read:

2110. Any employing unit, including any individual member of a partnership employing unit, any officer of a corporate or association employing unit, and the general manager, or any other person having charge of the affairs of a corporate or association employing unit, which knowingly withholds the

deductions required by this division from remuneration paid to its workers, and wilfully fails or is wilfully financially unable to pay such deductions to the department on the date on which they become delinquent is guilty of a misdemeanor.

SEC. 3. Section 2110.3 is added to said code, to read:

2110.3. Any employing unit, including any individual member of a partnership employing unit, any officer of a corporate or association employing unit, and the general manager, or any other person having charge of the affairs of a corporate or association employing unit, which knowingly undertakes or agrees to pay without deduction from remuneration paid to its workers the amount of any contributions to the Disability Fund required of such workers under this division and which wilfully fails or is wilfully financially unable to pay such amount to the department on the date on which the contributions become delinquent is guilty of a misdemeanor.

SEC. 4. Section 2110.5 of said code is amended to read:

2110.5. Any employing unit, including any individual member of a partnership employing unit, any officer of a corporate or association employing unit, and the general manager, or any other person having charge of the affairs of a corporate or association employing unit, which wilfully fails to withhold in trust the deductions required by this division from remuneration paid to its workers, except where such employing unit undertakes or agrees to pay without deduction from the wages of its workers the amount of worker contributions required of its workers under this division, is guilty of a misdemeanor.

SEC. 5. Section 2110.7 is added to said code, to read:

2110.7. Any employing unit, including any individual member of a partnership employing unit, any officer of a corporate or association employing unit, and the general manager, or any other person having charge of the affairs of a corporate or association employing unit, which knowingly undertakes or agrees to pay without deduction from remuneration paid to its workers the amount of any contributions to the Disability Fund required of such workers under this division and which wilfully fails to hold in trust the amount of worker contributions required of such workers under this division is guilty of a misdemeanor.

CHAPTER 625

An act to amend Section 845 of the Insurance Code, relating to securities of insurers.

[Approved by Governor June 10, 1965. Filed with Secretary of State June 11, 1965.]

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

SECTION 1. Section 845 of the Insurance Code is amended to read:

845. No person may act as an agent of an insurer under this article except under authority of a certificate issued by the Insurance Commissioner under this code. No person shall act as a broker or as an agent for a broker except under authority of a certificate issued by the commissioner under this code or by the Commissioner of Corporations under the Corporate Securities Act Every such certificate issued under this code shall expire on the first day of July next after its issue, unless sooner suspended or revoked. The permission granted by this section to persons holding certain licenses issued by the Commissioner of Corporations does not affect the provisions of this article requiring that an insurer and that an agent appointed by an insurer secure a permit from the Insurance Commissioner to issue or sell securities and such issue or sale and the advertising thereof is subject to the provisions of this article

No person shall in this state sell to the public any security of any insurer issued in any other jurisdiction, unless:

(1) Such person is acting as an agent, broker, or agent of a broker at the time of any such sale and is specifically authorized as an agent, broker or agent of a broker, to sell such specified security pursuant to the provisions of this article or the provisions of Corporations Code; or

(2) Such person is acting for himself in selling personally owned securities and the sale or issuance of such specified security to persons in this state has been previously authorized by an unrevoked permit issued by the commissioner to the issuing insurer pursuant to this article or more than one year has elapsed since the first date upon which such security was lawfully offered to the public in the state of original issue.

No provision in this section as amended by the Legislature at the 1965 Regular Session shall be construed to affect the application or interpretation of any other provision in this article or any provision in the Corporations Code.

CHAPTER 626

An act to amend the heading of Chapter 2 (commencing with Section 6201) of Division 3 of, and to amend Sections 6202, 6231 and 6265 of, the Public Utilities Code, relating to franchises by municipalities.

[Approved by Governor June 10, 1965. Filed with Secretary of State June 11, 1965]

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

SECTION 1. The heading of Chapter 2 (commencing with Section 6201) of Division 3 of the Public Utilities Code is amended to read:

CHAPTER 2. GAS, OIL, ELECTRIC, AND WATER FRANCHISES BY MUNICIPALITIES

SEC. 2. Section 6202 of said code is amended to read:

6202. The legislative body of any municipality is empowered to grant a franchise to any person, firm, or corporation, whether operating under an existing franchise or not, to use, or to construct and use, poles, wires, conduits, and appurtenances for transmitting and distributing electricity for all purposes, or to use, or to lay and use, pipes and appurtenances for transmitting and distributing gas for any and all purposes, or to use, or to lay and use, pipes and appurtenances for transmitting and distributing oil or products thereof for any and all purposes, or to lay and use pipes, ditches, flumes, conduits, and appurtenances for transmitting and distributing water for any and all purposes, under, along, across, or upon the public streets, ways, alleys and places within the municipality, upon the terms and conditions provided in this chapter.

SEC. 3. Section 6231 of said code is amended to read:

6231. An applicant for a franchise shall file with the legislative body of the municipality in which the franchise is desired an application stating:

(a) The name of the applicant.

(b) The purpose and term, whether definite or indeterminate, for which the franchise is desired.

(c) That the applicant if granted the franchise will pay to the municipality during the life of the franchise two percent (2%) of the gross annual receipts of applicant arising from the use, operation, or possession of the franchise; provided, however, that such payment shall in no event be less than one percent (1%) of the gross annual receipts of applicant derived from the sale within the limits of the municipality of the utility service for which the franchise is awarded; provided, further, if the application is for a franchise complementary to a franchise derived under Section 19 of Article XI of the State Constitution as the section existed prior to its amendment on October 10, 1911, then in lieu of either of the aforesaid percentages applicant will pay annually, if the application is for an electric franchise, a sum equivalent to two percent (2%) of the gross annual receipts of applicant arising from the use, operation, or possession of the franchise; provided, however, that such payment shall in no event be less than a sum equivalent to one-half percent (½%) of the gross annual receipts derived by applicant from the sale of electricity within the limits of the municipality under both the electric franchises; or, if the application is for a gas, oil pipeline, or water franchise, a sum equivalent to two percent (2%) of the gross annual receipts of applicant arising from the use, operation, or possession of the franchise; provided, however, that such payment shall in no event be less than a sum equivalent to one percent (1%) of the gross annual receipts derived by applicant from the sale of gas or water, as the case may be,

within the limits of the municipality under both the gas or water franchises, as the case may be.

Notwithstanding any other provision of this section, if the application is for a franchise for a nonpublic utility pipeline for oil or products thereof, the application shall state that the applicant if granted the franchise will pay to the municipality during the life of the franchise either a specified percentage agreed to by the applicant and the municipality of the gross annual receipts of the applicant arising from the use, operation, or possession of the franchise or an annual franchise fee in an amount agreed to by the applicant and the municipality or an annual franchise fee computed by multiplying the sum of one-half cent ($0.005) times the nominal internal diameter of the pipe, expressed in inches, times the number of lineal feet of such pipe within the public streets, ways, alleys or other public places within the municipality.

SEC. 4. Section 6265 of said code is amended to read:

6265. Every gas franchise granted pursuant to this chapter confers upon the grantee the right to use, or to lay and use, gas pipes and appurtenances for the purpose of transmitting and distributing gas, and every oil franchise so granted confers upon the grantee thereof the right to use, or lay and use, oil pipes and appurtenances for the purpose of transmitting and distributing oil or products thereof, and every water franchise so granted confers upon the granter thereof the right to use, or to lay and use, pipes, ditches, flumes, conduits, and appurtenances for the purpose of transmitting and distributing water, and every electric franchise so granted confers upon the grantee thereof the right to use, or to construct and use, poles, wires or conduits and appurtenances for the purpose of transmitting and distributing electricity for any and all purposes, under, along, across, or upon the public streets, ways, alleys, and places as they now or hereafter exist within the municipality.

CHAPTER 627

An act to amend Sections 660, 665, 679 and 707.5 of the Agricultural Code, relating to milk products.

[Approved by Governor June 11, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 660 of the Agricultural Code is amended to read:

660. (a) Every person before engaging in the business of dealing in, receiving, manufacturing, freezing or processing milk, or any product thereof, or imitation ice cream, or imitation ice milk, shall obtain a license from the director for each separate milk products plant or place of business. Application

for the licenses herein provided shall be made on forms prescribed by the director and shall state the name and address of the applicant, the address of the milk products plant and such other information as to the nature of the applicant's business as the director may require. Each application shall be accompanied by a fee in an amount established by the provisions of Section 661. Upon receipt of an application for such license, the director shall investigate the equipment and the sanitary condition of the milk products plant for which application for a license has been made. If the condition of the milk products plant is found to be satisfactory, a "milk products plant" license shall be issued by the director to such applicant.

(b) Hotels, restaurants, boardinghouses, hospitals or other concerns or agencies which manufacture products of milk for the use of patrons, guests, patients, or employees shall take out the license herein required.

(c) This section shall not apply to private homes manufacturing for their own use nor to retailers dealing in finished products received from a distributor or producer in final form; nor to producers selling milk and cream exclusively at wholesale for manufacturing, freezing or processing milk and milk products; nor to producers whose business consists exclusively of producing and distributing raw market milk produced by them.

(d) The license fees required by Section 661 shall be prorated on a quarterly basis for licensees commencing operations after the first quarter in any calendar year whether or not such milk products plant was licensed during the preceding calendar year.

SEC. 2. Section 665 of said code is amended to read:

665. Before engaging in the business of manufacturing, preparing, or processing modified sterilized milk, modified sterilized cream or modified milk, every person, in addition to the milk products plant license, shall obtain and hold a modified milk license, modified sterilized milk license or a modified sterilized cream license, as the case may be, from the director. Upon receipt of application for either of such licenses, the director shall investigate the equipment and sanitary conditions of the place where such modified milk, modified sterilized milk or modified sterilized cream is to be manufactured or prepared, and provide the applicant with a copy of the laws of the state pertaining thereto. If the condition of the place is found to be satisfactory, a special fee of one hundred dollars ($100) shall be paid by the applicant, whereupon the license shall be issued. Said license shall normally expire on the 31st day of December of each year. Separate licenses are required for modified milk, modified sterilized milk and modified sterilized cream.

SEC. 3. Section 679 of said code is amended to read:

679. The director at least once each month, shall report to the State Controller the total amount of moneys collected for fees under the provisions of subdivision (a) of Section 677 and at the same time shall pay into the State Treasury the entire amount of such receipts which shall be credited to the Department of Agriculture Fund and expended in carrying out the provisions of this division relating to butter. The director shall, within 30 days prior to each general session of the Legislature, submit to the Governor a full and true report of the transactions under this law during the preceding biennium, including a complete statement of expenditures. Butter cutting and wrapping permits and butter distributors permits expire at the end of each calendar year. All permits may be renewed each successive year, if the plant for which a previous permit was issued and the business thereof shall have been conducted in accordance with the requirements of this division during the year next preceding that for which renewal is requested.

SEC. 4. Section 707.5 of said code is amended to read:

707.5. A penalty of 25 percent or five dollars ($5), whichever is greater, shall accrue and be added to any portion of the fee for renewal of any license required by any provision of the Milk and Milk Products Act of 1947 which is not paid by the last day of the month following that in which the preexisting license expired.

No penalty shall accrue if the licensee operates only seasonally and he has not engaged in the activities for which the license is required between the time his preexisting license expired and the date of the renewal of his license.

To the amount of any fee, other than a license fee, required under the provisions of the Milk and Milk Products Act of 1947, which is not paid by the last day of the month following that in which due, there shall accrue and be added a penalty of 25 percent of the unpaid amount of such fee, or five dollars ($5), whichever is greater, for each month or fraction thereof until the entire fee and penalty are paid.

SEC. 5. Section 660 of said code is amended to read:

660. (a) Every person before engaging in the business of dealing in, receiving, manufacturing, freezing or processing milk, or any product thereof, or manufacturing, freezing or processing imitation ice cream, or imitation ice milk, shall obtain a license from the director for each separate milk products plant or place of business. Application for the licenses herein provided shall be made on forms prescribed by the director and shall state the name and address of the applicant, the address of the milk products plant and such other information as to the nature of the applicant's business as the director may require. Each application shall be accompanied by a fee in an amount established by the provisions of Section 661. Upon receipt of an application for such license, the director shall investigate the equipment and the sanitary condition of the milk products plant for which application for a license

has been made. If the condition of the milk products plant is found to be satisfactory, a "milk products plant" license shall be issued by the director to such applicant.

(b) Hotels, restaurants, boardinghouses, hospitals or other concerns or agencies which manufacture products of milk for the use of patrons, guests, patients, or employees shall take out the license herein required.

(c) This section shall not apply to private homes manufacturing for their own use nor to retailers dealing in finished products received from a distributor or producer in final form; nor to producers selling milk and cream exclusively at wholesale for manufacturing, freezing or processing milk and milk products; nor to producers whose business consists exclusively of producing and distributing raw market milk produced by them.

(d) The license fees required by Section 661 shall be prorated on a quarterly basis for licensees commencing operations after the first quarter in any calendar year whether or not such milk products plant was licensed during the preceding calendar year.

SEC. 6. Section 5 of this act shall become operative only if Assembly Bill No 991 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No 991 takes effect; at which time Section 660 of the Agricultural Code as amended by Section 1 of this act is repealed.

SEC. 7. No funds made available by this act shall be expended until appropriated

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CHAPTER 628

An act to amend Sections 1227, 1228, 1413, 1415 and 1416 of the Financial Code, relating to loans by banks.

[Approved by Governor June 11, 1965 Filed with Secretary of State June 12, 1965]

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

SECTION 1. Section 1227 of the Financial Code is amended to read:

1227. A commercial bank may lend on the security of a first lien on real property or a first lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if:

(a) The term of the loan does not exceed 10 years and the amount does not exceed 60 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(b) The term of the loan does not exceed 25 years, is repayable in subtantially equal installments not less often than monthly, with payments commencing not later than 60 days from the date of the loan or, in the case of a construction loan, commencing not later than one year from the date of the loan, and the amount does not exceed 80 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(c) The loan is on a farm or productive agricultural lands, the term does not exceed 25 years, is repayable in substantially equal installments not less often than annually, and the amount does not exceed 80 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(d) The term of the loan does not exceed six months and the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(e) The term of the loan does not exceed 18 months if secured by a lien on farm or single family residential property, or 36 months if secured by a lien on other property, the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal, and the loan is for the purpose of financing building operations under a plan providing for payment of the loan or providing for refinancing by loans otherwise permitted by this chapter.

A commercial bank may make a loan without regard to the above restrictions when necessary to facilitate the sale of real property owned by the bank.

SEC. 2. Section 1228 of said code is amended to read:

1228. A commercial bank may lend on the security of a first lien on real property or a first lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if:

(a) The loan is fully guaranteed or insured or covered by a commitment to guarantee or insure by the United States, the Federal Housing Administrator, or by any other agency of the United States which the superintendent shall have approved for the purposes of this subdivision as an issuer of insurance or guarantees of loans on real property, whether the proceeds of the guarantee or insurance is payable in cash or in obligations of the United States; or

(b) The loan is fully guaranteed by the United States or any agency thereof pursuant to the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof, or, if a portion of the loan is so guaran-

teed, then if the unguaranteed portion of the loan does not exceed 80 percent of the sound market value of the property or leasehold for loan purposes as determined by proper appraisal.

(c) The loan is one in which the Small Business Administration cooperates through agreements to participate on an immediate or deferred basis under the Small Business Act, as amended.

SEC. 3. Section 1413 of said code is amended to read:

1413. A savings bank may lend on the security of a first lien on real property or a first lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if:

(a) The term of the loan does not exceed 10 years and the amount does not exceed 60 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(b) The term of the loan does not exceed 25 years, is repayable in substantially equal installments not less often than monthly, with payments commencing not later than 60 days from the date of the loan or, in the case of a construction loan, commencing not later than one year from the date of the loan, and the amount does not exceed 80 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(c) The loan is on a farm or productive agricultural lands, the term does not exceed 25 years, is repayable in substantially equal installments not less often than annually, and the amount does not exceed 80 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal; or

(d) The term of the loan does not exceed 18 months if secured by a lien on farm or single family residential property, or 36 months if secured by a lien on other property, the amount does not exceed 85 percent of the sound market value of the property or leasehold, together with the improvements located on the property which are made subject to the lien, as determined by proper appraisal and the loan is for the purpose of financing building operations under a plan providing for payment of the loan or providing for refinancing by loans otherwise permitted by this chapter.

A savings bank may make a loan without regard to the above restrictions when necessary to facilitate the sale of real property owned by the bank.

SEC. 4. Section 1415 of said code is amended to read:

1415. A savings bank holding a first lien on real property may take, or purchase and hold, or loan upon another and

immediately junior lien but all such loans shall not exceed in the aggregate 80 percent of the sound market value of the property as determined by proper appraisal. A savings bank may loan not to exceed the face value of a deed of trust or mortgage which constitutes a first lien upon real property, but in no event shall any such loan exceed 80 percent of the sound market value of the property covered by said mortgage or deed of trust as determined by proper appraisal.

SEC. 5. Section 1416 of said code is amended to read:

1416. A savings bank may lend on the security of a first lien on real property or a first lien on a leasehold under a lease which does not expire, or which has been extended or renewed so that it does not expire, for at least 10 years beyond the maturity date of the loan, if:

(a) The loan is fully guaranteed or fully insured or covered by a commitment to fully guarantee or fully insure by the United States, the Federal Housing Administrator, or by any other agency of the United States which the superintendent shall have approved for the purposes of this subdivision as an issuer of insurance or guarantees of loans on real property, whether the proceeds of the guarantee or insurance is payable in cash or in obligations of the United States; or

(b) The loan is fully guaranteed by the United States or any agency thereof pursuant to the "Servicemen's Readjustment Act of 1944" or any act of Congress supplementary or amendatory thereof, or, if a portion of a loan is so guaranteed, then, if the unguaranteed portion of the loan does not exceed 80 percent of the sound market value of the property or leasehold for loan purposes as determined by proper appraisal.

(c) The loan is one in which the Small Business Administration cooperates through agreements to participate on an immediate or deferred basis under the Small Business Act, as amended.

CHAPTER 629

An act to repeal Section 5 of Chapter 1693, Statutes of 1963, relating to the Youth Authority.

[Approved by Governor June 11, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 5 of Chapter 1693, Statutes of 1963, is repealed.

CHAPTER 630

An act to amend Section 28127 of the Government Code, relating to county officials.

[Approved by Governor June 11, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 28127 of the Government Code is amended to read:

28127. In a county of the 27th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eight thousand eight hundred and eighty dollars ($8,880) a year.

(b) The district attorney, eighteen thousand dollars ($18,000) a year. He shall devote his entire time during office hours to the work of the county and state and is prohibited from engaging in private work within office hours. This does not preclude him from continuing or concluding any private matter in which he appeared of record prior to taking office.

(c) Each supervisor, for all services required of him as supervisor seven thousand five hundred dollars ($7,500) a year and his actual expenses necessarily incurred in the performance of county business within the county, not to exceed ten cents ($0.10) a mile, and actual expenses incurred doing county business outside of the county on order of the board of supervisors. He shall also be allowed ten cents ($0.10) a mile going to and from his residence to the courthouse to attend regular and special meetings of the board. In lieu of mileage allowed as a member of the board of supervisors, the chairman of the board shall be supplied by the county with an automobile for use in performance of official duties, and all expenses for fuel, oil, supplies, upkeep, and maintenance of such automobile shall be paid from county funds.

Each juror, for acting as a grand juror for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, seven dollars ($7), and ten cents ($0.10) for each mile actually traveled in the performance of such duties.

Each juror, for acting as a trial juror in criminal or civil cases for each day's attendance for trial, seven dollars ($7), and ten cents ($0.10) for each mile actually and necessarily traveled from their residence to and from the superior court or justice court.

Mileage shall be allowed grand jurors and trial jurors but once for each day they are required to and do attend. No mileage shall be allowed for traveling outside of the county.

CHAPTER 631

An act to amend Sections 1178 and 1181 of the Labor Code, relating to proposed Industrial Welfare Commission regulations being available at the public hearing.

[Approved by Governor June 11, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 1178 of the Labor Code is amended to read:

1178. If after investigation the commission finds that in any occupation, trade, or industry, the wages paid to women and minors are inadequate to supply the cost of proper living, or that the hours or conditions of labor are prejudicial to the health, morals, or welfare of the employee, the commission shall select a wage board to consider any of such matters. Such wage board shall be composed of an equal number of representatives of employers and employees in the occupation, trade, or industry in question; and a representative of the commission to be designated by it, who shall act as chairman of the wage board on request of the commission. The wage board shall report and make recommendations to the commission, including therein:

(a) An estimate of the minimum wage adequate to supply the necessary cost of proper living to, and maintain the health and welfare of women and minors engaged in the occupation, trade, or industry in question.

(b) The number of hours of work per day in the occupation, trade, or industry in question, consistent with the health and welfare of such women and minors.

(c) The standard conditions of labor in the occupation, trade, or industry in question, demanded by the health and welfare of such women and minors.

Before promulgating an order relating to wages, hours, or conditions of labor for the occupation, trade, or industry in question, and after receipt of the report from the wage board, the commission shall prepare proposed regulations for the occupation, trade, or industry in question and then shall hold a public hearing. The proceedings shall be recorded and transcribed and shall thereafter be a matter of public record. Whenever the occupation, trade, or industry in question is statewide in scope, a public hearing shall be held in each of two cities in this state; when it is not statewide, a public hearing shall be held in the locality where the occupation, trade, or industry prevails.

SEC. 2. Section 1181 of said code is amended to read:

1181. Upon the fixing of the time and place for the holding of a hearing for the purpose of considering and acting upon

the proposed regulations or any matters referred to in Sections 1176 to 1180, inclusive, the commission shall:

(a) Give public notice thereof by advertisement in at least one newspaper published in each of the cities of Los Angeles, Oakland, Sacramento, San Jose, Fresno, Eureka, San Diego, Long Beach, Alameda, Berkeley, Stockton, San Bernardino, and San Francisco.

(b) Mail a copy of the notice and the proposed regulations to the county clerk of each county in the state to be posted at the courthouse; to each association of employers or employees which, in the opinion of the commission, would be affected by the hearing; and to any person or organization within this state filing with the commission a written request for notice of such hearing. Failure to mail such notice shall not invalidate any order of the commission issued after such hearing.

The notice shall also state the time and place fixed for the hearing, which shall not be less than 14 days from the date of publication and mailing of such notices.

CHAPTER 632

An act to amend Sections 587 and 1515 of the Probate Code, relating to conveyance of real property.

[Approved by Governor June 11, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 587 of the Probate Code is amended to read:

587. Whenever it is for the advantage, benefit and best interest of the estate, and those interested therein, the executor or administrator may, either with or without consideration: (1) dedicate or convey any real property of the estate or interest therein to the state or any county or municipal corporation, or the United States of America or any agency or instrumentality thereof, for street or highway purposes, or any other purpose; (2) dedicate or convey an easement over any real property of the estate to the state or any county, municipal corporation, public district, any person, firm, association or public or private corporation, or the United States of America or any agency or instrumentality thereof; or (3) convey, release or relinquish to the state or any county or municipal corporation any access rights to any street, highway or freeway from any real property of the estate, upon order of court based upon the petition of the executor or administrator or of any person interested in the estate, and after notice of the hearing given for the period and in the manner required by Section 1200 of this code.

SEC. 2. Section 1515 of said code is amended to read:

1515. Whenever it is for the advantage, benefit and best interests of the estate and those interested therein, the guardian may, either with or without consideration: (1) dedicate or convey any real property of the estate or interest therein to the state or any county or municipal corporation, or the United States of America or any agency or instrumentality thereof, for street or highway purposes, or any other purpose; (2) dedicate or convey an easement over any real property of the estate to the state or any county, municipal corporation, public district, or any person, firm, association or public or private corporation, or the United States of America or any agency or instrumentality thereof; or (3) convey, release or relinquish to the state or any county or municipal corporation any access rights to any street, highway or freeway from any real property of the estate, upon order of court based upon the petition of the guardian or of any person interested in the estate, and after notice of the hearing given for the period and in the manner required by Section 1200 of this code.

CHAPTER 633

An act to amend Sections 73822, 73823, 73824, and 73825 of the Government Code, relating to salaries of Modesto Municipal Court attachés.

[Approved by Governor June 11, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 73822 of the Government Code is amended to read:

73822. There shall be one clerk who shall receive a minimum salary of five hundred eighty-four dollars ($584) monthly, with annual increments of twenty-nine dollars ($29), thirty-one dollars ($31), thirty-two dollars ($32) and thirty-four dollars ($34) to a maximum of seven hundred ten dollars ($710) monthly.

SEC. 2. Section 73823 of said code is amended to read:

73823. The clerk may appoint:

(a) One assistant clerk who shall receive a minimum salary of four hundred eighty-one dollars ($481) monthly, with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26) and twenty-eight dollars ($28) to a maximum of five hundred eighty-four dollars ($584) monthly.

(b) Three deputy clerks who shall be court clerks and each of whom shall receive a minimum salary of four hundred thirty-six dollars ($436) monthly, with annual increments of

twenty-two dollars ($22), twenty-three dollars ($23) twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of five hundred thirty dollars ($530) monthly.

(c) One deputy clerk (legal) who shall receive a minimum salary of three hundred ninety-five dollars ($395) monthly, with annual increments of twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), and twenty-three dollars ($23) to a maximum of four hundred eighty-one dollars ($481) monthly.

(d) Two deputy clerks each of whom shall receive a minimum salary of three hundred seventy-six dollars ($376) monthly, with annual increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-two dollars ($22) to a maximum of four hundred fifty-eight dollars ($458) monthly.

(e) Eight deputy clerks each of whom shall receive a minimum salary of three hundred ten dollars ($310) monthly, with annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), and eighteen dollars ($18) to a maximum of three hundred seventy-six dollars ($376) monthly.

Upon the effective date of this section, the incumbent officers and attachés shall each retain the same salary step in the salary range made applicable to his position by this section as he occupied under the superseded salary range. For the purpose of determining the right to subsequent annual increments, however, the anniversary date shall be the date the officer or attaché was first appointed to the position in which the increment is sought.

SEC 3. Section 73824 of said code is amended to read:

73824. There shall be one marshal who shall receive a salary of four hundred eighty-one dollars ($481) monthly, with annual increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26) and twenty-eight dollars ($28) to a maximum of five hundred eighty-four dollars ($584) monthly.

SEC. 4. Section 73825 of said code is amended to read:

73825. The marshal may appoint the following:

(a) Two deputy marshals who shall be court bailiffs, and who shall receive a minimum salary of four hundred thirty-six dollars ($436) monthly, with annual increments of twenty-two dollars ($22), twenty-three dollars ($23) twenty-four dollars ($24), and twenty-five dollars ($25) to a maximum of five hundred thirty dollars ($530) monthly.

(b) One deputy marshal clerk who shall receive a minimum salary of three hundred ten dollars ($310) monthly, with annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), and eighteen dollars ($18) to a maximum of three hundred seventy-six dollars ($376) monthly.

(c) Two deputies who shall be custodians at the fee allowed by law for keeping property.

CHAPTER 634

An act to amend Section 542 of the Code of Civil Procedure, relating to writs of attachment.

[Approved by Governor June 11, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 542 of the Code of Civil Procedure is amended to read:

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. When the personal property is used as a dwelling, such as a house trailer, mobilehome, or boat, the same is to be attached by placing a keeper in charge of the property, at plaintiff's expense, for at least two (2) days. At the expiration of said period the officer shall remove its occupants, and take the property into his immediate custody, unless other disposition is made by the court or the parties to the action. Whenever a levy under attachment or execution shall be made on personal property, other than money, or a vehicle required to be registered under the Vehicle Code 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. When checks, drafts, money orders and other orders for the withdrawal of money from a banking corporation or association, the United States, any state or public entity within any state, payable to the defendant or judgment debtor on demand, come into the possession of a levying officer under a writ of attachment or execution, 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 or public entity 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 635

An act to amend Section 980 of, and to add Sections 980.5 and 981 to, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor June 11, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 980 of the Unemployment Insurance Code is amended to read:

980. In determining the balance in the Unemployment Fund for the purpose of Section 977, 978, or 979 there shall be excluded:

(a) Any estimated or other contributions not legally due and payable with respect to the final calendar quarter of the calendar year, except any payment of contributions made under Section 1137 and except any payment of contributions by employers terminating business during any calendar quarter.

(b) Any amount credited to this state's account in the Unemployment Trust Fund pursuant to Section 903 of the Social Security Act, as amended, which has been appropriated for ex-

penses of administration other than for capital assets, whether or not such amount has been withdrawn from such fund.

(c) Any unexpended advance from the federal unemployment account in the Unemployment Trust Fund received in accordance with Section 323 of this division and Title XII of the Social Security Act, as amended.

(d) Any amount paid in advance into the Unemployment Fund by an employer under an elective coverage agreement which provides for the payment into the Unemployment Fund of the additional cost of benefits paid under such election in lieu of the contributions required of employers, or by an employer under any other type of coverage pursuant to which reimbursement of benefits is permitted or required in lieu of the contributions required of employers.

SEC. 2. Section 980.5 is added to said code, to read:

980.5. In determining the balance in the Unemployment Fund for the purpose of Section 977, 978, or 979 there shall be included the unreimbursed balance of all benefits paid from the Unemployment Fund to claimants when such benefits are based upon wages in employment under an elective coverage agreement which provides for the payment into the Unemployment Fund of the additional cost of benefits paid under such election in lieu of the contributions required of employers, or under any other type of coverage pursuant to which reimbursement of benefits is permitted or required in lieu of the contributions required of employers, whether or not the director has certified such benefits to the employer as due or payable.

SEC. 3. Section 981 is added to said code, to read:

981. In determining wages in employment, for the purpose of Section 977, 978, or 979 there shall be excluded all wages paid in employment under an elective coverage agreement which provides for the payment into the Unemployment Fund of the additional cost of benefits paid under such election in lieu of the contributions required of employers or under any other type of coverage pursuant to which reimbursement of benefits is permitted or required in lieu of the contributions required of employers.

SEC. 4. The provisions of this act shall become operative with respect to contributions to be paid for the calendar year 1966, and thereafter.

SEC. 5 No right or cause of action founded upon any provision of law amended or repealed by this act as the provisions existed prior to such amendment or repeal shall be abolished or impaired by this act.

CHAPTER 636

An act to add Section 7067.5 to the Business and Professions Code, relating to contractors.

[Approved by Governor June 11, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 7067.5 is added to the Business and Professions Code, to read:

7067.5. Every applicant for an original license, or for the reactivation of an inactive license, or for the reissuance or reinstatement of a revoked license shall possess and every such applicant, other than one applying under Section 7029 unless required by the registrar, shall evidence financial solvency. The registrar may deny the application of any applicant who fails to comply with this section. For purposes of this section financial solvency shall mean that the applicant's total assets exceed his total liabilities.

As may be required by the registrar, the applicant shall provide answers to questions contained in a standard form of questionnaire relative to his financial ability and condition and shall provide a current certified financial statement prepared by a certified public accountant or by a public accountant. The minimum information to be set forth on said statement shall be the applicant's (1) total assets, (2) total liabilities, (3) total current assets, and (4) total current liabilities.

The registrar may require any licensee under investigation pursuant to Article 7 (commencing with Section 7090) of this chapter to provide a current certified financial statement prepared by a certified public accountant or by a public accountant.

The information contained in the financial statement shall be confidential and not a public record, but, where relevant, shall be admissible as evidence in any administrative hearing or judicial action or proceeding.

The registrar may destroy all financial statements which have been on file for a period of at least five years.

CHAPTER 637

An act to amend Section 206 of the Elections Code, relating to the registration of voters.

[Approved by Governor June 11, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 206 of the Elections Code is amended to read:

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

If a person resides in a house or apartment lying in more than one city, his residence shall be determined on the basis of his street address.

CHAPTER 638

An act to add Section 203.5 to the Labor Code, relating to employer's bonds.

[Approved by Governor June 11, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 203.5 is added to the Labor Code, to read:

203.5. If a bonding company issuing a bond to secure the payment of wages for labor or the surety on such a bond willfully fails to pay, without abatement or reduction, any verified claim made for wages found to be due and payable, the claim for wages shall continue as a penalty against the bonding company or surety from the date on which demand for payment was made at the same rate until paid as the wages upon which the claim is based, except that the claim shall not continue as a penalty for more than 30 days.

The provisions of this section shall apply only with respect to labor and material bonds filed pursuant to the State Contract Act under a contract awarded by, and entered into with, the state.

CHAPTER 639

An act to amend Section 2169 of the Business and Professions Code, relating to the practice of medicine.

[Approved by Governor June 11, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 2169 of the Business and Professions Code is amended to read:

2169 All applications shall contain, or have attached thereto, a diploma from a high school or other school requiring and giving a full four years' resident course of the same

grade, or evidence satisfactory to the board of the equivalent educational qualifications.

Proof, satisfactory to the board, shall be submitted that the applicant is the lawful holder of the diploma, and that it was procured in the regular resident course of instruction without fraud or misrepresentation.

CHAPTER 640

An act to amend Section 5014 of the Elections Code, relating to city ballot measures.

[Approved by Governor June 11, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 5014 of the Elections Code is amended to read:

5014. If more than one argument for or more than one argument against any city measure is submitted to the city clerk within the time prescribed, the city clerk shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument the city clerk shall give preference and priority in the order named to the arguments of the following:

(a) The legislative body, or member or members of the legislative body authorized by that body.

(b) The individual voter or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.

(c) Bona fide associations of citizens.

(d) Individual voters.

CHAPTER 641

An act to amend Sections 23153, 23186a, 23222a, 23253, 23282, 24424, 24562, 24563, 24621, 25663c, 25670, 26072, 26073, 26073c and 26132 of, to add Sections 23301.5 and 23571.5 to, and to repeal Section 24308 of, the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations, and Massachusetts trusts, to take effect immediately.

[Approved by Governor June 12, 1965 Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 23153 of the Revenue and Taxation Code is amended to read:

23153. Every corporation not otherwise taxed under this chapter and not expressly exempted by the provisions of this part or the Constitution of this state shall pay annually to the state a tax of one hundred dollars ($100), except that the following corporations shall pay annually to the state a tax of twenty-five dollars ($25):

(a) A credit union not otherwise taxed under this chapter whose gross income is twenty thousand dollars ($20,000) or less.

(b) A corporation formed under the laws of this state whose principal business when formed was gold mining, which is inactive and has not done business within the limits of the state since 1950.

Every such domestic corporation taxable under this section shall be subject to the said tax from the date of incorporation until the effective date of dissolution as provided in Section 23331.

For the purpose of paragraph (b) a corporation shall not be considered to have done business if it engages in incidental activities, other than mining.

SEC. 2. Section 23186a of said code is amended to read:

23186a. The Franchise Tax Board, after public hearing and opportunity given to examine the data on which its determination is based, shall determine not later than the 31st day of December of each year the average percentage of net income above specified, and, within 30 days after its determination, shall mail notice of its determination and the amount of tax payable or refundable, as the case may be, on the basis of such determination to all banks and financial corporations affected thereby, which are then classified on its records as banks or financial corporations. If additional tax is payable such determination shall be treated as a notice and demand for payment but shall not be considered a deficiency assessment within the meaning of Article 1 of Chapter 20. The data gathered by the Franchise Tax Board in determining the rate, referred to herein, shall be made available to the taxpayers affected by such determination at the time and in the manner prescribed by regulations adopted by the Franchise Tax Board.

SEC. 3. Section 23222a of said code is amended to read:

23222a. In every case in which the second or succeeding taxable years of a commencing taxpayer constitute a period of less than 12 months or in which the taxpayer does business for a period of less than 12 months during its second or succeeding taxable years, the tax for such year or years shall be measured by the income of that period or periods subject to the continuation of the prepayment procedure outlined in Section 23222. In no event shall the income of any period or periods herein described be used as the measure of the tax for the succeeding taxable year, other than the prepayment, until the last short period is succeeded by a taxable period of 12 months, in which case the income of the last short period

shall, if greater than the income of the 12-month period, constitute the measure of the tax for such 12-month period.

Thereafter the procedure outlined in Section 23222, in respect of the second and third taxable years, shall apply and the taxpayer shall not be subject to the provisions of this section.

In the event that a taxpayer is dissolved or withdraws from this state while subject to the provisions of this section, its tax for the year of dissolution or withdrawal shall be measured by its net income for such year. However, in no event shall the tax be less than the minimum tax provided by Section 23153.

SEC. 4. Section 23253 of said code is amended to read:

23253. Where, pursuant to a reorganization, all or a substantial portion of the business or property of a taxpayer, a party to the reorganization, is transferred to another taxpayer, a party to the reorganization:

(a) The net gain of the transferor from the business or property so transferred to any taxpayer for the taxable year in which the transfer occurs, shall be included in the measure of the tax on the transferee for the taxable year succeeding the taxable year in which the transfer occurs if the taxable year of the transferee in which the transfer occurs ends at the same time as or before the time the taxable year of the transferor in which the transfer occurs ends Gain of the transferor so included in the measure of the tax on the transferee shall be considered the income of the transferee for the purposes of Chapter 2.

(b) If the taxable year of the transferee in which the transfer occurs ends after the taxable year of the transferor in which the transfer occurs ends, the transferee shall, within two months and 15 days after the close of the taxable year of the transferor in which the transfer occurs, file a return disclosing the net income of the transferor from the business or property transferred for the taxable year in which the transfer occurs, and pay a tax measured by such income.

(c) For the purposes of this section "party to the reorganization" includes any taxpayer subject to the tax imposed under this part who acquires and continues to operate all or a substantial part of the operating assets of the original transferor, regardless of whether such assets are received directly from the original transferor, or by merger, or as otherwise described in Section 23251.

SEC. 5. Section 23282 of said code is amended to read:

23282. The tax imposed upon any taxpayer which has suffered the suspension or forfeiture provided in Section 23301, and which revives in any taxable year other than the taxable year in which suspension or forfeiture occurred, shall be computed in the same manner as provided in Sections 23222 to 23224, inclusive, relative to the computation of taxes upon taxpayers commencing to do business for the first time after incorporation or qualification. In addition to the taxes, penal-

ties, and interest specified in Section 23305, such taxpayer shall prepay a tax in an amount equal to the minimum tax provided for in Section 23153 as a condition precedent to the issuance of a certificate of revivor.

SEC. 6. Section 24424 of said code is amended to read:

24424. (a) No deduction shall be allowed for—

(1) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under such policy.

(2) Any amount paid or accrued on indebtedness incurred or continued to purchase or carry a single premium life insurance, endowment, or annuity contract. Paragraph (2) shall apply in respect of annuity contracts only as to contracts purchased after December 31, 1954.

(3) Except as provided in subsection (c), any amount paid or accrued on indebtedness incurred or continued to purchase or carry a life insurance, endowment, or annuity contract (other than a single premium contract or a contract treated as a single premium contract) pursuant to a plan of purchase which contemplates the systematic direct or indirect borrowing of part or all of the increases in the cash value of such contract (either from the insurer or otherwise).

Paragraph (3) shall apply only in respect of contracts purchased after August 6, 1963.

(b) For purposes of subsection (a)(2), a contract shall be treated as a single premium contract—

(1) If substantially all the premiums on the contract are paid within a period of four years from the date on which the contract is purchased; or

(2) If an amount is deposited after December 31, 1954, with the insurer for payment of a substantial number of future premiums on the contract.

(c) Subsection (a)(3) shall not apply to any amount paid or accrued by a person during an income year on indebtedness incurred or continued as part of a plan referred to in subsection (a)(3).

(1) If no part of four of the annual premiums due during the seven-year period (beginning with the date the first premium on the contract to which such plan relates was paid) is paid under such plan by means of indebtedness.

(2) If the total of the amounts paid or accrued by such person during such income year for which (without regard to this paragraph) no deduction would be allowable by reason of subsection (a)(3) does not exceed one hundred dollars ($100).

(3) If such amount was paid or accrued on indebtedness incurred because of an unforeseen substantial loss of income or unforeseen substantial increase in its financial obligations, or

(4) If such indebtedness was incurred in connection with its trade or business.

For purposes of applying paragraph (1), if there is a substantial increase in the premiums on a contract, a new seven-year period described in such paragraph with respect to such contract shall commence on the date the first such increased premium is paid.

SEC. 7. Section 24562 of said code is amended to read:

24562. (a) For purposes of Chapters 8 and 9 and this chapter, the term "reorganization" means—

(1) A statutory merger or consolidation;

(2) The acquisition by one corporation, in exchange solely for all or a part of its voting stock (or in exchange solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation), of stock of another corporation if, immediately after the acquisition, the acquiring corporation has control of such other corporation (whether or not such acquiring corporation had control immediately before the acquisition);

(3) The acquisition by one corporation, in exchange solely for all or a part of its voting stock (or in exchange solely for all or a part of the voting stock of a corporation which is in control of the acquiring corporation), of substantially all of the properties of another corporation, but in determining whether the exchange is solely for stock the assumption by the acquiring corporation of a liability of the other, or the fact that property acquired is subject to a liability, shall be disregarded;

(4) A transfer by a corporation of all or a part of its assets to another corporation if immediately after the transfer the transferor, or one or more of its shareholders (including persons who were shareholders immediately before the transfer), or any combination thereof, is in control of the corporation to which the assets are transferred; but only if, in pursuance of the plan, stock or securities of the corporation to which the assets are transferred are distributed in a transaction which qualifies under Section 24531, 24533, or 24535;

(5) A recapitalization; or

(6) A mere change in identity, form, or place of organization, however effected.

(b) (1) If a transaction is described in both subdivision (a)(3) and subdivision (a)(4), then, for purposes of this chapter, such transaction shall be treated as described only in subdivision (a)(4).

(2) If—

(A) One corporation acquires substantially all of the properties of another corporation;

(B) The acquisition would qualify under subdivision (a)(3) but for the fact that the acquiring corporation exchanges money or other property in addition to voting stock; and

(C) The acquiring corporation acquires, solely for voting stock described in subdivision (a)(3), property of the other corporation having a fair market value which is at

least 80 percent of the fair market value of all of the property of the other corporation;

then such acquisition shall (subject to paragraph (1) of this subdivision) be treated as qualifying under subdivision (a)(3). Solely for the purpose of determining whether subparagraph (C) of the preceding sentence applies, the amount of any liability assumed by the acquiring corporation, and the amount of any liability to which any property acquired by the acquiring corporation is subject, shall be treated as money paid for the property.

(3) A transaction otherwise qualifying under subdivisions (a)(1), (a)(2) or (a)(3) shall not be disqualified by reason of the fact that part or all of the assets or stock which were acquired in the transaction are transferred to a corporation controlled by the corporation acquiring such assets or stock.

SEC. 8. Section 24563 of said code is amended to read:

24563. For purposes of this article, the term "a party to a reorganization" includes—

(a) A corporation resulting from a reorganization; and

(b) Both corporations, in the case of a reorganization resulting from the acquisition by one corporation of stock or properties of another.

In the case of a reorganization qualifying under subdivision (a)(2) or (a)(3) of Section 24562, if the stock exchanged for the stock or properties is stock of a corporation which is in control of the acquiring corporation, the term "a party to a reorganization" includes the corporation so controlling the acquiring corporation. In the case of a reorganization qualifying under subdivisions (a)(1), (a)(2), or (a)(3) of Section 24562 by reason of subdivision (b)(3) of Section 24562, the term "a party to a reorganization" includes the corporation controlling the corporation to which the acquired assets or stock are transferred.

SEC. 9. Section 24621 of said code is amended to read:

24621. If a share of stock is transferred to an individual in a transfer in respect of which the requirements of Section 17532(a), 17533(a), or 17534(a) of Part 10 of this code are met—

(a) Except as provided in Section 17532(a)(1), no income shall result at the time of the transfer of such share to the individual upon his exercise of the option with respect to such share;

(b) No deduction under Section 24343 (relating to trade or business expenses) shall be allowable at any time to the employer corporation, a parent or subsidiary corporation of such corporation, or a corporation issuing or assuming a stock option in a transaction to which Section 17535(a) of Part 10 of this code applies, with respect to the share so transferred; and

(c) No amount other than the price paid under the option shall be considered as received by any of such corporations for the share so transferred.

SEC. 10. Section 25663c of said code is amended to read:

25663c. (1) 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, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within six years after the return was filed.

(2) For purposes of this section—

(A) 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 services; and

(B) 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. 11. Section 25670 of said code is amended to read:

25670. Any amount of tax in excess of that disclosed by the return, due to a mathematical error, or failure of the taxpayer to compute properly the liability based on the net income reported on its return, notice of which has been mailed to the taxpayer, is not a deficiency assessment within the meaning of this article. The taxpayer has no right of protest or appeal based on such notice; however, the amount of tax erroneously omitted or computed as specified by this section may be assessed and collected in the manner provided in this part in the case of deficiency assessments.

SEC. 12. Section 26072 of said code is amended to read:

26072. (a) No credit or refund exceeding one thousand dollars ($1,000) shall be allowed or made until approved by the State Board of Control.

(b) If the Franchise Tax Board determines that an amount not exceeding one thousand dollars ($1,000) was not required to be paid under this part, the Franchise Tax Board without obtaining the approval of the State Board of Control may credit the amount on any amounts then due and payable under this part from the taxpayer by whom the amount was paid and may refund the balance to the taxpayer or its successors.

SEC. 13. Section 26073 of said code is amended to read:

26073. No such credit or refund shall be allowed or made after four years from the last day prescribed for filing the return or after one year from the date of the overpayment, whichever period expires the later, unless before the expiration of such period a claim therefor is filed by the taxpayer, or unless before the expiration of such period the Franchise Tax Board allowed a credit or made a refund, where the over-

payment does not exceed one thousand dollars ($1,000), or if the amount exceeds one thousand dollars ($1,000) has certified such overpayment to the State Board of Control for approval of the refunding or the crediting thereof.

SEC. 14. Section 26073c of said code is amended to read:

26073c. (1) Notwithstanding any statute of limitations otherwise provided for in this part, any overpayment due a taxpayer for any year, shall be allowed as an offset in computing any deficiency in tax, for the same or any other year, if such overpayment results from:

(a) A transfer of items of income or deductions or both to or from another year for the same taxpayer; or

(b) A transfer of items of income or deductions or both to or from another taxpayer for the same or different years if such items of income or deductions are transferred between affiliated taxpayers whose tax is determined under Chapter 17 of this part.

(2) The offset provided by subdivision (1) shall not be allowed after the expiration of seven years from the due date of the return or returns on which the overpayment is determined.

(3) No refund shall be allowed under subdivision (1) unless the overpayment is certified to the State Board of Control, or a claim for refund is filed within the time otherwise provided for in this part.

SEC. 15. Section 26132 of said code is amended to read:

26132. The Franchise Tax Board may by notice, served personally or by registered mail, require any bank, corporation or person, and any officer or department of the state or any political subdivision or agency of the state, or any city organized under a freeholder's charter, or any political body not a subdivision or agency of the state, having in their possession, or under their control, any credits or other personal property or other things of value, belonging to a taxpayer to withhold, from such credits or other property the amount of any tax, interest or penalties due from the taxpayer or the amount of any liability incurred by such person for failure to withhold and transmit amounts due from a taxpayer under this part and to transmit the amount withheld to the Franchise Tax Board at such times as it may designate. Any bank, corporation or person failing to withhold the amounts due from any taxpayer and transmit the same to the Franchise Tax Board after service of such a notice shall be liable for such amounts.

SEC. 16. Section 23301.5 is added to said code, to read:

23301.5. Except for the purpose of amending the articles of incorporation to set forth a new name, under regulations prescribed by the Franchise Tax Board, the corporate powers, rights and privileges of a domestic corporation may be suspended, and the exercise of the corporate powers, rights and privileges of a foreign taxpayer in this state may be forfeited if a taxpayer fails to:

(a) File a return; or

(b) Notify the Franchise Tax Board of its annual accounting period, within nine months after the date of its incorporation or qualification.

SEC. 17. Section 23571.5 is added to said code, to read:

23571.5. Except for purposes of amending the articles of incorporation to set forth a new name, under regulations prescribed by the Franchise Tax Board, the corporate powers, rights and privileges of a domestic corporation may be suspended, and the exercise of the corporate powers, rights and privileges of a foreign taxpayer in this state may be forfeited if a taxpayer fails to:

(a) File a return; or

(b) Notify the Franchise Tax Board of its annual accounting period, within nine months after the date of its incorporation or qualification.

SEC. 18. Section 24308 of said code is repealed.

SEC. 19. This act provides for a tax levy within the meaning of Article IV of the Constitution, and shall go into effect immediately.

CHAPTER 642

An act to amend Section 1208 of the Penal Code, relating to work furlough rehabilitation of prisoners.

[Approved by Governor June 12, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 1208 of the Penal Code is amended to read:

1208. (a) The provisions of this section shall be operative in any county in which the board of supervisors by ordinance finds, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section in that county is feasible. In such ordinance the board shall prescribe whether the sheriff, the probation officer, or the superintendent of a county industrial farm or industrial road camp in the county shall perform the functions of the work furlough administrator. The board of supervisors may also terminate the operativeness of this section in the county if it finds by ordinance that, because of changed circumstances, the operation of this section in that county is no longer feasible.

(b) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, the work furlough administrator may, if he concludes that such person is a fit subject therefor, direct that such person be permitted to continue in his regular employment, if that is compatible with the requirements

of subdivision (d), or may authorize the person to secure employment for himself in the county, unless the court at the time of sentencing has ordered that such person not be granted work furloughs.

(c) If the work furlough administrator so directs that the prisoner be permitted to continue in his regular employment, the administrator shall arrange for a continuation of such employment so far as possible without interruption. If the prisoner does not have regular employment, and the administrator has authorized the prisoner to secure employment for himself, the prisoner may do so, and the administrator may assist him in doing so. Any employment so secured must be suitable for the prisoner. Such employment must be at a wage at least as high as the prevailing wage for similar work in the area where the work is performed and in accordance with the prevailing working conditions in such area. In no event may any such employment be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed.

(d) Whenever the prisoner is not employed and between the hours or periods of employment, he shall be confined in the jail unless the court directs otherwise.

(e) The earnings of the prisoner shall be collected by the work furlough administrator, and it shall be the duty of the prisoner's employer to transmit such wages to the administrator at the latter's request. Earnings levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the administrator. If the administrator has requested transmittal of earnings prior to levy, such request shall have priority. In a case in which the functions of the administrator are performed by a sheriff, and such sheriff receives a writ of attachment or execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, he shall first levy on the earnings pursuant to the writ. When an employer transmits such earnings to the administrator pursuant to this subdivision he shall have no liability to the prisoner for such earnings. From such earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to such prisoner, and, in an amount determined by the administrator, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

(f) The prisoner shall be eligible for time credits pursuant to Sections 4018, 4019, and 4019.2.

(g) In the event the prisoner violates the conditions laid down for his conduct, custody, or employment, the work fur-

lough administrator may order the balance of the prisoner's sentence to be spent in actual confinement.

(h) Willful failure of the prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement pursuant to this section is punishable as provided in Section 4532 of the Penal Code.

(i) This section shall be known and may be cited as the "Cobey Work Furlough Law."

CHAPTER 643

An act to amend Section 1319.4 of the Penal Code, relating to release on own recognizance.

[Approved by Governor June 12, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 1319.4 of the Penal Code is amended to read:

1319.4. Every person who is charged with the commission of a felony who is released on his own recognizance pursuant to this article who willfully fails to appear as he has agreed, is guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding five thousand dollars ($5,000) or by imprisonment in the state prison for not more than five years or in the county jail for not more than one year, or by both such fine and imprisonment.

CHAPTER 644

An act to add Section 21645 to the Public Utilities Code, relating to the regulation of public utilities.

[Approved by Governor June 12, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 21645 is added to the Public Utilities Code, to read:

21645. After the effective date of this section, no public utility shall construct any pole, pole line, distribution or transmission tower or tower line, or substation structure in the vicinity of the exterior boundary of an aircraft landing area of any airport open to public use, in such a location with respect to such airport and at such a height as to constitute an obstruction to air navigation, as an obstruction is defined in accordance with the Federal Aviation Agency's Technical Stand-

ard Order N 18 or any corresponding rules or regulations of the Federal Aviation Agency, unless the Federal Aviation Agency has determined that such pole, line, tower, or structure does not constitute a hazard to air navigation. This section shall not apply to existing poles, lines, towers, or structures or to the repair, replacement, or reconstruction thereof if the original height is not materially exceeded and shall not apply unless just compensation shall have first been paid to the public utility by the owner of any such airport for any property or property rights which would be taken or damaged hereby.

CHAPTER 645

An act to amend Sections 821 and 1269b of the Penal Code, relating to arrests.

[Approved by Governor June 12, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 821 of the Penal Code is amended to read:

821. If the offense charged is a felony, and the arrest occurs in the county in which the warrant was issued, the officer making the arrest must take the defendant before the magistrate who issued the warrant or some other magistrate of the same county.

If 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 endorsement referred to in Section 815a, and direct the defendant to appear before the court or magistrate by whom the warrant was issued on or before a day certain which shall in no case be more than 10 days after such admittance to bail. If bail be forthwith given, the magistrate shall take the same and endorse thereon a memorandum of the aforesaid order for the appearance of the defendant, or, if the defendant so requires, he may be released on bail set on the warrant by the issuing court, as provided in Section 1269b of this code, without an appearance before a magistrate.

If the warrant on which the defendant is arrested in another county does not have bail set thereon, or if the defendant arrested in another county does not require the arresting officer to take him before a magistrate in that county for the purpose of being admitted to bail, or if such defendant, after being admitted to bail, does not forthwith give bail, the arresting officer shall immediately notify the law enforcement

agency requesting the arrest in the county in which the warrant was issued that such defendant is in custody, and thereafter such law enforcement agency shall take custody of such defendant within five days in the county in which he was arrested and shall take such defendant before the magistrate who issued the warrant, or before some other magistrate of the same county.

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 sched-

ule. 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 646

An act to amend Section 1344 of the Education Code, relating to school district elections.

[Approved by Governor June 12, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 1344 of the Education Code is amended to read:

1344. Except where the procedure prescribed by Section 1343 is utilized, and except as otherwise provided for consolidated elections, the county superintendent of schools having jurisdiction over any school district election shall cause formal notice of such election to be published in a newspaper of general circulation published within the district, or if there is no such newspaper, then in any newspaper of general circulation that is regularly circulated in the district.

Publication of notice pursuant to this section shall be once each week for three successive weeks. Three publications in a newspaper regularly published once a week or oftener, with at least five days intervening between the respective publica-

tion dates not counting such publication dates, are sufficient.

The first publication shall be made not more than 60 days, and the last publication shall be made not less than seven days, prior to the date set for the election.

Proof of such publication may be by affidavit.

CHAPTER 647

An act to add Sections 1402.5, 1413.5, and 1414.5 to, and to amend Sections 1404, 1413, and 1414 of, the Health and Safety Code, relating to hospitals.

[Approved by Governor June 12, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 1402.5 is added to the Health and Safety Code, to read:

1402.5. The state department may deny any license application made under provisions of this chapter for failure to meet any of the requirements set forth in Section 1402 on any of the grounds for suspension or revocation set forth in Section 1412.

SEC. 2. Section 1404 of said code is amended to read:

1404. Each license issued under this chapter shall expire at midnight on the 31st day of December of each calendar year. On or before December 1 of each calendar year, the state department shall mail an application for renewal form to each licensee. Application for renewal of license accompanied by the necessary fee shall be filed with the state department annually, not less than 10 days prior to the expiration date. Failure to make a timely renewal shall result in expiration of the license.

SEC. 3. Section 1413 of said code is amended to read:

1413. Proceedings for the suspension, revocation or denial of licenses under this chapter shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the state department shall have all the powers granted therein. In case of conflict between the provisions of this chapter and the provisions of said Chapter 5, the latter provisions shall prevail.

SEC. 4. Section 1413.5 is added to said code, to read:

1413.5. The withdrawal of an application for a license after it has been filed with the state department shall not, unless the state department consents in writing to such withdrawal, deprive the state department of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

The suspension, expiration, or forfeiture by operation of law of a license issued by the state department, or its suspension, forfeiture, or cancellation by order of the state department or by order of a court of law, or its surrender without the written consent of the state department, shall not deprive the state department of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

SEC. 5. Section 1414 of said code is amended to read:

1414. Any license revoked pursuant to this chapter may be reinstated pursuant to the provisions of Section 11522 of the Government Code.

SEC. 6. Section 1414.5 is added to said code, to read:

1414.5. Any licensee may, with the approval of the state department, surrender his license for suspension or cancellation by the state department. Any license suspended or canceled pursuant to this section may be reinstated by the state department on receipt of an application showing compliance with the requirements of Section 1402.

CHAPTER 648

An act to amend Sections 3114, 5024 and 5101 of the Streets and Highways Code, relating to assessment districts.

[Approved by Governor June 12, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 3114 of the Streets and Highways Code is amended to read:

3114. After the confirmation by the legislative body of any assessment, the street superintendent, or other officer of the city in whose office such assessment shall have been filed or recorded, shall execute and record a notice of assessment in the office of the county recorder of each county in which all or any part of the assessment district is located. Such notice of assessment shall be in substantially the following form:

Notice of Assessment

Pursuant to the requirements of Section 3114 of the Streets and Highways Code, the undersigned, _____ of the City of _____, State of California, hereby gives notice that a diagram and assessment were filed in the office of the _____ of said city as provided for in said section, and relating to the following described real property:

(The real property in the assessment district may be described by: (a) stating its exterior boundaries; or (b) giving a description thereof according to any official or recorded map; or (c) referring to the plat or map filed pursuant to Section 3111 or Section 3113 and the book and page number in the office of the county recorder of such filed plat or map.)

Notice is further given that upon the recording of this notice in the office of the county recorder, the several assessments assessed as shown in said filed diagram and assessment shall become a lien upon the lots or portions of lots assessed, respectively.

Reference is made to the diagram and assessment on file in the office of the _____ of the said city.

Dated: _____

If the assessment district is located in two or more counties, the notice above set forth, in lieu of the paragraph following the description of the property, shall state:

Notice is further given that the above-described real property is located in the counties of _____ and _____ and upon the recording of this notice in the office of the county recorder of all such counties, effective upon the date of the last such recording, the several assessments as shown in said filed diagram and assessment shall become a lien upon the lots or portions of lots assessed, respectively.

SEC. 2. Section 5024 of said code is amended to read:

5024. "Incidental expense" includes:

(a) The compensation of the engineer for work done by him, and attorney's fees for services in proceedings pursuant to this division;

(b) The cost of printing and advertising provided for in this division, including the treasurer's estimated cost of printing, servicing and collecting any bonds to be issued to represent or be secured by unpaid assessments;

(c) The compensation of the person appointed by the superintendent of streets to take charge of and superintend any of the work;

(d) The expenses of making the assessment, and of the collection of assessments by the superintendent of streets when directed by ordinance to receive payments pursuant to Section 5396 of this division, and of preparing and typing the resolutions, notices and other papers and proceedings for any work authorized by this division;

(e) The expenses of making any analysis and tests to determine that the work and any materials or appliances incorporated therein comply with the specifications;

(f) All costs and expenses incurred in carrying out the investigations and making the reports required by the provisions of the "Special Assessment Investigation, Limitation and Majority Protest Act of 1931";

(g) The cost of title searching, description writing, salaries of right-of-way agent, appraisal fees, partial reconveyance

fees, surveys and sketches incident to securing rights-of-way for any work authorized by this division;

(h) Any other expenses incidental to the construction, completion, and inspection of the work in the manner provided for in this division;

(i) The cost of relocating or altering any public utility facilities as required by the improvement in those cases where such cost is the legal obligation of the city; and

(j) In a county having a population of 4,000,000 or over, the cost of purchasing plans prepared by a registered civil engineer engaged by owners.

(k) The cost of filing and of recording documents where such cost is the legal obligation of the city.

(*l*) The cost of any acquisition as defined in Section 5023.1 of this code, and expenses incidental in connection with such acquisition.

All demands for incidental expenses shall be presented to the street superintendent, by an itemized bill, duly verified by the demandant.

SEC. 3. Section 5101 of said code is amended to read:

5101. Whenever in the opinion of the legislative body the public interest or convenience may require, it may order the whole or any portion, either in length or in width, of any one or more of the streets, places, public ways, or property, or rights-of-way, or tidelands, or submerged lands owned by any city, open or dedicated to public use, and any property for the immediate possession and use of which as rights-of-way required for public use, an order has been obtained in compliance with the provisions of Section 14 of Article I of the State Constitution, to be improved by or have constructed therein, over or thereon, either singly or in any combination thereof, any of the following:

(a) The grading or regrading, the paving or repaving, the planking or replanking, the macadamizing or remacadamizing, the graveling or regraveling, the oiling or reoiling thereof.

(b) The construction or reconstruction of sidewalks, crosswalks, steps, safety zones, platforms, seats, statuary, fountains, parks and parkways, culverts, bridges, curbs, gutters, tunnels, subways or viaducts.

(c) Sanitary sewers or instrumentalities of sanitation, together with the necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, tunnels, channels or other appurtenances.

(d) Drains, tunnels, sewers, conduits, culverts and channels for drainage purposes; with necessary outlets, cesspools, manholes, catch basins, flush tanks, septic tanks, disposal plants, connecting sewers, ditches, drains, conduits, channels and appurtenances.

(e) Poles, posts, wires, pipes, conduits, tunnels, lamps and other suitable or necessary appliances for the purpose of lighting said streets, places or public ways of any such city or

property or rights-of-way owned by any such city, or for the purpose of furnishing electricity and electric service or telephone service to property within a city.

(f) Pipes, hydrants and appliances for fire protection.

(g) Breakwaters, levees, bulkheads and walls of rock or other material to protect the streets, places, public ways and other property in any such city, from overflow by water.

(h) Wells, pumps, dams, reservoirs, storage tanks, channels, tunnels, conduits, pipes, hydrants, meters or other appurtenances for supplying or distributing a domestic water supply.

(i) Mains, services, pipes, fittings, valves, regulators, governors, meters, drips, drains, tanks, ditches, tunnels, conduits, channels, or other appurtenances for supplying or distributing a domestic or industrial gas supply.

(j) The construction or maintenance of bomb shelters or fallout shelters which are primarily designed to protect and shelter the population from conventional or nuclear bomb or missile warhead explosions, shellfire, radiation, and fallout in the event of an enemy attack.

(k) Retaining walls, embankments and other structures necessary or suitable in connection with any of the work mentioned in this section.

(*l*) The planting of trees, shrubs or other ornamental vegetation.

(m) The construction, repairing, or improving of public mooring places for watercraft, the building, repairing and improving of wharves, piers, docks, slips, quays, moles, or other utilities, structures, and appliances necessary or convenient for the promotion or accommodation of commerce, navigation and the protection of lands within said city, and for aiding and securing access to the waters of said lands to the people of the State of California, in the exercise of their rights to fish, or for the extension of public streets or places.

(n) Compaction of land, change of grade or contours, construction of caissons, retaining walls, drains and other structures suitable for the purpose of stabilizing land.

(o) All other work which may be deemed necessary to improve the whole or any portion of such streets, places, public ways or property, or rights-of-way owned by such city.

(p) All other work auxiliary to any of the above, which may be required to carry out the same.

SEC 4. Section 1 of this act shall become operative only if Sections 3111 and 3113 of the Streets and Highways Code are amended at the 1965 Regular Session of the Legislature to provide for the filing of a map or plat with the county recorder.

CHAPTER 649

An act to amend Sections 1521, 1528.5, 1555, and 1556 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor June 12, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 1521 of the Unemployment Insurance Code is amended to read:

1521. The Unemployment Fund is continued in existence as a special fund, separate and apart from all public money or funds of this state. This fund shall consist of (1) all employer contributions collected under this division; (2) interest earned upon any money in the fund; (3) any property or securities acquired through the use of money belonging to the fund; (4) all earnings of such property or securities; (5) all money credited to this state's account in the Unemployment Trust Fund pursuant to Section 903 of the Social Security Act, as amended; and (6) all other money received for the fund from any other source. All money in the fund shall be mingled and undivided.

All money in the Unemployment Fund and in the various accounts of that fund, except any money deposited pursuant to Section 1528 5, is continuously appropriated without regard to fiscal years for the purposes authorized in this article.

SEC. 2. Section 1528.5 of said code is amended to read:

1528.5. (a) Money credited to the account of this state in the Unemployment Trust Fund by the Secretary of the Treasury of the United States of America pursuant to Section 903 of the Social Security Act, as amended, may not be requisitioned from this state's account or used except for the payment of benefits and for the payment of expenses incurred for the administration of this part. Such money may be requisitioned pursuant to Section 1529 for the payment of benefits. Such money may also be requisitioned and used for the payment of expenses incurred for the administration of this part but only pursuant to a specific appropriation by the Legislature and only if the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which:

(1) Specifies the purposes for which such money is appropriated and the amounts appropriated therefor.

(2) Limits the period within which such money may be obligated to a period ending not more than two years after the date of the enactment of the appropriation law.

(3) Limits the amount which may be obligated during a fiscal year to an amount which does not exceed the amount by which (i) the aggregate of the amounts credited to the account of this state pursuant to Section 903 of the Social Security Act, as amended, during the same fiscal year and the nine

preceding fiscal years, exceeds (ii) the aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such 10 fiscal years.

(b) Amounts credited to this state's account in the Unemployment Trust Fund under Section 903 of the Social Security Act which are obligated for administration or paid out for benefits shall be charged against equivalent amounts which were first credited and which are not already so charged, except that no amount obligated for administration during a fiscal year specified herein may be charged against any amount credited during such a fiscal year earlier than the ninth preceding such fiscal year.

(c) Money appropriated pursuant to this section for the payment of expenses of administration shall be requisitioned as needed for the payment of obligations incurred under such appropriation and, upon requisition, shall be deposited in the Unemployment Administration Fund, but, until expended, shall remain a part of the Unemployment Fund. The director and the Controller shall maintain a separate record of the deposit, obligation, expenditure, and return of funds so deposited. Any money so deposited which either will not be obligated within the period specified by the appropriation law or remains unobligated at the end of the period, and any money which has been obligated within the period but will not be expended shall be returned promptly to the account of this state in the Unemployment Trust Fund.

SEC. 3. Section 1555 of said code is amended to read:

1555. The Unemployment Administration Fund is continued in existence as a special fund in the State Treasury. All money which is deposited or paid into this fund, except any money deposited pursuant to Section 1528.5, is hereby continuously appropriated and made available to the director for the purposes authorized in this article without regard to fiscal years. Any balances in this fund shall not lapse at any time, but shall be continuously available to the director for expenditure consistent with the purposes authorized.

SEC. 4. Section 1556 of said code is amended to read:

1556. Except for money deposited pursuant to Section 1528.5, the Unemployment Administration Fund shall consist of all money appropriated by this state for the purpose of administering this part, and all money received from the United States of America, or any agency thereof, including the Secretary of Labor, the Railroad Retirement Board and the United States Employment Service, or from any other source for such purpose. Money received from the Railroad Retirement Board as compensation for services or facilities supplied to it shall be deposited in this fund. Money requisitioned and deposited in this fund pursuant to Section 1528.5 shall remain part of the Unemployment Fund and shall be used only in accordance with the conditions specified in that section.

CHAPTER 650

An act to add Section 31009 to, and to amend Section 31720 of, the Government Code, relating to waiver of disability retirement benefits by county employees.

[Approved by Governor June 12, 1965. Filed with Secretary of State June 12, 1965]

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

SECTION 1. Section 31009 is added to the Government Code, to read:

31009. Any applicant for employment who does not meet the physical standards established for his employment because of a physical impairment existing on the date of his employment may be required by the county as a condition to such employment to execute a waiver of any and all rights to a disability retirement under the County Employees Retirement Law of 1937 arising as a result of such impairment or any aggravation thereof while in county service. The county shall provide the applicant with written notice of the rights and benefits which such applicant is being required to waive. The applicant shall give written acknowledgment of the receipt of such notice.

No earlier than two years after employment an employee who has waived rights pursuant to this section may apply to the retirement board to review such waiver to determine if it shall remain in force. The employee shall submit a physician's report concerning the condition for which such a waiver was required with such request for review. The retirement board may require, at county expense, an examination of such employee by a physician of such board's choosing. The retirement board, following a hearing, may release such employee from all or part of a waiver given pursuant to this section. An employee may not require such a review more often than every two years, although such board in its sole discretion may allow a review at more frequent intervals.

SEC. 2. Section 31720 of said code is amended to read:

31720. Any member permanently incapacitated for the performance of duty shall be retired for disability regardless of age if, and only if:

(a) His incapacity is a result of injury or disease arising out of and in the course of his employment, or

(b) He has completed five years of service, and

(c) He has not waived retirement in respect to the particular incapacity or aggravation thereof as provided by Section 31009.

CHAPTER 651

An act to amend Section 7072 of the Harbors and Navigation Code, relating to small craft harbor districts.

[Approved by Governor June 12, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 7072 of the Harbors and Navigation Code is amended to read:

7072. The board may, at any time, appoint or employ, fix the compensation of and prescribe the authority and duties of other officers, employees, attorneys, engineers and consultants necessary or convenient for the business of the district, each of whom shall serve at the pleasure of the board.

When, pursuant to Section 7046, the legislative body of a city is the board of directors of a district, and appoints the administrative officer of the district, he shall have the authority to appoint, employ, and to fix the compensation of and prescribe the authority and duties of, the employees of the district, excluding attorneys, auditors or consultants. The employees employed or appointed by the administrative officer shall serve at his pleasure.

CHAPTER 652

An act to amend Sections 11503, 11509, and 11518 of the Vehicle Code, relating to vehicle dismantlers.

[Approved by Governor June 12, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 11503 of the Vehicle Code is amended to read:

11503. The department may refuse to issue a license and certificate to an applicant when it determines:

(a) The applicant was previously the holder of a license and certificate issued under this code, which license and certificate were revoked for cause and never reissued by the department, or which license and certificate were suspended for cause and the terms of suspension have not been terminated, and

(b) That one or more of the partners, if the applicant be a partnership, or one or more of the stockholders, directors, or officers of the corporation, if a corporation be the applicant, was previously the holder of a license and certificate, issued under the authority of this code, which were revoked for cause

and never reissued or were suspended for cause and the terms of suspension have not been terminated, and

(1) That by reason of the facts and circumstances touching the organization, control and management of the partnership or corporation business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated.

(c) The applicant, or one of the partners, if the applicant be a partnership, or one or more of the officers or directors of the corporation, if a corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude.

(d) The information contained in an application is incorrect.

(e) The applicant, or one of the partners, if the applicant be a partnership, or one or more of the officers, directors or stockholders of the corporation, if a corporation be the applicant, based on the information contained in the application or by subsequent investigation, is not of good moral character.

(f) The decision of the department to suspend or revoke a license under the provisions of subdivision (b) of Section 11518 or subdivision (c) of Section 11721 has been entered, and the applicant was the licensee, a copartner, or an officer, director, or stockholder of such suspended or revoked licensee.

SEC. 2. Section 11509 of said code is amended to read:

11509. The department after notice and hearing may suspend, revoke or refuse to renew the certificate and license and special plates issued to an automobile dismantler upon determining that any such automobile dismantler is not lawfully entitled thereto, has made or knowingly or negligently permitted an illegal use of the special plates issued to said person, used a false or fictitious name, knowingly made any false statements or concealed any material fact in any application or other document filed with the department, or has violated one or more terms and provisions of Divisions 3 (commencing with Section 4000) or 4 (commencing with Section 10500) or Chapter 3 (commencing with Section 11500) of Division 5, of this code or Part 5 (commencing with Section 10701) of Division 2 of the Revenue and Taxation Code, or has been convicted of a felony or a crime involving moral turpitude arising out of or in connection with any business licensed under this code; or has purchased, or concealed, or had in his possession, or has otherwise acquired or disposed of a vehicle, knowing the same to be stolen; or has failed to meet and maintain the requirements for issuance of an automobile dismantler license and certificate and special plates as provided for in this code; or has failed to pay within 30 days after written demand from

the department any fees or penalties due on vehicles acquired for dismantling.

When a check, draft, or money order submitted to the department by a licensee dismantler for any obligation or fee due the state is dishonored or refused payment upon presentation, it shall be a cause, after notice and hearing, to suspend, revoke, or refuse to renew a license and certificate issued to such dismantler.

Any of the causes specified in Section 11503 as a cause for refusal to issue a license and certificate to an automobile dismantler applicant, shall be cause, after notice and hearing, to suspend, revoke, or refuse to renew a license and certificate issued to an automobile dismantler.

Every hearing as provided for in this chapter shall be pursuant to the provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 3. Section 11518 of said code is amended to read:

11518. The special plates, license and certificate provided for in this chapter shall be automatically canceled upon:

(a) The abandonment of the established place of business of the automobile dismantler or the change thereof without notice to the department as provided in Section 11513 of this code.

(b) The voluntary or involuntary surrender for any cause by the licensee of the said special plates, license and certificate; provided, that such surrender, or the cessation of business by the licensee, or the suspension of the corporate charter of the licensee by the State of California, shall not prevent the filing of an accusation for revocation or suspension of the surrendered license as provided in Section 11509, and the department's decision that such license should be suspended or revoked; and provided further, that such decision may be considered in granting or refusing to grant any subsequent license authorized by Division 5 of this code to such licensee, copartner, or any officer, director, or stockholder of such prior licensee.

(c) When the person as defined in Section 470 of this code and designated as licensee has changed, except that the special plates issued to the original licensee may be transferred upon application as provided in Section 11501 and the newly designated licensee as transferee thereof shall succeed to the privileges evidenced by said plates until the expiration thereof.

(d) The failure of the licensee to file an application for renewal of the special plates, license and certificate before January 1st following the expiration date of the current special plates, license and certificate.

CHAPTER 653

An act to amend Sections 910, 910.4, 911.4, 911.6, 912.2, 912.4, 915, 930, 930.2, 935, 935.2, 935.4, 943, 945.4, 945.6, 945.8, 950.2, 950.4, 950.6, 960.4, 53050, and 53051 of, to add Sections 930.4, 930.6, 946.4, 946.6, 960.2, 960.3, and 960.8 to, and to repeal Sections 912, 945.5, 960.2, and 53052 of, the Government Code, relating to the liability of public entities and public officers, servants, and employees.

[Approved by Governor June 12, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 910 of the Government Code is amended to read:

910. A claim shall be presented by the claimant or by a person acting on his behalf and shall show:

(a) The name and post office address of the claimant;

(b) The post office address to which the person presenting the claim desires notices to be sent;

(c) The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted;

(d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation of the claim;

(e) The name or names of the public employee or employees causing the injury, damage, or loss, if known; and

(f) The amount claimed as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed.

SEC. 2. Section 910.4 of said code is amended to read:

910.4. The board may provide forms specifying the information to be contained in claims against the public entity. If the board provides forms pursuant to this section, the person presenting a claim need not use such form if he presents his claim in conformity with Sections 910 and 910.2. A claim presented on a form provided pursuant to this section shall be deemed to be in conformity with Sections 910 and 910.2 if the claim complies substantially with the requirements of the form or with the requirements of Sections 910 and 910.2.

SEC. 3. Section 911.4 of said code is amended to read:

911.4. (a) When a claim that is required by Section 911.2 to be presented not later than the 100th day after the accrual of the cause of action is not presented within such time, a written application may be made to the public entity for leave to present such claim.

(b) The application shall be presented to the public entity as provided in Article 2 (commencing with Section 915) of this chapter within a reasonable time not to exceed one year

after the accrual of the cause of action and shall state the reason for the delay in presenting the claim. The proposed claim shall be attached to the application.

SEC. 4. Section 911.6 of said code is amended to read:

911.6. (a) The board shall grant or deny the application within 45 days after it is presented to the board. If the board does not act upon the application within 45 days after the application is presented, the application shall be deemed to have been denied on the 45th day.

(b) The board shall grant the application where:

(1) The failure to present the claim was through mistake, inadvertence, surprise or excusable neglect and the public entity was not prejudiced by the failure to present the claim within the time specified in Section 911.2; or

(2) The person who sustained the alleged injury, damage or loss was a minor during all of the time specified in Section 911.2 for the presentation of the claim; or

(3) The person who sustained the alleged injury, damage or loss was physically or mentally incapacitated during all of the time specified in Section 911.2 for the presentation of the claim and by reason of such disability failed to present a claim during such time; or

(4) The person who sustained the alleged injury, damage or loss died before the expiration of the time specified in Section 911.2 for the presentation of the claim.

SEC. 5. Section 912 of said code is repealed.

SEC. 6. Section 912 2 of said code is amended to read:

912.2. If an application for leave to present a claim is granted by the board pursuant to Section 911.6, the claim shall be deemed to have been presented to the board upon the day that leave to present the claim is granted.

SEC. 7. Section 912.4 of said code is amended to read:

912.4. (a) The board shall act on a claim in the manner provided in Section 912.6 or 912.8 within 45 days after the claim has been presented. If a claim is amended, the board shall act on the amended claim within 45 days after the amended claim is presented.

(b) The claimant and the board may extend the period within which the board is required to act on the claim by written agreement made:

(1) Before the expiration of such period; or

(2) After the expiration of such period if an action based on the claim has not been commenced and is not yet barred by the period of limitations provided in Section 945.6.

(c) If the board fails or refuses to act on a claim within the time prescribed by this section, the claim shall be deemed to have been rejected by the board on the last day of the period within which the board was required to act upon the claim. If the period within which the board is required to act is extended by agreement pursuant to this section, whether made before or after the expiration of such period, the last

day of the period within which the board is required to act shall be the last day of the period specified in such agreement.

SEC. 8. Section 915 of said code is amended to read:

915. (a) A claim, any amendment thereto, or an application to the public entity for leave to present a late claim shall be presented to a local public entity by:

(1) Delivering it to the clerk, secretary or auditor thereof; or

(2) Mailing it to such clerk, secretary or auditor or to the governing body at its principal office.

(b) A claim, any amendment thereto, or an application for leave to file a late claim shall be presented to the state by:

(1) Delivering it to an office of the State Board of Control; or

(2) Mailing it to the State Board of Control at its principal office.

(c) A claim, amendment or application shall be deemed to have been presented in compliance with this section even though it is not delivered or mailed as provided in this section if it is actually received by the clerk, secretary, auditor or board of the local public entity, or is actually received at an office of the State Board of Control, within the time prescribed for presentation thereof.

(d) A claim, amendment or application shall be deemed to have been presented in compliance with this section to a public agency as defined in Section 53050 if it is delivered or mailed within the time prescribed for presentation thereof in conformity with the information contained in the statement in the Roster of Public Agencies pertaining to that public agency which is on file at the time the claim, amendment or application is delivered or mailed. As used in this subdivision, "statement in the Roster of Public Agencies" means the statement or amended statement in the Roster of Public Agencies in the office of the Secretary of State or in the office of the county clerk of any county in which such statement or amended statement is on file.

SEC. 9. Section 930 of said code is amended to read:

930. The State Board of Control may, by rule, authorize any state agency to include in any written agreement to which the agency is a party, provisions governing (a) the presentation, by or on behalf of any party thereto, of any or all claims which are required to be presented to the board arising out of or related to the agreement and (b) the consideration and payment of such claims. As used in this section, "state agency" means any office, officer, department, division, bureau, board, commission or agency of the state, claims against which are paid by warrants drawn by the Controller.

SEC. 10. Section 930.2 of said code is amended to read:

930.2. The governing body of a local public entity may include in any written agreement to which the entity, its governing body, or any board or employee thereof in an official capacity is a party, provisions governing the presentation,

by or on behalf of any party thereto, of any or all claims arising out of or related to the agreement and the consideration and payment of such claims. The written agreement may incorporate by reference claim provisions set forth in a specifically identified ordinance or resolution theretofore adopted by the governing body.

SEC. 11. Section 930.4 is added to Chapter 5 (commencing with Section 930) of Part 3 of Division 3.6 of Title 1 of said code, to read:

930 4. A claims procedure established by agreement made pursuant to Section 930 or Section 930.2 exclusively governs the claims to which it relates, except that if the procedure so prescribed requires a claim to be presented within a period of less than one year after the accrual of the cause of action and such claim is not presented within the required time, an application may be made to the public entity for leave to present such claim. Subdivision (b) of Section 911.4, Sections 911.6 to 912 2, inclusive, and Section 946.6 are applicable to all such claims, and the time specified in the agreement shall be deemed the "time specified in Section 911.2" within the meaning of Sections 911.6 and 946.6.

SEC. 12. Section 930.6 is added to Chapter 5 (commencing with Section 930) of Part 3 of Division 3.6 of Title 1 of said code, to read:

930.6. A claims procedure established by agreement made pursuant to Section 930 or Section 930.2 may include a requirement that a claim be presented and acted upon as a prerequisite to suit thereon. If such requirement is included, any action brought against the public entity on the claim shall be subject to the provisions of Section 945.6 and Section 946.

SEC. 13. Section 935 of said code is amended to read:

935. (a) Claims against a local public entity for money or damages which are excepted by Section 905 from Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of this part, and which are not governed by any other statutes or regulations expressly relating thereto, shall be governed by the procedure prescribed in any charter, ordinance or regulation adopted by the local public entity.

(b) The procedure so prescribed may include a requirement that a claim be presented and acted upon as a prerequisite to suit thereon. If such requirement is included, any action brought against the public entity on the claim shall be subject to the provisions of Section 945.6 and Section 946.

(c) The procedure so prescribed may not require a shorter time for presentation of any claim than the time provided in Section 911.2.

(d) The procedure so prescribed may not provide a longer time for the board to take action upon any claim than the time provided in Section 912.4.

(e) When a claim required by the procedure to be presented within a period of less than one year after the accrual of the cause of action is not presented within the required time, an

application may be made to the public entity for leave to present such claim. Subdivision (b) of Section 911.4, Sections 911.6 to 912.2, inclusive, and Sections 946.4 and 946.6 are applicable to all such claims, and the time specified in the charter, ordinance or regulation shall be deemed the "time specified in Section 911.2" within the meaning of Sections 911.6 and 946.6.

SEC. 14. Section 935.2 of said code is amended to read:

935.2. A charter provision, or a local public entity by ordinance or resolution, may establish a claims board or commission of not less than three members to perform such functions of the governing body of the public entity under this part as are prescribed by the local public entity. A charter provision, ordinance or resolution may provide that, upon the written order of the claims board or commission, the auditor or other fiscal officer of the local public entity shall cause a warrant to be drawn upon the treasury of the local public entity in the amount for which a claim has been allowed or compromised or settled.

SEC. 15. Section 935.4 of said code is amended to read:

935.4. A charter provision, or a local public entity by ordinance or resolution, may authorize an employee of the local public entity to perform such functions of the governing body of the public entity under this part as are prescribed by the local public entity, but only a charter provision may authorize such employee to allow, compromise or settle a claim against the local public entity if the amount to be paid pursuant to such allowance, compromise or settlement exceeds five thousand dollars ($5,000). A charter provision, ordinance or resolution may provide that, upon the written order of such employee, the auditor or other fiscal officer of the local public entity shall cause a warrant to be issued upon the treasury of the local public entity in the amount for which a claim has been allowed, compromised or settled.

SEC. 16. Section 943 of said code is amended to read:

943. This part does not apply to claims or actions against the Regents of the University of California nor to claims or actions against an employee or former employee of the Regents of the University of California arising out of such employment.

SEC. 17. Section 945.4 of said code is amended to read:

945.4. Except as provided in Sections 946.4 and 946.6, no suit for money or damages may be brought against a public entity on a cause of action for which a claim is required to be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division until a written claim therefor has been presented to the public entity and has been acted upon by the board, or has been deemed to have been rejected by the board, in accordance with Chapters 1 and 2 of Part 3 of this division.

SEC. 18. Section 945.5 of said code is repealed.

SEC. 19. Section 945.6 of said code is amended to read:

945.6. (a) Except as provided in Sections 946.4 and 946.6 and subject to subdivision (b) of this section, any suit brought against a public entity on a cause of action for which a claim is required to be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division must be commenced within six months after the date the claim is acted upon by the board, or is deemed to have been rejected by the board, in accordance with Chapters 1 and 2 of Part 3 of this division.

(b) When a person is unable to commence a suit on a cause of action described in subdivision (a) within the time prescribed in that subdivision because he has been sentenced to imprisonment in a state prison, the time limited for the commencement of such suit is extended to six months after the date that the civil right to commence such action is restored to such person, except that the time shall not be extended if the public entity establishes that the plaintiff failed to make a reasonable effort to commence the suit, or to obtain a restoration of his civil right to do so, before the expiration of the time prescribed in subdivision (a).

(c) A person sentenced to imprisonment in a state prison may not commence a suit on a cause of action described in subdivision (a) unless he presented a claim in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division.

SEC. 20. Section 945.8 of said code is amended to read:

945.8. Except where a different statute of limitations is specifically applicable to the public entity, and except as provided in Sections 930.6 and 935, any action against a public entity upon a cause of action for which a claim is not required to be presented in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division must be commenced within the time prescribed by the statute of limitations that would be applicable if the action were brought against a defendant other than a public entity.

SEC. 21. Section 946.4 is added to said code, to read:

946.4. (a) Where provision is made by or pursuant to law that no suit may be brought against a public agency as defined in Section 53050 unless and until a claim is presented to the agency, the failure to present a claim does not constitute a bar or defense to the maintenance of a suit against such public agency if, during the 70 days immediately following the accrual of the cause of action:

(1) No statement pertaining to the public agency is on file, or is placed on file, in the Roster of Public Agencies in the office of the Secretary of State and of the county clerk of each county in which the public agency then maintains an office, as required by Section 53051; or

(2) A statement or amended statement pertaining to the public agency is on file, or is placed on file, in the Roster of Public Agencies in the office of the Secretary of State and of the county clerk of each county in which the public agency then maintains an office, but the information contained therein is so inaccurate or incomplete that it does not substantially conform to the requirements of Section 53051.

(b) On any question of fact arising within the scope of paragraphs (1) and (2) of subdivision (a), the burden of proof is upon the public agency.

(c) This section is inapplicable where the presentation of a claim is required by a claims procedure established by agreement made pursuant to Section 930.2 unless the procedure so prescribed requires that the claim be presented to the governing body of the public agency or to a person listed in Section 53051.

SEC. 22. Section 946.6 is added to said code, to read:

946.6. (a) Where an application for leave to present a claim is denied or deemed to be denied pursuant to Section 911.6, a petition may be made to the court for an order relieving the petitioner from the provisions of Section 945.4. The proper court for filing the petition is a court which would be a competent court for the trial of an action on the cause of action to which the claim relates and which is located in a county or judicial district which would be a proper place for the trial of such action, and if the petition is filed in a court which is not a proper court for the determination of the matter, the court, on motion of any party, shall transfer the proceeding to a proper court.

(b) The petition must show (1) that application was made to the board under Section 911.4 and was denied or deemed denied, (2) the reason for failure to present the claim within the time limit specified in Section 911.2 and (3) the information required by Section 910. The petition shall be filed within six months after the application to the board is denied or deemed to be denied pursuant to Section 911.6.

(c) The court shall relieve the petitioner from the provisions of Section 945.4 if the court finds that the application to the board under Section 911.4 was made within a reasonable time not to exceed one year after the accrual of the cause of action and was denied or deemed denied pursuant to Section 911.6 and that:

(1) The failure to present the claim was through mistake, inadvertence, surprise or excusable neglect unless the public entity establishes that it would be prejudiced if the court relieves the petitioner from the provisions of Section 945.4; or

(2) The person who sustained the alleged injury, damage or loss was a minor during all of the time specified in Section 911.2 for the presentation of the claim; or

(3) The person who sustained the alleged injury, damage or loss was physically or mentally incapacitated during all of the time specified in Section 911.2 for the presentation of the

claim and by reason of such disability failed to present a claim during such time; or

(4) The person who sustained the alleged injury, damage or loss died before the expiration of the time specified in Section 911.2 for the presentation of the claim.

(d) A copy of the petition and a written notice of the time and place of hearing thereof shall be served not less than 10 days before the hearing on (1) the clerk or secretary or board of the local public entity, if the respondent is a local public entity, or (2) the State Board of Control or its secretary, if the respondent is the state.

(e) The court shall make an independent determination upon the petition. The determination shall be made upon the basis of the petition, any affidavits in support of or in opposition to the petition, and any additional evidence received at the hearing on the petition.

(f) If the court makes an order relieving the petitioner from the provisions of Section 945.4, suit on the cause of action to which the claim relates must be filed in such court within 30 days thereafter.

SEC. 23. Section 950.2 of said code is amended to read:

950.2. Except as provided in Section 950.4, a cause of action against a public employee or former public employee for injury resulting from an act or omission in the scope of his employment as a public employee is barred if an action against the employing public entity for such injury is barred under Part 3 (commencing with Section 900) of this division or under Chapter 2 (commencing with Section 945) of Part 4 of this division. This section is applicable even though the public entity is immune from liability for the injury.

SEC. 24. Section 950.4 of said code is amended to read:

950.4. A cause of action against a public employee or former public employee is not barred by Section 950.2 if the plaintiff pleads and proves that he did not know or have reason to know, within the period for the presentation of a claim to the employing public entity as a condition to maintaining an action for such injury against the employing public entity, as that period is prescribed by Section 911.2 or by such other claims procedure as may be applicable, that the injury was caused by an act or omission of the public entity or by an act or omission of an employee of the public entity in the scope of his employment as a public employee

SEC. 25. Section 950.6 of said code is amended to read:

950.6. When a written claim for money or damages for injury has been presented to the employing public entity:

(a) A cause of action for such injury may not be maintained against the public employee or former public employee whose act or omission caused such injury until the claim has been rejected, or has been deemed to have been rejected, in whole or in part by the public entity.

(b) A suit against the public employee or former public employee for such injury must be commenced within six

months after the date the claim is acted upon by the board, or is deemed to have been rejected by the board, in accordance with Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of this division.

(c) When a person is unable to commence the suit within the time prescribed in subdivision (b) because he has been sentenced to imprisonment in a state prison, the time limited for the commencement of such suit is extended to six months after the date that the civil right to commence such action is restored to such person, except that the time shall not be extended if the public employee or former public employee establishes that the plaintiff failed to make a reasonable effort to commence the suit, or to obtain a restoration of his civil right to do so, before the expiration of the time prescribed in subdivision (b).

SEC. 26. Section 960.2 of said code is repealed.

SEC. 27. Section 960.2 is added to said code, to read:

960.2. Notwithstanding any provision of law to the contrary, service of process in an action or proceeding against a public agency may be made in the manner provided in Section 960.3 if, during the 10 days immediately following the commencement of the action or proceeding:

(a) No statement pertaining to the public agency is on file, or is placed on file, in the Roster of Public Agencies in the office of the Secretary of State and of the county clerk of each county in which the public agency then maintains an office, as required by Section 53051; or

(b) A statement or amended statement pertaining to the public agency is on file, or is placed on file, in the Roster of Public Agencies in the office of the Secretary of State and of the county clerk of each county in which the public agency then maintains an office, but the information contained therein is so inaccurate or incomplete that it does not substantially conform to the requirements of Section 53051; or

(c) A statement or amended statement pertaining to the public agency is on file, or is placed on file, in the Roster of Public Agencies in the office of the Secretary of State and of the county clerk of each county in which the public agency then maintains an office, but neither the governing body nor any officer or agent of the public agency upon whom personal service of process constitutes service upon the public agency can thereafter, with due diligence, be personally served at the address or addresses set forth in the statement.

SEC. 28. Section 960.3 is added to said code, to read:

960.3. (a) If it is shown by affidavit to the satisfaction of the court or judge that the circumstances required by Section 960 2 exist, the court or judge may make an order that service of process be made upon the public agency as provided in this section.

(b) Service of process shall be made by:

(1) Leaving two copies of the process for each public agency defendant to be served, together with two copies of the order

authorizing such service, in the hands of the Secretary of State or in his office at Sacramento; or

(2) Mailing two copies of the process for each public agency defendant to be served, together with two copies of the order authorizing such service, to the office of the Secretary of State in Sacramento by certified or registered mail, addressee only, return receipt requested. Service shall be effective as of the day the return receipt is received from the office of the Secretary of State.

(c) Service in this manner constitutes personal service upon the public agency.

(d) 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.

SEC. 29. Section 960.4 of said code is amended to read:

960.4. Upon receipt of the copies of process pursuant to Section 960.3, the Secretary of State shall give notice of the service of the process to the governing body of the public agency at its principal office in this state, by forwarding to such office, by registered mail with request for return receipt, a copy of the process. If the only address disclosed by the records of the Secretary of State of the principal office of the governing body of the public agency is the county in which it is situated, then the process shall be mailed to the county seat, addressed to the public agency in care of the county clerk, or it may be mailed to any address for the public agency specified in the court order. If the process is mailed in care of the county clerk, the county clerk shall promptly send it to the public agency at its address within the county, if known to him, and if unknown shall cause the process to be posted at the courthouse of the county for 30 days. If the records of the Secretary of State disclose no address for the public agency, then the Secretary of State shall mail a copy of the process to the county clerk of either (a) the county in which the transaction or occurrence took place, or (b) the county where real property of the agency is situated, and the county clerk shall promptly send the process to the public agency at its address within the county, if known to him, or if unknown shall cause the process to be posted at the courthouse of the county for 30 days.

Upon receipt of such copies of process, the Secretary of State shall immediately forward to the Attorney General a copy of all papers served upon him. The Attorney General, upon receipt of any such process, may locate the responsible officers of the public agency involved, and the governing body of such public agency may relieve the Attorney General of any further responsibility hereunder, and may designate any other attorneys to defend said action or take such other action as they may determine.

SEC. 30. Section 960.8 is added to Chapter 5 (commencing with Section 960) of Part 4 of Division 3.6 of Title 1 of said code, to read:

960.8. Service of process in an action or proceeding against a public agency may be made in conformity with the information contained in the statement in the Roster of Public Agencies pertaining to that public agency which is on file at the time of such service Service in this manner, if otherwise made in compliance with law, constitutes personal service upon the public agency.

As used in this section, "statement in the Roster of Public Agencies" means the statement or amended statement in the Roster of Public Agencies in the office of the Secretary of State or in the office of the county clerk of any county in which such statement or amended statement is on file.

SEC 31. Section 53050 of said code is amended to read:

53050. The term "public agency," as used in this article, means a district, public authority, public agency, and any other political subdivision or public corporation in the state, but does not include the state or a county, city and county, or city.

SEC. 32. Section 53051 of said code is amended to read:

53051. (a) Within seventy (70) days after the date of commencement of its legal existence, the governing body of each public agency shall file with the Secretary of State and also with the county clerk of each county in which the public agency maintains an office, a statement of the following facts:

1. The full, legal name of the public agency.

2. The official mailing address of the governing body of the public agency.

3. The name and residence or business address of each member of the governing body of the public agency.

4. The name, title, and residence or business address of the chairman, president, or other presiding officer, and clerk or secretary of the governing body of such public agency.

(b) Within 10 days after any change in the facts required to be stated pursuant to subdivision (a), an amended statement containing the information required by subdivision (a) shall be filed as provided therein.

(c) It shall be the duty of the Secretary of State and of the county clerk of each county to establish and maintain an indexed "Roster of Public Agencies," to be so designated, which shall contain all information filed as required in subdivisions (a) and (b), which roster is hereby declared to be a public record.

SEC. 33 Section 53052 of said code is repealed.

CHAPTER 654

An act to amend Section 7100 of the Health and Safety Code, relating to custody and duty of interment.

[Approved by Governor June 12, 1965. Filed with Secretary of State June 12, 1965.]

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

SECTION 1. Section 7100 of the Health and Safety Code is amended to read:

7100. The right to control the disposition of the remains of a deceased person, unless other directions have been given by the decedent, vests in, and the duty of interment and the liability for the reasonable cost of interment of such remains devolves upon the following in the order named:

(a) The surviving spouse.

(b) The surviving child or children of the decedent.

(c) The surviving parent or parents of the decedent.

(d) The person or persons respectively in the next degrees of kindred in the order named by the laws of California as entitled to succeed to the estate of the decedent.

(e) The public administrator when the deceased has sufficient assets.

The liability for the reasonable cost of interment devolves jointly and severally upon all kin of the decedent in the same degree of kindred and upon the estate of the decedent.

A decedent, prior to his death, may direct the preparation for, type or place of interment of his remains, either by oral or written instructions. If such instructions are in a will or other written instrument, he may direct that the whole or any part of his remains be given to a teaching institution, university, college, legally licensed hospital, or to the State Director of Public Health, or to or for the use of any nonprofit blood bank, artery bank, eye bank, or other therapeutic service operated by any agency approved by the Director of Public Health under rules and regulations established by the director. The person or persons otherwise entitled to control the disposition of the remains under the provisions of this section shall faithfully carry out the directions of the decedent subject only to the provisions of this chapter with respect to the duties of the coroner.

If such instructions are contained in a will, they shall be immediately carried out, regardless of the validity of the will in other respects or of the fact that the will may not be offered for or admitted to probate until a later date.

This section shall be administered and construed to the end that such expressed instructions of any person shall be faithfully and promptly performed.

A funeral director or cemetery authority shall not be liable to any person or persons for carrying out such instructions of the decedent.

CHAPTER 655

An act to amend Section 4251 of the Penal Code, relating to blood donations by prisoners.

[AB 1681 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 14, 1965.]

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

SECTION 1. Section 4251 of the Penal Code is amended to read:

4251. Any prisoner, to whom this chapter applies, may voluntarily donate blood to a blood bank duly licensed by the State Department of Public Health. Prior to blood donation the prisoner shall be given an examination with all clothes removed by a physician and surgeon of the blood bank to whom blood is to be donated, and donations shall be refused unless such physician shall find the prisoner to be a suitable person for blood donation. No more than one such donation shall be permitted during any 72-day period.

CHAPTER 656

An act to add Section 25514.5 to the Education Code, relating to junior colleges.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 25514.5 is added to the Education Code, to read:

25514.5. Any minor student who resides in this state and more than one hundred (100) miles from the nearest public junior college attendance center where grades 13 and 14 are maintained, measured by the usual vehicular route between his home and such attendance center, may at his request attend grades 13 and 14 at any public junior college in the state, whether or not his residence is in a district maintaining a junior college. The governing board of the district maintaining such junior college designated by the student shall admit the student provided he otherwise qualifies for admission

If the student resides in a district maintaining a junior college, the provisions of Article 7 (commencing with Section 10801) of Chapter 1 of Division 9 shall be inapplicable, and the district of the student's residence shall pay to the district of the student's attendance an amount on account of such attendance computed pursuant to Section 20201. The computation shall be made and other procedures shall be undertaken

in accordance with such requirements as may be prescribed by the Superintendent of Public Instruction, by or under authority of the governing board of the school district of attendance, and shall be approved by the county superintendent of schools having jurisdiction of such district with the certification of the amount owing to be transmitted by him to the district of the student's residence. The governing board of the district of residence shall, on or before June 1st, order payment of the amount computed as owing the district of attendance for the fiscal year, and upon failure of the governing board so to do, the county superintendent of schools having jurisdiction of the district shall draw a requisition against the funds of the district in favor of the district of attendance in payment of such amount and transmit the same to the district of attendance. For purposes of all provisions of this code dealing with allowances and apportionments from the State School Fund for support of junior colleges, the district of the student's residence and the district of his attendance shall be deemed to have entered into an interdistrict attendance agreement with respect to the student.

If the student resides within territory not included within any junior college district the provisions of Article 3 (commencing with Section 20201) of Chapter 1 of Division 15 shall be applicable.

In addition to the payments required under the preceding paragraphs of this section, there shall be paid to the parents, or other persons having charge or control of the student at his residence, by the district in which the pupil attends, a maintenance allowance of one dollar and fifty cents ($1.50) per calendar day for the period in which the student is enrolled full time in regular classes in a junior college under this section. Such amount shall be paid on or before the 15th day after the close of the school year in which the student was so enrolled. Such payments made by a district maintaining a junior college at which the pupil attends shall be included in that district's transportation expense as payments made in lieu of providing for transportation of pupils between their homes and regular full-time day schools, for purposes of Article 10 (commencing with Section 18051) of Chapter 3 of Division 14; and the amount thereof not reimbursed by the state may be included in the computation of the amount to be paid by the district of the student's residence, or the junior college tuition fund, as the case may be.

CHAPTER 657

An act to amend Section 1711.4 of the Welfare and Institutions Code, relating to the Department of the Youth Authority.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 1711.4 of the Welfare and Institutions Code is amended to read:

1711.4. The director may also designate any qualified officer employed by the Department of the Youth Authority as his representative at meetings of the Youth Authority Board, to exercise his powers and perform his duties as chairman or a member of the authority (other than his powers and duties as director).

CHAPTER 658

An act to add Article 3 (commencing with Section 55640) to Chapter 4 of Part 2 of Division 2 of Title 5 of the Government Code, relating to contracts for rescue and resuscitator services.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Article 3 (commencing with Section 55640) is added to Chapter 4 of Part 2 of Division 2 of Title 5 of the Government Code, to read:

Article 3. Rescue and Resuscitator Services

55640. The board of supervisors of a county may provide rescue and resuscitator services throughout the county, and to this end the board may contract with the state, through the Division of Forestry, for the providing of such rescue and resuscitator services within the county by the State Forester, his deputies, and assistants, including volunteer firefighters.

55641. When a contract has been made, the State Forester may exercise the same powers and duties within the county for the providing of rescue and resuscitator services which by state or local law are conferred upon officers of the county.

55642. The contract between the county and the state may provide for the duties, directions, and salaries of personnel performing rescue and resuscitator services, including volunteer firefighters, upon the terms agreed upon.

CHAPTER 659

An act to amend the heading of Article 7 (commencing with Section 410) of Chapter 2, Part 1, Division 1, and Section 410, of the Health and Safety Code, relating to Department of Public Health.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. The heading of Article 7 (Section 410) of Chapter 2, Part 1, Division 1 of the Health and Safety Code is amended to read:

Article 7. Disorders Characterized by Lapses of Consciousness

SEC. 2. Section 410 of said code is amended to read:

410. The State Department of Public Health shall define disorders characterized by lapses of consciousness for the purposes of the reports hereinafter referred to:

(1) All physicians shall report immediately to the local health officer in writing, the name, date of birth, and address of every person diagnosed as a case of a disorder characterized by lapses of consciousness.

(2) The local health officer shall report in writing to the state department the name, age, and address, of every person reported to it as a case of a disorder characterized by lapses of consciousness.

(3) The state department shall report to the State Department of Motor Vehicles the names, dates of birth, and addresses, of all persons reported as a case of a disorder characterized by lapses of consciousness by the physicians and local health officers.

(4) Such reports shall be for the information of the State Department of Motor Vehicles in enforcing the provisions of the Vehicle Code of California, and shall be kept confidential and used solely for the purpose of determining the eligibility of any person to operate a motor vehicle on the highways of this state.

CHAPTER 660

An act to amend Sections 3, 3.6, 4, 4.2, 4.3, 4.4, 4.7, 4.8 and 27.5 and to add Section 32.3 to, the Yolo County Flood Control and Water Conservation District Act (Chapter 1657, Statutes 1951), relating to the Yolo County Flood Control and Water Conservation District, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 3 of the Yolo County Flood Control and Water Conservation District Act (Chapter 1657, Statutes of 1951) is amended to read:

Sec. 3. The objects and purposes of this act are to provide, to the extent that the board may deem expedient or economical, for the control and disposition of the storm and flood waters of said district and to that end the district is hereby created to be a body corporate and politic and as such shall have power:

(a) To have perpetual succession.

(b) To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) To adopt a seal and alter it at pleasure.

(d) To take by grant, purchase, gift, devise or lease; to hold, use, enjoy, sell, and contract to sell, lease, or dispose of real, personal and mixed property of every kind within or without the district necessary, expedient or advantageous to the full exercise and economic enjoyment of its purposes.

(e) To acquire and contract to acquire by purchase, condemnation, donation or other lawful means in the name of the district from private persons, public and private corporations, associations, agencies or districts, lands, rights-of-way, easements, privileges, material, and property of every kind within or without the district, to do all work and to acquire, construct, maintain and operate any and all works and improvements within or without the district, and to make, execute, carry out and enforce all contracts of every character, necessary, convenient, incidental, useful or proper to carry out any of the provisions, objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve any works or improvements acquired by it as herein authorized.

(f) 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 by the State, any political subdivision or district thereof.

In condemnation proceedings, the district shall proceed under the provisions of Title 7, Part 3, of the Code of Civil Procedure, which said provisions are hereby made applicable for that purpose; and it is hereby declared that the use of

the property, lands, rights-of-way, easements or materials which may be condemned, taken or appropriated under the provisions of this act is a public use, and the board is granted the same powers and rights with respect to the taking of property for the public uses of said district as are now or may hereafter be conferred by general law on the legislative body of a county, city and county, incorporated city or town, municipal water district or irrigation or reclamation district. No action in eminent domain to acquire property or interests therein outside the boundaries of Yolo County shall be commenced unless the board of supervisors of each affected county has consented to such acquisition by resolution; provided, that with respect to the commencement of any action in eminent domain to acquire any parcel of property or interest therein within Lake County for the Cache Creek project as generally described in the report to the district entitled "Feasibility Report on Proposed Cache Creek Project" dated February 1963, and prepared by McCreary-Koretsky Engineers-Clair A. Hill & Associates, Joint Venture Engineers, the foregoing requirement of consent shall be satisfied by one resolution of the Board of Supervisors of Lake County (whether adopted before or after the enactment of this amendment to the Yolo County Flood Control and Water Conservation District Act in the 1963 session of the Legislature) providing generally for consent of said Board of Supervisors of Lake County to the acquisition of such property or interests therein as may be necessary in connection with the acquisition and construction of said Cache Creek project, notwithstanding the fact that such resolution may be later rescinded, repealed, or amended.

(g) To compel by injunction or other lawful means the owner or owners of any bridge, trestle, wire line, viaduct, embankment or other structure which shall be intersected, traversed, or crossed by any channel, ditch, bed of any stream, waterway, conduit or canal so to construct or alter the same as to offer a minimum of obstruction to the free flow of water through or along any such channel, ditch, bed of any stream, waterway, conduit or canal, and whenever necessary in the case of existing works or structures, to compel the removal or alteration thereof for such purpose or purposes. Cost of relocating or otherwise changing any portion of a state highway shall not be paid from funds appropriated for state highway purposes, except that such funds may be used for betterment thereof in connection with such relocation or change.

(h) To construct, maintain, repair and operate all levees bulkheads, walls of rock or other material, pumps, dams, channels, conduits, pipes, ditches, canals, reservoirs, tunnels, drains, poles, posts, wires, lamps, power plants, railroads, dredgers and all other auxiliary, incidental, necessary or convenient agencies, work or improvements that may be required to carry out, facilitate, repair, maintain and complete the same.

(i) To incur indebtedness, and to issue bonds in the manner herein provided and to provide for the issuance of warrants

of the district in payment of district obligations and the registration of any warrants not paid for want of funds and the rate of interest such warrants shall bear after registration and until such payment.

(j) To cause assessments to be levied and collected for the purpose of paying any obligations of the district in the manner hereinafter provided.

(k) To appoint and employ such engineers, attorneys, assistants and other employees as may be necessary and fix their compensation, including, if it deem advisable, a clerk, superintendent of work, assessor, treasurer and collector and define their powers and duties, and fix and determine the amount of bond required of each appointee and pay the premium on each such bond; which said officers and employees and each of them shall serve at the pleasure of the board.

The board shall have the power to combine any two or more offices in its discretion.

(*l*) To establish and fix the boundaries of zones in the district as provided in this act; to make transfers of money from the general funds of the district to any special fund and to create and administer such special funds as in their discretion may seem advisable, and to abolish same; to create and administer revolving funds to facilitate and assist in the carrying on and completing of such acquisitions, works, and improvements provided for herein, and to abolish same; and to do any and all things necessary or incidental to the accomplishment of the things which are permitted to be done under this act.

(m) To make and enter into contracts with the United States, the State of California, any political subdivision, county, municipality, district, agency or mandatory of the State of California or of the United States and any department, board, bureau or commission of the State of California or the United States, or any person, firm, association or corporation, jointly or severally, for the acquisition of property or rights or the construction, maintenance and operation, or the joint financing or use in whole or in part of any or all works and improvements provided in this act, including contracts with the State of California, the United States or any other public entity (1) for loans to finance planning, acquisition, construction, operation or maintenance of such works and improvements and lands, easements, and rights-of-way therefor, and (2) for grants for recreational or fish and wildlife enhancement benefits of such works and improvements, and to do any and all things required to carry out such contracts.

An action to determine the validity of any such contract may be commenced and prosecuted under the procedure set forth in Section 21 of this act.

(n) To lease or rent to or from any of the parties named in subdivision (m) of this section any property or rights necessary, in the opinion of the board, to accomplish or carry out any of the work or improvement or the maintenance thereof

herein provided and under such terms and conditions as may be agreed upon between the parties.

(o) To receive and accept any and all contributions in labor, material or money from any of the parties named in subdivision (m) of this section, to be applied to the work or improvement herein provided for.

(p) To construct, purchase, lease or otherwise acquire works and to purchase, lease, appropriate, or otherwise acquire surface waters and water rights, useful or necessary to make use of water for any purposes authorized by this act.

(q) To do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage, and distribution for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses.

Water which is surplus to the needs of the lands and inhabitants within the district may be made available for beneficial use outside the district pursuant to rules and regulations prescribed under subsection (v) of this Section 3.

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

(s) To cooperate and to act in conjunction with the State of California, or any of its engineers, officers, boards, commissions, departments or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, or with the County of Yolo, in the construction of any work for the controlling of flood or storm waters of or flowing into said district, or for the protection of life or property therein, or for the purpose of conserving said waters for beneficial use within said district, or in any other works, acts, or purposes provided for herein, and to adopt and carry out any definite plan or system of work for any such purpose.

(t) To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where neces-

sary or convenient to said end, and for said purposes and uses, to acquire and to hold, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by said Yolo County Flood Control and Water Conservation District; to acquire the right to store water in any reservoirs, or to carry water through any canal, ditch or conduit not owned or controlled by the district; to grant to any owner or lessee the right to the use of any water or right to store such water in any reservoir of the district, or to carry such water through any tunnels, canal, ditch, or conduit of the district; to enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm or individual, or any number of them for the transfer or delivery to any such district, corporation, association, firm or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the Yolo County Flood Control and Water Conservation District, or for the purpose of exchanging the same for other water, water right or water supply in exchange for water, water right or water supply to be delivered to said district by the other party to said agreement.

(u) To commence, maintain, intervene in, defend and compromise in the name of the district, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any lands situated therein, or involving the wasteful use of water therein, to commence, maintain, intervene in, defend and compromise and to assume the costs and expenses of any and all actions and proceedings now or hereafter begun to prevent interference with or diminution of the natural flow of any stream or surface or subterranean supply of waters used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; or for the declaration or adjudication of rights in such waters; to prevent unlawful exportation of water from said district; to prevent

contamination, pollution or otherwise rendering unfit for beneficial use the surface or subsurface water used in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in or flowing into the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district; provided further, that this subsection (u) shall not limit or impair in any manner whatsoever the right or rights of any landowner to commence, defend, or enter into any compromise agreement in regard to actions or proceedings respecting any water right or rights in which such landowner may have an interest.

(v) To prescribe reasonable rules and regulations and to fix and collect rates, tolls or charges for any water or service or facilities furnished, sold or leased by the district.

SEC. 2. Section 3.6 of said act is amended to read:

Sec. 3.6. The board, by resolutions thereof adopted from time to time, may establish zones of benefit within said district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitle each of such zones by zone number. The board may, by resolution, amend the boundaries by annexing property to or by withdrawing property from said zones or may divide existing zones into two or more zones or may superimpose a new or amended zone on zones already in existence, setting forth in such resolutions descriptions of the amended, divided or superimposed zones by metes and bounds and entitle each of such zones by zone number.

Proceedings for the establishment of such zones may, but need not, be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones as prescribed in Sections 14 and following of this act.

The assumption of any indebtedness which the district is authorized to incur may be by the entire district, or may be by a zone or zones thereof if less than the entire district will be benefited by the purpose for which such indebtedness is incurred. In the latter event any election required to authorize the indebtedness shall be held only within the affected zone or zones.

SEC. 3. Section 4 of said act is amended to read:

Sec. 4. The board shall have the power, in addition to the powers enumerated elsewhere in this act, to levy and collect a ground water charge for the production of water from the ground water supplies on any and all land within the district, the ground water supply of which will be benefited from the recharge of underground water supplies or the distribution of imported water in the district. Said ground water charge shall take into consideration and be based upon the existence and amount of benefit to the ground water supply of the land

as a result of such recharge or such distribution of imported water. Nothing contained herein shall prohibit the establishment of such charge or charges by a zone or zones of the district as established pursuant to Section 3.6 of this act, rather than by individual ownerships of land, provided the foregoing standard of benefit is adhered to and the amount of benefit to all land within each such zone is substantially the same. A ground water charge to be used to help repay the principal and interest of bonds authorized under Section 16 of this act may not be levied outside the zone or zones which authorized the issuance of said bonds at an election held under said Section 16.

SEC. 4. Section 4.2 of said act is amended to read:

Sec. 4.2. Prior to the establishment of any ground water charge, the board shall adopt a resolution stating its intention to do so, describing the lands of the district in which it is proposed that such charges be levied, and requiring the registration of all water-producing facilities located within such described lands as provided in Section 4.4 of this act. Said resolution shall be published once a week for three successive weeks in a newspaper of general circulation published in the district. Any such lands may be described by reference to the zone or zones in which such land is located.

SEC. 5. Section 4 3 of said act is amended to read:

Sec. 4.3. Ground water charges levied pursuant to this act are declared to be in furtherance of district activities in the protection and augmentation of the water supplies of the district which are necessary for the public health, welfare and safety of the people of this state. The ground water charges are authorized to be levied upon the production of ground water from all water-producing facilities, whether public or private, on lands within the district, the ground water supply of which is benefited by the recharge of underground water supplies or the distribution of imported water into the district.

The proceeds of ground water charges levied and collected upon the production of water from ground water supplies on such lands of the district are authorized and shall be used exclusively by the board for the following purposes:

(a) To pay the costs of acquiring, constructing, maintaining and operating facilities which will import water into the district which will benefit such lands, including payments made under any contract between the district and the State of California, the United States of America, or any public, private or municipal utility.

(b) To pay the costs of purchasing water for importation into the district which will benefit such lands, including payments made under any contract with the State of California, the United States of America, or any public, private or municipal utility.

(c) To pay the costs of acquiring, constructing, maintaining, and operating facilities which will conserve water for distribution, or which will distribute water to such lands, in-

cluding facilities for surface storage, ground water recharge, surface distribution, and drainage of waste or return flow from such water.

(d) To pay the principal or interest of any bonded indebtedness or other obligations incurred by the district for any of the purposes set forth in subdivisions (a), (b), and (c) of this section.

The district may apply to any one or more of the purposes set forth in subdivisions (a), (b), (c) and (d) of this section any or all revenues received by the district from the furnishing, selling, or leasing of any water, service or facilities pursuant to this act.

SEC. 6. Section 4.4 of said act is amended to read:

Sec. 4.4. Within six months after the last date of publication of the resolution provided for in Section 4.2 of this act, all water-producing facilities located within the lands described in said resolution shall be registered with the district by the operator of each such facility. Any new water-producing facility, constructed or reestablished on such lands after such date, shall be registered with the district by the operator of such facility within 30 days after the completion or reestablishment thereof.

Failure to register any such water-producing facility is a misdemeanor punishable by a fine of not to exceed five hundred dollars ($500), or imprisonment in the county jail for not to exceed six months, or by both such fine and imprisonment.

In addition to other information which the district may determine is necessary and may require in the registration form provided, there shall also be given information as to the owner or owners of the land upon which each water-producing facility is located, a general description and location of each water-producing facility, the name and address of the person charged with the operation of each water-producing facility, and the name or names and addresses of all persons owning or claiming to own an interest in the water-producing facility.

SEC. 7. Section 4.7 of said act is amended to read:

Sec. 4.7. Within five weeks from the close of said hearing, the board shall determine whether or not, in the interests of the most beneficial conjunctive operation of the ground water and surface water supplies of the district, a ground water charge or charges should be levied on lands within the district, the ground water supply of which the board has determined will be benefited under the standard of benefit set forth in Section 4 of this act. If the board determines that a ground water charge or charges should be so levied, it shall levy, assess, and affix such charge or charges against all persons operating ground water-producing facilities on such lands within the district during the ensuing water year. The charges shall be in accordance with the benefits to the ground water supply of the various lands and zones so that the rates per acre-foot may be different in different lands and different

zones, but where said benefits are substantially the same the charges 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; provided, that with respect to small water-producing facilities which have a discharge opening not greater than a size specified by the board and which do not provide water for an area in excess of that specified by the board, for administrative convenience the board may provide for either a flat annual charge or for no charge in lieu of a charge computed at such fixed and uniform rate. Such fixed and uniform rate shall not exceed two dollars ($2) per acre-foot.

Any ground water charge levied pursuant to this section shall be in addition to any general tax or assessment levied within the district or any zone or zones thereof.

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 assessees, shall not invalidate the ground water charge.

SEC. 8. Section 4 8 of said act is amended to read:

Sec. 4.8. The district, after the levying of the ground water charge, shall give notice thereof to each operator of each water-producing facility in the lands within the district in which such charge or charges are levied as disclosed by the records of said district, which notice shall state the rate for each class of water of the ground water charge applicable to said water-producing facility for each acre-foot of water to be produced during the ensuing water year. Said notice may be sent by postal card or by other first-class mail and with postage prepaid by the district.

Any person interested in land or in a water-producing facility within the district and aggrieved by a decision of the board respecting the establishment or levying of a ground water charge or charges may obtain court review thereof in the Superior Court of the State of California in and for the County of Yolo by filing a petition for a writ of mandate not later than 30 days after the mailing of the notice provided for in this section. The proceeding shall be governed by Code of Civil Procedure Section 1094.5 and the superior court shall exercise its independent judgment on the evidence.

SEC. 9. Section 27.5 of said act is amended to read:

Sec. 27.5. So far as possible, the board shall fix the rates and charges (including the ground water charge) for water, service and benefit from its operation so as to pay such portion of the expenses of the district as the board determines to be justly apportionable to the furnishing of such water, service and benefit; provided, that the board shall not be precluded by this provision from using the tax authorized by Section 12

to help pay such expenses. The expenses to be paid include:

(a) The operating expenses of the district.

(b) Provision for a fund for repairs and depreciation of works owned or operated by the district.

(c) The interest on any bonded debt.

(d) Provision for a fund for payment of the principal of the bonded debt as it becomes due.

(e) Any other costs and expenses of constructing, maintaining, operating, purchasing or leasing works used in providing such water, service and benefit.

It is intended by this section that such rates and charges for water, service and benefit together with the tax authorized by Section 12 of this act shall be fixed so as to be sufficient to pay the interest and principal of any bonded debt incurred to finance the construction and acquisition of the works which provide such water, service and benefit; provided, that this section shall in no way impair the district's general obligation to bondholders to pay the interest and principal of bonds authorized under Section 16 of this act.

SEC. 10. Section 32.3 is added to said act, to read:

Sec. 32.3. In addition to the other powers provided in this act, the district by agreement authorized by resolution of the board may incur indebtedness for acquisition or construction of any works or property, including water or water rights, for any purposes of the district, to be repaid and liquidated as to both principal and interest only from revenues designated in such agreement which are produced from the collection of rates, tolls or charges for any water or service or facilities furnished, sold or leased by the district or from the ground water charge authorized by Sections 4 et seq., of this act, provided the proposal to incur such indebtedness is first approved at a special district election at which there is submitted to the qualified voters of the district the proposition whether such indebtedness shall be incurred. Such election shall be held as nearly as practicable in accordance with the procedures set forth in Section 16 of this act, except that the incurring of such indebtedness shall be approved if a majority or more of the votes cast on such proposition are in favor thereof. The maximum rate of interest to be paid on said indebtedness shall not exceed 6 percent per annum. In the agreement incurring said indebtedness, the district may pledge to the payment of the amounts to become due thereunder all or any part of the revenue from which such amounts are payable. In connection with such pledge the agreement may contain such covenants, promises, restrictions and provisions as the district may deem necessary or desirable, including but not limited to covenants, promises, restrictions and provisions relating to (a) the operation, maintenance and preservation of the works or property so acquired or constructed, (b) the rates, tolls or charges from which said indebtedness is to be repaid, (c) the incurring of additional indebtedness payable from the revenue pledged, and (d) the establishment, maintenance and use of reserve funds,

maintenance and operation funds, funds for the payment of amounts due under the agreement and other funds for the security of the one to whom the indebtedness is owed.

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 Yolo County Flood Control and Water Conservation District is planning the acquisition and construction of the Cache Creek project to provide urgently needed water supplies for said district, and it is necessary to revise and clarify the provisions of the act relating to the ground water charge and to provide for additional authority to incur indebtedness payable out of revenue so that procedures to finance said project can proceed at the earliest possible date. Unless this act takes effect immediately, this urgently needed water project will be delayed.

CHAPTER 661

An act to amend Section 16407 of the Public Utilities Code, relating to public utility districts.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 16407 of the Public Utilities Code is amended to read:

16407. A district has the same powers with reference to improvement districts as are conferred upon irrigation districts by Division 11, Part 7 of the Water Code and as are conferred upon municipal water districts by Part 7 (commencing with Section 71851) and Part 8 (commencing with Section 72000) of Division 20 of the Water Code. As used in this section, all references to districts in the adopted acts shall refer to public utility districts and all words relating to irrigation or municipal water district officers and matters refer to the corresponding officers of a public utility district and matters under this division.

CHAPTER 662

An act to repeal Sections 22152.6, 22155.5, 22210.1 and 22210.2 of, to amend Sections 20031.5, 20031.6, 22012, 22015, 22301, 22310 and 22552 of, and to add Sections 22210.3 and 22215 to the Government Code, relating to coverage of public employees under old age, survivors' and disability insurance.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965]

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

SECTION 1. Section 22152.6 of the Government Code is repealed.

SEC. 2. Section 22155.5 of said code is repealed.

SEC. 3. Section 22210.1 of said code is repealed.

SEC. 4. Section 22210.2 of said code is repealed.

SEC. 5. Section 20031.5 of said code is amended to read:

20031.5. "Employee federal contributions" means those contributions required of employees under the federal system with respect to wages paid to individuals who perform services in employment in any coverage group included in the federal-state agreement, at the rate of taxes imposed on employees by Section 3101 of the Internal Revenue Code for the respective calendar years set forth therein.

SEC. 6. Section 20031.6 of said code is amended to read:

20031.6. "Employer federal contributions" means those contributions required of employers under the federal system with respect to wages paid to individuals who perform services in employment in any coverage group included in the federal-state agreement, at the rate of taxes imposed on employers by Section 3111 of the Internal Revenue Code for the respective calendar years set forth therein and all penalties and interest which may be required to be paid with respect to such wages under the federal-state agreement.

SEC. 7. Section 22012 of said code is amended to read:

22012. "Federal system" means the insurance system of old age, survivors' and disability insurance established under Title II of the Social Security Act.

SEC. 8. Section 22015 of said code is amended to read:

22015. "Member," with respect to any retirement system, for the purposes provided in Section 218 (d)(6)(E) of the Social Security Act, shall include in addition to a member of the system any nonmember in a position in which he may elect membership.

SEC. 9. Section 22301 of said code is amended to read:

22301. In the case of employees in positions covered by a retirement system as set forth in subdivision (i) of Section 22009.1, such request may be made by such officials as the board deems necessary to carry out the provisions of this part as they relate to such system.

SEC. 10. Section 22310 of said code is amended to read:

22310. Upon giving at least two years' advance notice to the board, a public agency other than a school district may terminate, subject to approval of the federal agency, effective at the end of a calendar quarter specified in the notice, its coverage under the provisions of this part and the federal system either

(1) With respect to all employees of the public agency having such coverage, but only if such coverage has been in effect from the effective date of coverage of such employees under the federal system for not less than five years prior to the receipt of such notice; or

(2) With respect to any coverage group of such public agency, but only if such coverage has been in effect from the effective date of coverage of such coverage group under the federal system for not less than five years prior to the receipt of such notice.

Any termination of coverage under the federal system shall be subject to the provisions of Section 218 (g) of the Social Security Act and federal regulations adopted pursuant thereto and rules and regulations promulgated by the board pursuant to this part.

SEC. 11. 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 a division under Article 2.5 (commencing with Section 22150) of Chapter 1 of this part or the referendum provided by Article 2 (commencing with Section 22300) 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. 12. Section 22210.3 is added to said code, to read:

22210.3. Notwithstanding any other provision of this part, the board shall execute a modification of the agreement in conformity with the provisions of Section 218 of Title II of the Social Security Act and applicable federal regulations adopted pursuant thereto to include the services of all state employees in positions not covered by a retirement system and engaged in performance of any proprietary function.

SEC. 13. Section 22215 is added to said code, to read:

22215. All acts and proceedings heretofore taken under this part by or on behalf of the state or any other public agency for inclusion of its employees in the federal system and all modifications to the agreement executed by the board pursuant to such acts and proceedings are hereby confirmed, validated and declared legally effective. This provision shall operate to supply such legislative authorization as may be necessary to validate such acts, proceedings, and modifications

based thereon as the Legislature could have provided for inclusion of such employees in the federal system.

SEC. 14. This act shall become operative on October 1, 1965.

CHAPTER 663

An act to amend Section 10176 of the Insurance Code, relating to disability insurance.

[Approved by Governor June 15, 1965 Filed with Secretary of State June 15, 1965]

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

SECTION 1. Section 10176 of the Insurance Code is amended to read:

10176. In disability insurance the policy may provide for payment of medical, surgical, dental, hospital, or optometric expenses upon a reimbursement basis, or for the exclusion of any such services, and provision may be made therein for payment of all or a portion of the amount of charge for such services without requiring that the insured first pay such expenses. No such policy shall prohibit the insured from selecting any holder of a certificate under Sections 1634, 2135, 2553, or 3055 of the Business and Professions Code to perform the particular medical, surgical, or optometric services covered under the terms of the policy, such certificate holder or licensee being expressly authorized by law to perform such services.

CHAPTER 664

An act to amend Section 1179.5 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor June 15, 1965 Filed with Secretary of State June 15, 1965]

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

SECTION 1. Section 1179.5 of the Unemployment Insurance Code is amended to read:

1179.5. If an employing unit pays the amount of contributions, penalties, and interest assessed under Article 8 (commencing with Section 1126) of Chapter 4 of Part 1 of this division:

(a) Before a referee issues his decision upon a petition for reassessment filed on such assessment, the payment shall constitute the filing of a claim for refund, the claim for refund shall be deemed denied by the director, and the petition for reassessment shall automatically become a petition to review a denial of the claim for refund.

(b) Before the Appeals Board issues its decision upon an appeal from the referee's decision on a petition for reassessment, the payment shall constitute the filing of a claim for refund, the claim shall be deemed denied by the director, the denial shall be deemed affirmed by the referee, and the appeal shall automatically become an appeal from a referee's decision upholding the director's denial of the claim for refund.

CHAPTER 665

An act to amend Sections 1035, 1055, 1133 and 1180 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 1035 of the Unemployment Insurance Code is amended to read:

1035. (a) The director shall give notice to the employer of his action on a protest filed under Section 1034. Within 30 days of notice of denial of the protest the employer may file with a referee a petition for review. An additional 30 days for the filing of such petition may for good cause be granted by the referee. The referee shall give at least 20 days' notice of the time and place of the hearing on the petition by delivering or mailing the notice to the employer and to the director. The time of notice may be shortened with the consent of the parties. The referee shall render a decision in the matter. The employer and the director shall be promptly notified of the referee's decision, together with his reasons therefor.

(b) The referee's decision shall be final unless, within 30 days after the mailing of the decision, the employer or the director files an appeal to the Appeals Board. This appeal period may be extended where good cause is found to exist by the Appeals Board.

(c) A decision of the Appeals Board under this section shall be subject to judicial review, as provided by law, if an appropriate proceeding is filed by the employer within 90 days of the date of mailing of the decision. The director may in writing extend for a period of not exceeding two years the time within which such proceeding may be instituted if written request for such extension is filed with the director within the 90-day period.

SEC. 2. Section 1055 of said code is amended to read:

1055. (a) In the event of a denial or granting of an application for transfer of reserve account, the director shall give notice to the employing unit making such application, and to

the predecessor employing unit to whose reserve account the application relates, if such predecessor employing unit has continued in business as an employer. Such notices shall be served personally, or by mail pursuant to Section 1013 of the Code of Civil Procedure and addressed to the employing unit at its address as it appears in the records of the department. Service by mail is complete at the time of deposit in the U.S. mail. Within 30 days after service of notice of denial or granting of transfer of reserve account any employing unit affected may file with a referee a petition for review. An additional 30 days for the filing of such petition may for good cause be granted by the referee. The referee shall give at least 20 days' notice of the time and place of the hearing on the petition by delivering or mailing the notice to the employing unit which filed the petition and to the director. The time of notice may be shortened with the consent of the parties. The referee shall render a decision in the matter. Every employing unit which is a party to the petition and the director shall be promptly notified of the referee's decision, together with his reasons therefor.

(b) The referee's decision shall be final unless, within 30 days after the mailing of the decision, any employing unit which is a party to the petition or the director files an appeal to the Appeals Board. This appeal period may be extended where good cause is found to exist by the Appeals Board.

(c) Within 90 days after the mailing of the notice of the decision of the Appeals Board, any interested party may bring an action against the director with respect to that decision. The director may in writing extend for a period of not exceeding two years the time within which such action may be instituted if written request for such extension is filed with the director within the 90-day period.

SEC. 3. Section 1133 of said code is amended to read:

1133. Any employing unit against whom an assessment is made under Section 1126 or 1127 or any person directly interested in such assessment may file with a referee a petition for reassessment within 30 days after service of notice of the assessment. An additional 30 days for the filing of a petition may for good cause be granted by the referee. If a petition for reassessment is not filed within the 30-day period, or within the additional period granted by the referee, the assessment becomes final at the expiration of the period.

SEC. 4. Section 1180 of said code is amended to read:

1180. (a) The director shall give notice to the claimant whenever he denies any claim for refund or credit in whole or in part, notice to be served in the manner prescribed for service of notice of assessments under Section 1140.

Within 30 days of notice of denial, the claimant may file with a referee a petition for review. An additional 30 days for the filing of such petition may for good cause be granted by the referee. If the director fails within 60 days after a claim is filed to mail notice of his action on the claim, the

claimant may consider the claim denied and file a petition with a referee as set forth in this article. If the petition is filed within the time prescribed a referee shall review the claim and, if requested by the claimant, shall grant a hearing. A hearing is not required on such petition if a prior hearing has been afforded the claimant involving the same issues, but regardless of any prior proceedings, if the claimant files an affidavit setting forth new and additional evidence in support of his claim, a referee may grant an additional hearing under this section. The referee shall give at least 20 days' notice of the time and place of the hearing on the petition by delivering or mailing the notice to the claimant and to the director. The time of notice may be shortened with the consent of the parties. The referee shall render a decision in the matter. The claimant and the director shall be promptly notified of the referee's decision, together with his reasons therefor.

(b) The referee's decision shall be final unless, within 30 days after the mailing of the decision, the claimant or the director files an appeal to the Appeals Board. This appeal period may be extended where good cause is found to exist by the Appeals Board. If the referee fails within 60 days after a petition is filed to mail notice of the decision on the petition, the claimant may consider the petition denied and file an appeal with the Appeals Board.

CHAPTER 666

An act to amend Section 2984.1 of the Civil Code, and Section 5604 of the Vehicle Code, relating to automobile liability insurance.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 2984.1 of the Civil Code is amended to read:

2984.1. After July 1, 1966, every conditional sale contract shall contain a statement in contrasting red print in at least eight-point bold type if the contract is printed, which statement shall satisfy the requirements of Section 5604 of the Vehicle Code, as follows:

"WARNING—UNLESS A CHARGE IS INCLUDED IN THIS AGREEMENT FOR PUBLIC LIABILITY OR PROPERTY DAMAGE INSURANCE, PAYMENT FOR SUCH COVERAGE IS NOT PROVIDED BY THIS AGREEMENT."

After October 1, 1965, no person shall print for use as a conditional sale contract form, any form which does not comply with this section.

SEC. 2. Section 5604 of the Vehicle Code is amended to read:

5604. Every dealer who, upon transferring by sale, lease, or otherwise, any new or used vehicle of a type subject to registration, requires the transferee to insure the vehicle, and every lending agency which, as the holder of any security interest in any such vehicle, requires its obligor to insure the vehicle, shall, if the required insurance policy is obtained by the dealer or lending agency and the policy does not insure the transferee or obligor against damages resulting from the ownership or operation of the vehicle arising by reason of personal injury to or the death of any person, or from injury to property, notify the transferee or obligor of such fact in writing on a document other than the insurance policy. The document shall be in duplicate and shall be signed by the transferee or obligor and a copy shall be kept for two years as a permanent record by the dealer or holder of the security interest. The notice need not be given if the insurance is obtained by the dealer or lending agency because of the failure or refusal of the transferee or debtor to furnish insurance or to renew insurance in accordance with the terms of the contract of sale or security agreement.

CHAPTER 667

An act to repeal Sections 6355 and 6458 of the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor June 15, 1965 Filed with Secretary of State June 15, 1965]

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

SECTION 1. Section 6355 of the Revenue and Taxation Code is repealed.

SEC. 2. Section 6458 of said code is repealed.

CHAPTER 668

An act to amend Section 538 of the Code of Civil Procedure, relating to attachments.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 538 of the Code of Civil Procedure is amended to read:

538. The clerk of the court, or the justice, where there is no clerk, must issue the writ of attachment upon receiving an affidavit by or on behalf of the plaintiff showing:

1. The facts specified in Section 537 which entitle him to the writ;

2. The amount of the indebtedness claimed, over and above all legal setoffs or counterclaims, or the amount claimed as damages; and

3. That the attachment is not sought, and the action is not prosecuted, to hinder, delay, or defraud any creditor of the defendant.

Provided, however, that no attachment may be issued under this chapter in any action in which the sum claimed, exclusive of interest and attorney's fees, is less than one hundred twenty-five dollars ($125).

In all cases where the earnings of the judgment debtor which would be exempt under the provisions of Section 690.11 of the Code of Civil Procedure are sought to be attached on the ground that the action is brought to collect a debt incurred for the common necessaries of life, the affidavit must contain a statement to that effect, and must specify the character or nature of the items constituting the alleged necessaries.

CHAPTER 669

An act to amend Section 7044 of the Business and Professions Code, relating to contractors.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 7044 of the Business and Professions Code is amended to read:

7044. This chapter does not apply to an owner of property, building or improving structures thereon, or appurtenances thereto, who does such work himself or through his own employees with wages as their sole compensation; provided that such structure, or structures, with or without the appurtenances thereto is not intended or offered for sale.

In all actions brought under this chapter, proof of the sale or offering for sale of any such structure by the owner-builder within one year after completion of same is presumptive evidence that such structure was undertaken for purposes of sale.

This chapter does not apply to an owner of property building or improving structures thereon, or appurtenances thereto, who contracts for such a project with a contractor or contractors licensed pursuant to this chapter.

The registrar pursuant to Section 7090 may take disciplinary action as provided in this chapter against any person whenever the grounds or cause for disciplinary action arose upon any project undertaken by him as a licensee licensed pursuant to this chapter.

The amendments to this section made at the 1963 Regular Session of the Legislature shall not apply to any such owner

of property with respect to any structure or structures or appurtenances thereto upon which he has commenced construction prior to the effective date of such amendments.

CHAPTER 670

An act to amend Section 1652 of the Insurance Code, relating to applications for insurance producer licenses.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965]

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

SECTION 1. Section 1652 of the Insurance Code is amended to read:

1652. A license under this chapter shall be applied for, and renewed by the filing with the commissioner of a written application therefor. Such application shall be on a form prescribed by the commissioner, which form shall prescribe the disclosure of such information as will aid the commissioner in determining whether the prerequisites for the license sought have been met.

The forms prescribed by the commissioner other than for renewal applications may require authenticated fingerprints of:

(1) Individual applicants,

(2) Specified partners or officers of organization applicants, and

(3) The individuals who are to transact insurance for an organization applicant.

The forms may require such fingerprints to be affixed to the application or to an attachment to be affixed to the application. The commissioner, in his discretion, may require such fingerprints on applications for any, some or all of the licenses issued pursuant to Chapters 5, 6, 7, or 8 of this part, provided that as to any one such type of license the requirement is applied without discrimination to all applicants within specified classifications. Such classifications may be made upon any or all of the following bases:

(a) Length of continuous residence in the State of California;

(b) Whether or not previously or currently licensed by the commissioner;

(c) Whether or not currently licensed by specified regulatory agencies of the State of California which require fingerprints on applications for licenses and routinely process the same for positive identification;

(d) Other reasonable criteria.

The commissioner may decline to act on an incomplete or defective application until an amended application which completes the prescribed form is filed with him.

CHAPTER 671

An act to amend Sections 6776, 7881, 9001, 10111, 30341 and 32365 of the Revenue and Taxation Code, relating to warrants for collection of state taxes.

[Approved by Governor June 15, 1965 Filed with Secretary of State June 15, 1965]

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

SECTION 1. Section 6776 of the Revenue and Taxation Code is amended to read:

6776. At any time within three years after any person is delinquent in the payment of any amount herein required to be paid, or within 10 years after the last recording of an abstract under Section 6738 or of a certificate under Section 6757, the board or its authorized representative may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the state under this part. The warrant shall be directed to any sheriff, marshal or constable and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution.

SEC. 2. Section 7881 of said code is amended to read:

7881. At any time within three years after any person is delinquent in the payment of any amount herein required to be paid or within 10 years after the last recording of a certificate under Section 7872 the Controller or his authorized representative may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the state under this part.

SEC. 3. Section 9001 of said code is amended to read:

9001. At any time within three years after any person is delinquent in the payment of any amount herein required to be paid or within 10 years after the last recording of a certificate under Section 8996 the board or its authorized representative may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the state under this part. The warrant shall be directed to any sheriff, marshal, or constable and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution.

SEC. 4. Section 10111 of said code is amended to read:

10111. At any time within three years after any person is delinquent in the payment of any amount herein required to be paid or within 10 years after the last recording of a certificate under Section 10099 the Controller or his authorized representative may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the state under this part.

SEC. 5. Section 30341 of said code is amended to read:

30341. At any time within three years after any person is delinquent in the payment of any amount herein required to be paid, or within 10 years after the last recording of a certificate under Section 30322, the board or its authorized representative may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the state under this part. The warrant shall be directed to any sheriff, marshal or constable and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy and a sale pursuant to a writ of execution.

SEC. 6. Section 32365 of said code is amended to read:

32365. At any time within three years after any person is delinquent in the payment of any amount herein required to be paid, or within 10 years after the last recording of an abstract under Section 32362, the board or its authorized representative may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the state under this part. The warrant shall be directed to any sheriff, marshal or constable and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution.

CHAPTER 672

An act to amend Sections 7150, 7151 and 7184 of, and to add Section 6518 to, the Financial Code, relating to savings and loan associations.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 6518 is added to the Financial Code, to read:

6518. If only a part of the sum evidenced by a withdrawable share is withdrawn, the sum withdrawn is deemed to be that first received by the association unless otherwise agreed between the shareholder and the association at or prior to the time of such withdrawal.

SEC. 2. Section 7150 of said code is amended to read:

7150. An association may make amortized loans, as defined in Section 5074, upon the security of real property for the following terms, from the due date of the first principal installment.

a. Loans secured by real property on which the principal improvement consists of a single family dwelling for a term of not more than 30 years.

b. Loans secured by other residential property, for a term of not more than 25 years.

c. Loans secured by other real property, for a term of not more than 20 years.

d. Loans made pursuant to Article 3 of this chapter, for the maximum term, applicable to such loan pursuant to the provisions of the National Housing Act or any act of Congress supplementary or amendatory thereof or of the Servicemen's Readjustment Act of 1944 or any act of Congress supplementary or amendatory thereof or of the Veterans' Readjustment Act of 1952 or any act of Congress supplementary or amendatory thereof, which maximum term shall not exceed 25 years in the case of a loan guaranteed by the Administrator of Veterans' Affairs unless at least 30 percent of such loan is so guaranteed.

SEC. 3. Section 7151 of said code is amended to read:

7151. The first monthly installment which includes principal on an amortized loan must fall due within the following periods after the date of such loan:

a. Eighteen months in the case of loans made to finance the construction of real property.

b. Six months in the case of a loan secured by a one- to four-family residential property made to a borrower who acquired such property as a trade-in or exchange to facilitate the sale of another one- to four-family residential property.

c. Three months in the case of all other loans.

SEC. 4. Section 7184 of said code is amended to read:

7184. An association may, with or without security, make loans, advance credit, and purchase obligations representing loans and advances of credit, for the purpose of making improvements on residential property. Such loans or advances:

(a) Shall not exceed five thousand dollars ($5,000) on any one loan or advance.

(b) Shall not be for a period in excess of eight years.

(c) Shall not aggregate at any one time more than 5 percent of the association's total assets.

CHAPTER 673

An act to add Section 13197.55 to the Education Code, relating to teaching credentials.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 13197.55 is added to the Education Code, to read:

13197.55. The State Board of Education may issue a standard teaching credential with a specialization in elementary

teaching, secondary teaching, or junior college teaching to any person who holds a regular general elementary, secondary, or junior college teaching credential and who has completed the specialized preparation described in subdivision (b) of Section 13188. This credential shall authorize service at any educational level in the public schools, but only as a librarian or as a teacher of exceptional children in the area of specialized preparation completed by the applicant.

CHAPTER 674

An act to add Section 22842 to the Elections Code, relating to filing nomination papers.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 22842 is added to the Elections Code, to read:

22842. All forms required for nomination and election to all municipal offices shall be furnished only by the city clerk. At the time of issuance of those forms the city clerk shall type in the forms the name of the candidate and the office for which he is a candidate, shall imprint a stamp which reads "Official Filing Form," and shall affix his signature. The forms shall be distributed without charge to all candidates applying for them.

CHAPTER 675

An act to amend Section 28105 of the Government Code, relating to county officers.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 28105 of the Government Code is amended to read:

28105. In a county of the fifth class the following shall receive as compensation for the services required of them by law or by virtue of their office the following sums:

(a) The auditor, twenty-one thousand five hundred dollars ($21,500) a year.

(b) The district attorney, twenty-five thousand dollars ($25,000) a year for his full-time services. He shall not engage in the private practice of law.

(c) Each supervisor, thirteen thousand two hundred dollars ($13,200) a year and the necessary and actual expenses incurred in the performance of the duties of his office.

(d) Grand jurors and trial jurors in superior courts 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 in civil cases, jurors shall receive for each day's attendance, three dollars ($3). In justice courts and in criminal cases jurors shall receive for each day's attendance, three dollars ($3). Grand jurors and trial jurors in superior courts and municipal courts shall receive twenty cents ($0.20) 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; all other jurors shall receive ten cents ($0.10) per mile. The fees of all trial jurors in civil cases shall be paid by the litigants as other costs are paid.

CHAPTER 676

An act to add Section 3080.5 to the Labor Code, relating to minor apprentices.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 3080.5 is added to the Labor Code, to read:

3080.5. Notwithstanding the provisions of Section 25 of the Civil Code, the term "minor" as used in this chapter is defined as any person who has not yet reached the age of 18 years.

Any person, whether male or female, or whether married or not who has reached the age of 18 years, shall be of the age of majority and be deemed an adult person for the purpose of entering into an apprentice agreement under this chapter.

CHAPTER 677

An act to add Section 10509 to the Education Code, relating to registration and tuition fees charged apprentices.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 10509 is added to the Education Code, to read:

10509. Notwithstanding any other provisions of this code, no charges or fees of any kind shall be required to be paid by any apprentice, or by his parents or guardian, for admission or attendance in any class in any school district which provides instruction under Section 3074 of the Labor Code in accord with the requirements of subdivision (d) of Section 3078 of that code. Nothing contained in this section, however, shall be construed as prohibiting the governing board of a school district providing nonresident apprentices of that district with such instruction under Section 3074 of the Labor Code from charging to, or collecting from, the school district in which such nonresident apprentices reside, tuition and other charges or fees in accordance with the definitions and provisions contained elsewhere in this code.

CHAPTER 678

An act to amend Section 13151 of the Education Code, relating to credentials for public school service.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 13151 of the Education Code is amended to read:

13151. The State Board of Education may issue credentials limiting the service authorized by such credentials to service in the schools or classes specified on the credential.

The State Board of Education shall issue credentials limiting the service authorized by such credentials to service as a teacher in special schools or classes of mentally retarded minors coming within Education Code Section 6903. The standards for such credentials are a baccalaureate degree or higher degree from an institution approved by the State Board of Education and such specialized and professional preparation as the State Board of Education may require. The State Board of Education shall not require applicants for the credential to complete a major or a minor in an academic subject matter area.

CHAPTER 679

An act to amend Sections 6901, 6981, 8126, 8191, 9151, 9154, 9196, 10251, 10321, 12951, 12977, 19052, 19053, 19053.9, 26072, 26073, 26073c, 30361, 30421, 32401, and 32440 of the Revenue and Taxation Code, relating to taxation.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 6901 of the Revenue and Taxation Code is amended to read:

6901. If the board determines that any amount, penalty, or interest has been paid more than once or has been erroneously or illegally collected or computed, the board shall set forth that fact in the records of the board and shall certify to the State Board of Control the amount collected in excess of the amount legally due and the person from whom it was collected or by whom paid. If approved by the State Board of Control the excess amount collected or paid shall be credited by the board on any amounts then due and payable from the person from whom the excess amount was collected or by whom it was paid under this part, and the balance shall be refunded to the person, or his successors, administrators, or executors.

In the case, however, of a determination by the board that an amount not exceeding one thousand dollars ($1,000) was not required to be paid under this part, the board without obtaining approval of the State Board of Control may credit the amount on any amounts then due and payable under this part from the person by whom the amount was paid and may refund the balance to the person or his successors, administrators, or executors.

Any overpayment of the use tax by a purchaser to a retailer who is required to collect the tax and who gives the purchaser a receipt therefor pursuant to Article 1, Chapter 3, of this part shall be credited or refunded by the state to the purchaser.

SEC. 2. Section 6981 of said code is amended to read:

6981. If any amount in excess of one thousand dollars ($1,000) has been illegally determined either by the person filing the return or by the board, the board shall set forth that fact in its records and certify to the State Board of Control the amount determined to be in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board. If an amount not exceeding one thousand dollars ($1,000) has been illegally determined either by the person filing a return or by the board, the board without certifying

this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the board.

SEC. 3. Section 8126 of said code is amended to read:

8126. If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth that fact in its records and certify to the State Board of Control the amount collected in excess of the amount legally due and the person from whom it was collected and, if the State Board of Control approves, shall certify the amount to the Controller for credit or refund.

In the case, however, of a determination by the board that an amount not exceeding one thousand dollars ($1,000) was not required to be paid under this part, the board, without obtaining the approval of the State Board of Control, may certify the amount to the Controller for credit or refund.

SEC. 4. Section 8191 of said code is amended to read:

8191. If the board determines that any amount in excess of one thousand dollars ($1,000) has been illegally determined to be due from any person either by the person filing the return or by the board, the board shall set forth that fact in its records and certify to the State Board of Control the amount determined to be in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board and the Controller. If an amount not exceeding one thousand dollars ($1,000) has been illegally determined either by the person filing a return or by the board the board without certifying this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the Controller and the board.

SEC. 5. Section 9151 of said code is amended to read:

9151. If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth that fact in its records and certify to the State Board of Control the amount paid in excess of the amount legally due and the person by whom the excess was paid to the board or from whom it was collected. If the State Board of Control approves, the excess amount paid or collected shall be credited on any amounts then due and payable from the person from whom the excess amount was collected or by whom it was paid under this part, and the balance shall either be refunded to the person, or his successors, administrators, executors, or assigns, or, if authorized by the board, deducted by the person from any amounts to become due from him under this part.

In the case, however, of a determination by the board that an amount not exceeding one thousand dollars ($1,000) was not required to be paid under this part, the board without obtaining the approval of the State Board of Control may credit the amount on any amounts then due and payable under this part from the person by whom the amount was

paid and may refund the balance to the person or his successors, administrators, or executors.

Any overpayment of the tax by a user to a vendor who is required to collect the tax and who gives the user a receipt therefor pursuant to Section 8732 shall be credited or refunded by the state to the user.

SEC. 6. Section 9154 of said code is amended to read:

9154. In the case, however, of a determination by the board that an amount not exceeding one thousand dollars ($1,000) was not required to be paid under this part, the board, without obtaining the approval of the State Board of Control, may credit the amount on any amounts then due and payable under this part from the person by whom the amount was paid and may authorize the person to deduct the balance from any amounts to become due from him under this part.

SEC. 7. Section 9196 of said code is amended to read:

9196. If any amount in excess of one thousand dollars ($1,000) has been illegally determined either by the person filing the return or by the board, the board shall set forth that fact in its records and certify to the State Board of Control the amount determined to be in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board. If an amount not exceeding one thousand dollars ($1,000) has been illegally determined either by the person filing a return or by the board the board without certifying this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the board.

SEC. 8. Section 10251 of said code is amended to read:

10251. If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth that fact in its records and certify to the State Board of Control the amount paid in excess of the amount legally due and the person from whom it was collected. If the State Board of Control approves, the excess amount collected or paid shall be credited on any taxes then due from the operator from whom the excess amount was collected or by whom it was paid under this part, and the balance shall be refunded to the operator, or his successors, administrators, executors, or assigns, or to the person from whom it was collected.

In the case, however, of a determination by the board that an amount not exceeding one thousand dollars ($1,000) was not required to be paid under this part, the board, without obtaining the approval of the State Board of Control, may credit such amount on any amounts then due from the operator under this part, and the balance may be refunded to the operator, or his successors, administrators, executors, or assigns, or to the person from whom it was collected.

SEC. 9. Section 10321 of said code is amended to read:

10321. If any amount in excess of one thousand dollars ($1,000) has been illegally determined either by the person filing the return or by the board, the board shall set forth that fact in its records and certify to the State Board of Control the amount determined to be in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board and the Controller. If an amount not exceeding one thousand dollars ($1,000) has been illegally determined either by the person filing a return or by the board, the board without certifying this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the board and the Controller.

SEC. 10. Section 12951 of said code is amended to read:

12951. If an amount in excess of one thousand dollars ($1,000) has been illegally assessed, the board shall set forth that fact in its records and certify to the State Board of Control the amount assessed in excess of the amount legally assessed and the insurer against whom the assessment was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the Controller and the board. If an amount not exceeding one thousand dollars ($1,000) has been illegally assessed, the board, without certifying this fact to the State Board of Control, shall authorize the cancellation of the amount upon the records of the Controller and the board. The board shall mail a notice to the insurer of any cancellation authorized.

SEC. 11. Section 12977 of said code is amended to read:

12977. If the board determines that any tax, interest, or penalty has been paid more than once or has been erroneously or illegally collected or computed, the board shall set forth that fact in its records of the board and shall certify to the Board of Control the amount of the taxes, interest, or penalties collected in excess of what was legally due, and from whom they were collected or by whom paid. If approved by the Board of Control, the excess shall be certified to the Controller for credit or refund. In the case, however, of a determination by the board that an amount not exceeding one thousand dollars ($1,000) was not required to be paid under this part, the board without obtaining approval of the State Board of Control may certify the amount to the Controller for credit or refund. The Controller upon receipt of a certification for credit or refund shall credit the excess on any amounts then due and payable from the insurer under this part and refund the balance.

SEC. 12. Section 19052 of said code is amended to read:

19052. (a) No credit or refund exceeding one thousand dollars ($1,000) shall be allowed or made until approved by the State Board of Control.

(b) If the Franchise Tax Board determines that an amount not exceeding one thousand dollars ($1,000) was not required

to be paid under this part, the Franchise Tax Board without obtaining the approval of the State Board of Control shall set forth that fact in its records. The Franchise Tax Board may credit the amount on any amounts then due and payable under this part from the taxpayers by whom the amount was paid and may refund the balance to the taxpayer or his successors, administrators, or executors.

SEC. 13. Section 19053 of said code is amended to read:

19053. No credit or refund shall be allowed or made after four years from the last day prescribed for filing the return or after one year from the date of the overpayment, whichever period expires the later, unless before the expiration of the period a claim therefor is filed by the taxpayer, or unless before the expiration of such period the Franchise Tax Board allows a credit or makes a refund where the overpayment does not exceed one thousand dollars ($1,000), or if the overpayment exceeds one thousand dollars ($1,000) certifies such overpayment to the State Board of Control for approval of the refunding or the crediting thereof.

SEC. 14. Section 19053.9 of said code is amended to read:

19053.9. Notwithstanding any statute of limitations provided in this part, any overpayment due a taxpayer for any year which results from a transfer of items of income or deductions or both to or from another year for the same taxpayer, or for the same year for a related taxpayer described in Section 18691.1, shall be allowed as an offset in computing any deficiency in tax for any other year resulting from the transfer of such income or deductions or both, but no refund shall be allowed unless the Franchise Tax Board has allowed a credit or made a refund where the overpayment does not exceed one thousand dollars ($1,000), or where the overpayment exceeds one thousand dollars ($1,000), such overpayment is certified to the State Board of Control, or a claim for refund is filed within the time otherwise provided for in this part.

The offset provided herein, however, shall not be allowed after the expiration of seven years from the due date of the return on which the overpayment is determined.

SEC. 15. Section 26072 of said code is amended to read:

26072. (a) No credit or refund exceeding one thousand dollars ($1,000) shall be allowed or made until approved by the State Board of Control.

(b) If the Franchise Tax Board determines that an amount not exceeding one thousand dollars ($1,000) was not required to be paid under this part, the Franchise Tax Board without obtaining the approval of the State Board of Control may credit the amount on any amounts then due and payable under this part from the taxpayer by whom the amount was paid and may refund the balance to the taxpayer or its successors.

SEC. 16. Section 26073 of said code is amended to read:

26073. No such credit or refund shall be allowed or made after four years from the last day prescribed for filing the return or after one year from the date of the overpayment,

whichever period expires the later, unless before the expiration of such period a claim therefor is filed by the taxpayer, or unless before the expiration of such period the Franchise Tax Board allowed a credit or made a refund, where the overpayment does not exceed one thousand dollars ($1,000), or if the amount exceeds one thousand dollars ($1,000) has certified such overpayment to the State Board of Control for approval of the refunding or the crediting thereof.

SEC. 16.5. Section 26073c of said code is amended to read:

26073c. (1) Notwithstanding any statute of limitations otherwise provided for in this part, any overpayment due a taxpayer for any year, shall be allowed as an offset in computing any deficiency in tax, for the same or any other year, if such overpayment results from:

(a) A transfer of items of income or deductions or both to or from another year for the same taxpayer; or

(b) A transfer of items of income or deductions or both to or from another taxpayer for the same or different years if such items of income or deductions are transferred between affiliated taxpayers whose tax is determined under Chapter 17 of this part.

(2) The offset provided by subdivision (1) shall not be allowed after the expiration of seven years from the due date of the return or returns on which the overpayment is determined.

(3) No refund shall be allowed under subdivision (1) unless the overpayment is certified to the State Board of Control, or a claim for refund is filed within the time otherwise provided for in this part.

SEC. 17. Section 30361 of said code is amended to read:

30361. If the board determines that any amount not required to be paid under this part has been paid more than once or has been erroneously or illegally collected or computed, the board shall set forth that fact in its records and certify to the State Board of Control the amount collected in excess of the amount legally due and the person from whom it was collected or by whom it was paid. If approved by the State Board of Control, the excess amount collected or paid shall be credited by the board on any amounts then due and payable from the person from whom the excess amount was collected or by whom it was paid under this part, and the balance shall be refunded to the person, or his successors, administrators, executors, or assigns.

In the case, however, of a determination by the State Board of Equalization that an amount not exceeding one thousand dollars ($1,000) was not required to be paid under this part, the State Board of Equalization, without obtaining approval of the State Board of Control, may credit such amount on any amounts then due and payable under this part from the person by whom the amount was paid and shall refund the balance to the person or his successors, administrators or executors.

SEC. 18. Section 30421 of said code is amended to read:

30421. If any amount in excess of one thousand dollars ($1,000) has been illegally determined, the board shall set forth that fact in its records and certify to the State Board of Control the amount determined in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board. If an amount not exceeding one thousand dollars ($1,000) has been illegally determined, the board without certifying this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the board.

SEC. 19. Section 32401 of said code is amended to read:

32401. If the board determines that any amount of tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or computed, the board shall set forth that fact in the records of the board and shall certify to the State Board of Control the amount collected in excess of what was legally due and the person from whom it was collected or by whom paid. If approved by the State Board of Control the excess amount collected or paid shall be credited on any amounts then due from the person from whom the excess amount was collected or by whom it was paid under this part, and the balance shall be refunded to the person, or his successors, administrators, or executors.

In the case, however, of a determination by the board that an amount not exceeding one thousand dollars ($1,000) was not required to be paid under this part, the board without obtaining the approval of the State Board of Control may credit the amount on any amounts then due and payable under this part from the person by whom the amount was paid and may refund the balance to the person or his successors, administrators, or executors.

SEC. 20. Section 32440 of said code is amended to read:

32440. If any amount in excess of one thousand dollars ($1,000) has been illegally determined, either by the person filing the return or by the board, the board shall certify to the State Board of Control the amount determined to be in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board. If an amount not exceeding one thousand dollars ($1,000) has been illegally determined, either by the person filing a return or by the board, the board without certifying this fact to the State Board of Control shall authorize the cancellation of the amount upon the records of the board.

CHAPTER 680

An act to amend Section 2732.05 of the Business and Professions Code, relating to nursing.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 2732.05 of the Business and Professions Code is amended to read:

2732.05. Every employer of a registered nurse, and every person acting as an agent for such a nurse in obtaining employment, shall ascertain that such nurse is currently authorized to practice as a registered professional nurse within the provisions of this chapter. As used in this section, the term "agent" includes but is not limited to a nurses registry.

Examination by an employer or agent of a license or certificate issued by the board showing the nurse's current authority to practice under this chapter, prior to employment, shall constitute a determination of authority to so practice.

Nothing in this section shall apply to a patient, or other person acting for a specific patient, who engages the services of a registered nurse to provide nursing care to a single patient.

CHAPTER 681

An act to amend Section 7031 of the Business and Professions Code, relating to contractors.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 7031 of the Business and Professions Code is amended to read:

7031. No person engaged in the business or acting in the capacity of a contractor, may bring or maintain any action in any court of this state for the collection of compensation for the performance of any act or contract for which a license is required by this chapter without alleging and proving that he was a duly licensed contractor at all times during the performance of such act or contract, except that such prohibition shall not apply to contractors who are each individually licensed under this chapter but who fail to comply with Section 7029.

CHAPTER 682

An act to amend Section 3003 of the Revenue and Taxation Code, relating to property taxes.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 3003 of the Revenue and Taxation Code is amended to read:

3003. Where delinquent taxes or assessments, including those on personal property, are not a lien on real property sufficient, in the judgment of the assessor or the board of supervisors, to secure the payment of the taxes or assessments, the county may, in any civil action, sue the taxpayer in its own name for the recovery of the delinquent taxes or assessments, with penalties and costs. The county seat of the county in which the property was assessed shall be a proper place of trial.

CHAPTER 683

An act to amend Section 31553 of the Government Code, relating to membership in a county retirement system.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 31553 of the Government Code is amended to read:

31553. Elective officers become members of the retirement association on the first day of the calendar month following the filing of a declaration with the board to become a member, provided, however, that any such elective officer may, within one year after the filing of such declaration, or prior to January 1, 1967 whichever is earlier, rescind the declaration and withdraw from the retirement association. In such cases, all contributions paid by the member shall be refunded in the same manner as applicable to members terminating service.

CHAPTER 684

An act to add Section 10061 to the Public Utilities Code, relating to municipally owned utilities.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 10061 is added to the Public Utilities Code, to read:

10061. Notwithstanding any of the provisions of this article, a municipal corporation, by following the provisions of this section, may lease, sell or transfer all or part of a public utility owned and operated by it for furnishing water service.

Any municipal corporation owning and operating a public utility for furnishing water service, a part of which or all of which public utility is operated and used for furnishing water service outside the boundaries of such municipal corporation, may lease, sell or transfer all or any part of such portion of the public utility located outside the boundaries of such municipal corporation to any other municipal corporation, public agency or public utility water corporation upon the terms and conditions agreed upon by the selling municipal corporation if, by resolution adopted by a majority of its legislative body, it has determined that the public utility, or portion thereof, is not necessary for supplying water to its own inhabitants and if the acquiring entity by resolution adopted by a majority of the members of its legislative body or board of directors has concurred in such lease, sale, or transfer and the terms and conditions thereof and if the acquiring entity will be bound to render water service to the persons formerly served through the system being sold on terms and conditions which are just and reasonable and which do not unreasonably discriminate against the customers of the acquired entity.

Any agreement entered into before the effective date of this section between municipal corporations for the lease, sale or transfer of all or any part of a public utility owned and operated by one of the municipal corporations and furnishing water service to the inhabitants of the municipal corporation to which the lease, sale or transfer is made is hereby validated.

CHAPTER 685

An act to amend Section 28106 of the Government Code, relating to compensation of county officers.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 28106 of the Government Code is amended to read:

28106. In a county of the sixth class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) Each supervisor, thirteen thousand five hundred dollars ($13,500) a year.

(b) Grand jurors and trial jurors in the superior courts shall receive three dollars ($3) for each day's attendance and mileage at the rate of fifteen cents ($0.15) a mile for each mile necessarily traveled in attending court, in going only. In criminal cases the fees and mileage of trial jurors in the superior court shall be paid out of the general fund of the county on warrants drawn by the county auditor upon the written order of the judge of the court in which the juror was in attendance.

CHAPTER 686

An act to amend Sections 351 and 352 of the Labor Code, relating to gratuities.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 351 of the Labor Code is amended to read:

351. No employer or agent shall collect, take, or receive any gratuity, or a part thereof, paid, given to, or left for an employee by a patron, or deduct any amount from wages due an employee on account of such gratuity, or require an employee to credit the amount, or any part thereof, of such gratuity against and as a part of the wages due the employee from the employer, unless he posts in a conspicuous place at the location where his business is carried on, in a place where it can easily be seen by the patrons thereof, a notice, in lettering or printing of not less than 48-point blackface type, to the following effect:

(a) If not shared by the employees, that any gratuities paid, given to, or left for employees by patrons go to and belong to

the business or employer and are not shared by the employees thereof.

(b) If shared by the employees, the extent to which gratuities are shared between employer and employees.

SEC. 2. Section 352 of said code is amended to read:

352. The notice required by Section 351 shall also state the extent to which the employees are required by the employer to accept gratuities in lieu of wages or the extent to which the employee is required to accept and credit gratuities against wages.

CHAPTER 687

An act to add Section 1346 to the Education Code, relating to the public schools.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965]

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

SECTION 1. Section 1346 is added to the Education Code, to read:

1346. Whenever the county clerk, registrar of voters, or other officer conducting a school district election is required to notify each voter of his polling place, the notice shall specify the location of the polling place, giving street and number, if any, with sufficient particularity to identify it. It shall not be compliance with such requirement to send to the voter a list of the precincts to be used at the election, and no such list shall be sent.

CHAPTER 688

An act to add Section 9359.01 to, and to amend Section 9359.1 of, the Government Code, relating to the Legislators' Retirement Law.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965]

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

SECTION 1. Section 9359.01 is added to the Government Code, to read:

9359.01. A Member of the Senate or Assembly who is not returned to office, or who chooses not to run, when the boundaries of the Senate or Assembly district, respectively, in which he was resident, when last elected to the Senate or Assembly, respectively, are altered pursuant to a reapportionment of legislative districts, may be retired, upon his written application to the board, at the conclusion of his current term pro-

vided the member is credited with a minimum of four years service.

SEC. 2. Section 9359.1 of said code is amended to read:

9359.1. (a) The retirement allowance for a member all of whose credited service was rendered as a Member of the Senate or Assembly except as provided in subdivision (d) is an annual amount equal to five percent (5%) of the compensation payable, at the time payments of the allowance fall due, to incumbent Members of the Senate or Assembly, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed fifteen (15) years. In no event shall any retirement allowance payable under this chapter to any such member exceed the compensation payable to Members of the Legislature at the time the payment of the allowance is made, except that the retirement allowance of any such member who serves more than 15 years shall be increased by an amount equal to 3 percent of the compensation payable, at the time payment of the allowance falls due, to incumbent Members of the Senate or Assembly for each year or fraction of a year in excess of 15 years.

(b) The retirement allowance for a member all of whose credited service was rendered as an elective officer of the state whose office is provided for by the Constitution other than a judge (and other than a Member of the Senate or Assembly) is an annual amount equal to five percent (5%) of the compensation payable at the time payments of the allowance fall due, to the officer holding the office which the retired member last held prior to his retirement, or five percent (5%) of the highest compensation fixed for such office during the member's last term or any subsequent term prior to his retirement, whichever is greater, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years.

(c) The retirement allowance for a member part of whose credited service was rendered as a Member of the Senate or Assembly and part of whose credited service was rendered as an elective officer of the state whose office is provided for by the Constitution, other than a judge (and other than a Member of the Senate or Assembly) is an annual amount equal to five percent (5%) of all the compensation, at the time payment of the allowance falls due, to the officer holding the highest salaried office which the member held at any time during his service prior to retirement, multiplied by the number of years of service with which the member is entitled to be credited at the time of his retirement, not to exceed eight (8) years. If, however, the member would be entitled to receive a greater allowance under subdivision (a), (b), or (d) of this section if all of his credited service had been rendered as a Member of the Senate or Assembly or as an elective officer of the state whose office is provided for by the Constitution other than a judge (and other than a Member of the Senate or Assembly),

then all of his credited service shall be deemed to have been rendered as a Member of the Senate or Assembly or as such other elective officer, and he shall receive a retirement allowance computed under subdivision (a), (b), or (d) of this section, whichever is greater.

(d) The retirement allowance for a member, all of whose service was rendered as a Member of the Senate or Assembly, who is the surviving widow of a deceased Member of the Senate or Assembly and who becomes the immediate successor in office of such deceased Member of the Senate or Assembly is an annual amount equal to five percent (5%) of the compensation payable, at the time the payments of the allowance fall due, to incumbent Members of the Senate or Assembly, multiplied by the number of years of service with which the member is entitled to be credited at the time of retirement plus the number of years of service as a Member of the Senate or Assembly rendered by the member's deceased husband plus any period in the term, for which the deceased member was elected, following his death, not to exceed fifteen (15) years. In no event shall any retirement allowance payable under this chapter to any such member exceed the compensation payable to Members of the Legislature at the time the payment of the allowance is made, except that the retirement allowance of any such member, whose total service creditable under this subdivision is in excess of fifteen (15) years, shall be increased by an amount equal to 3 percent of the compensation payable, at the time payment of the allowance falls due, to incumbent Members of the Senate or Assembly for each year or fraction of a year in excess of fifteen (15) years. This same computation of total service creditable shall be used as a basis in determining eligibility for retirement, under Sections 9359 and 9359.16, of a member described in this subdivision. Any member to whom this subdvision applies shall redeposit an amount equal to the contributions which were required to be contributed by her deceased spouse while he was a member of the system for his service, computed on the basis of the salary and rate of contribution in effect at the time such service was rendered, or would have been rendered, in the Legislators' Retirement Fund on account of the service of her deceased husband in order to use such service for the purposes of this section and Sections 9359 and 9359.16.

CHAPTER 689

An act to amend Section 263 of the Streets and Highways Code, relating to state scenic highways.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965.]

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

SECTION 1. Section 263 of the Streets and Highways Code is amended to read:

263. The state scenic highway system is hereby established and shall be composed of the following highways:

Routes 25, 28, 35, 38, 53, 62, 74, 76, 89, 96, 97, 106, 127, 150, 151, 154, 156, 158, 161, 173, 197, 199, 203, 208, 209, 221, 236, 239, 247, 480, in their entirety.

Route 1 from:

(a) Route 5 south of San Juan Capistrano to Route 19 near Long Beach.

(b) Route 187 near Santa Monica to Route 101 near El Rio.

(c) Route 101 near San Luis Obispo to Route 35 near Daly City.

(d) Route 101 near Marin City to Route 208 near Rockport.

Route 2 from Route 210 near La Canada to Route 138 near Wrightwood.

Route 3 from:

(a) Route 36 near Peanut to Route 299 near Douglas City.

(b) Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

(a) Route 239 near Brentwood to Route 84 near Antioch.

(b) Route 49 near Angels Camp to Route 89 near Mount Bullion.

Route 5 from:

(a) The international boundary near Tijuana to Route 75 near the south end of San Diego Bay.

(b) San Diego opposite Coronado to Route 74 near San Juan Capistrano.

(c) Route 210 near Tunnel Station to Route 126 near Castaic.

(d) Route 152 west of Los Banos to Route 580 near Vernalis.

(e) Route 44 near Redding to the Shasta Reservoir.

(f) Route 89 near Mt. Shasta to Route 97 near Weed.

(g) Route 3 near Yreka to the Oregon state line near Hilt.

Route 8 from Route 5 in San Diego to Route 98 near Coyote Wells.

Route 9 from:

(a) Route 17 near Santa Cruz to Route 236 near Boulder Creek.

(b) Route 236 near Waterman Gap to Route 35.

(c) Saratoga to Route 17 near Los Gatos.

Route 10 from Route 38 near Redlands to Route 62 near White Water.

Route 12 from Route 101 near Santa Rosa to Route 121 near Sonoma.

Route 14 from Route 58 near Mojave to Route 395 near Little Lake.

Route 15 from:

(a) Route 138 near Cajon Pass to Route 138 near Cajon Pass.

(b) Route 58 near Barstow to Route 127 near Baker.

Route 16 from Route 20 to Capay.

Route 17 from:

(a) Route 1 near Santa Cruz to Route 9 near Los Gatos.

(b) Route 37 near Nicasio to Route 1 near Point Reyes Station.

Route 18 from Route 138 near Mt. Anderson to Route 247 near Lucerne Valley.

Route 20 from:

(a) Route 1 near Fort Bragg to Route 101 near Willits.

(b) Route 101 near Calpella to Route 16.

(c) Route 49 near Grass Valley to Route 80 near Emigrant Gap.

Route 29 from:

(a) Route 37 near Vallejo to Route 121 near Napa.

(b) Route 221 near Napa to Route 20 near Upper Lake.

Route 30 from Route 106 near Highland to Route 18 near Running Springs.

Route 33 from:

(a) Route 101 near Ventura to Route 150.

(b) Route 150 to Route 166 in Cuyama Valley.

(c) Route 198 near Coalinga to Route 198 near Oilfields.

Route 36 from:

(a) Route 101 near Alton to Route 3 near Peanut.

(b) Route 89 near Morgan Springs to Route 89 near Deer Creek Pass.

Route 37 from:

(a) Route 17 near Nicasio to Route 101 near Novato.

(b) Route 101 near Ignacio to Route 29 near Vallejo.

Route 39 from Route 210 near Azusa to Route 2.

Route 41 from:

(a) Route 1 near Morro Bay to Route 101 near Atascadero.

(b) Route 46 near Cholame to Route 33.

(c) Route 49 near Oakhurst to Yosemite National Park.

Route 44 from:

(a) Route 5 near Redding to Lassen Volcanic National Park.

(b) Lassen Volcanic National Park to Route 89 near Old Station.

Route 46 from Route 101 near Paso Robles to Route 41 near Cholame.

Route 49 from:

(a) Route 41 near Oakhurst to Route 120 near Moccasin Creek.

(b) Route 120 to Route 20 near Grass Valley.

(c) Route 20 near Nevada City to Route 89 near Sattley.

Route 50 from Route 49 near Placerville to the Nevada state line near Lake Tahoe.

Route 58 from Route 14 near Mojave to Route 15 near Barstow.

Route 70 from Route 149 near Wicks Corner to Route 89 near Blairsden.

Route 71 from:

(a) Route 395 to Route 91 near Corona.

(b) Route 91 near Corona to Route 83 north of Corona.

Route 75 from Route 5 near the south end of San Diego Bay to the San Diego-Coronado Ferry in Coronado.

Route 78 from Route 79 near Santa Ysabel to Route 86 near Kane Springs.

Route 79 from:

(a) Route 8 near Descanso to Route 78 near Julian.

(b) Route 78 near Santa Ysabel to Route 71 near Aguanga.

Route 80 from:

(a) Route 480 in San Francisco to Route 61 in Oakland.

(b) Route 20 near Emigrant Gap to the Nevada state line near Verdi, Nevada.

Route 84 from Route 4 near Antioch to Route 160 near Rio Vista.

Route 88 from Route 49 near Jackson to Route 89 near Picketts.

Route 91 from Route 55 near Santa Ana Canyon to Route 71 near Corona.

Route 92 from Route 1 near Half Moon Bay to Route 280 near Crystal Springs Lake.

Route 94 from Route 125 near Spring Valley to Route 8 west of Jacumba.

Route 101 from:

(a) Route 1 near El Rio to Route 46 near Paso Robles.

(b) Route 156 near Prunedale to Route 156 near The Rocks.

(c) A point in Marin County opposite San Francisco to Route 1 near Marin City.

(d) Route 37 near Ignacio to Route 37 near Novato.

(e) Route 20 near Calpella to Route 20 near Willits.

(f) Route 208 near Leggett to Route 199 near Crescent City.

(g) Route 197 near Fort Dick to the Oregon state line.

Route 108 from Route 49 near Sonora to Route 395.

Route 111 from:

(a) Bombay Beach in Salton Sea State Park to Route 195 near Mecca.

(b) Route 74 near Palm Desert to Route 10 near White Water.

Route 120 from:

(a) Route 49 near Chinese Camp to Route 49 near Moccasin Creek.

(b) The east boundary of Yosemite National Park to Route 395 near Mono Lake.

Route 121 from:

(a) Route 37 near Sears Point to Route 12 near Sonoma.

(b) Route 29 near Napa State Hospital to Route 221 near Napa.

Route 125 from Route 94 near Spring Valley to Route 8 near La Mesa.

Route 126 from Route 150 near Santa Paula to Route 5 near Castaic.

Route 138 from:

(a) Route 2 near Wrightwood to Route 15 near Cajon Pass.

(b) Route 15 near Cajon Pass to Route 18 near Mt. Anderson.

Route 139 from Route 299 near Canby to the Oregon state line near Hatfield.

Route 140 from Route 49 near Mariposa to Yosemite National Park near El Portal.

Route 146 from Pinnacles National Monument to Route 25 in Bear Valley.

Route 152 from Route 156 near San Felipe to Route 5.

Route 160 from Route 84 near Rio Vista to Sacramento.

Route 166 from Route 101 near Santa Maria to Route 33 in Cuyama Valley.

Route 168 from:

(a) Route 65 near Clovis to Huntington Lake.

(b) Camp Sabrina to Route 395.

(c) Big Pine to the Nevada state line via Oasis.

Route 178 from the east boundary of Death Valley National Monument to Route 127 near Shoshone.

Route 180 from:

(a) Route 156 near Hollister to Route 25 near Paicines.

(b) Route 65 near Minkler to General Grant Grove Section of Kings Canyon National Park.

(c) General Grant Grove Section of Kings Canyon National Park to Kings River Canyon.

Route 190 from Route 65 near Porterville to Route 127 near Death Valley Junction.

Route 195 from Route 111 near Mecca to Route 10 near Shaver's Summit.

Route 198 from:

(a) Route 101 near San Lucas to Route 33 near Coalinga.

(b) Route 33 near Oilfields to Route 5.

(c) Route 99 near Goshen to the Sequoia National Park line.

Route 210 from Route 5 near Tunnel Station to Route 2 near La Canada.

Route 280 from:

(a) Route 92 near Crystal Springs Lake to Route 35 near San Andreas Lake.

(b) Route 35 in San Francisco to Route 480 in San Francisco.

Route 299 from:

(a) Route 101 near Arcata to Route 96 near Willow Creek.

(b) Route 3 near Weaverville to Route 5 near Redding.

(c) Route 89 near Burney to Route 139 near Canby.

Route 395 from:

(a) Route 76 near the San Luis Rey River to Route 71 near Murrieta.

(b) Route 74 near Romoland to Route 74 near Perris

(c) Route 14 near Little Lake to Route 89 near Coleville.

Route 580 from Route 5 southwest of Vernalis to Route 205 near Tracy.

CHAPTER 690

An act to amend Sections 7872, 8996, 10099, 30322 and 32362 of the Revenue and Taxation Code, relating to liens for state taxes.

[Approved by Governor June 15, 1965. Filed with Secretary of State June 15, 1965]

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

SECTION 1. Section 7872 of the Revenue and Taxation Code is amended to read:

7872. If any amount required to be paid to the state under this part is not paid when due, the Controller may within three years after the amount is due file for record in the office of any county recorder a certificate specifying the amount, interest, and penalty due, the name and address as it appears on the records of the board of the person liable for the same, and the fact that the board has complied with all provisions of this part in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and shall continue for 10 years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the date of the filing of the certificate or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property in such county for 10 years unless sooner released or otherwise discharged.

SEC. 2. Section 8996 of said code is amended to read:

8996. If any amount required to be paid to the state under this part is not paid when due, the board may within three years after the amount is due file for record in the office of any county recorder a certificate specifying the amount, interest, and penalty due, the name and address as it appears on the records of the board of the person liable for the same, and the fact that the board has complied with all provisions of this part in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterward and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and shall continue for 10 years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the date of the filing of the certificate or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property in such county for 10 years unless sooner released or otherwise discharged.

SEC. 3. Section 10099 of said code is amended to read:

10099. If any amount required to be paid to the state under this part is not paid when due, the Controller may within three years after the amount is due file for record in the office of any county recorder a certificate specifying the amount, interest, and penalty due, the name and address as it appears on the records of the board of the person liable for the same, and the fact that the board has complied with all provisions of this part in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and shall continue for 10 years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the date of the filing of the certificate or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property in such county for 10 years unless sooner released or otherwise discharged.

SEC. 4. Section 30322 of said code is amended to read:

30322. If any amount required to be paid to the state under this part is not paid when due, the board may within three years after the amount is due file for record in the office

of any county recorder a certificate specifying the amount, interest, and penalty due, the name and address as it appears on the records of the board of the person liable for the same, and the fact that the board has complied with all provisions of this part in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and shall continue for 10 years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the date of the filing of the certificate or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property in such county for 10 years unless sooner released or otherwise discharged.

SEC. 5. Section 32362 of said code is amended to read:

32362. An abstract or copy of the judgment entered under Section 32361 may be recorded with the county recorder of any county, and from the time of such recording, the amount of the taxes, interest, and penalty set forth in the judgment shall constitute a lien upon all the real property owned by the taxpayer in the county or which he may acquire afterwards and before the lien expires, which lien shall have the force, effect, and priority of a judgment lien and shall continue for 10 years from the time of the recording of the abstract unless sooner released or otherwise discharged. The lien may, within 10 years from the date of the recording of the abstract or within 10 years from the date of the last extension of the lien, be extended by recording a new abstract in the office of the county recorder of any county and from the time of such recording, the lien shall be extended to the real property in such county for 10 years unless sooner released or otherwise discharged. Execution shall issue upon such a judgment upon the request of the board in the same manner as execution may issue upon other judgments, and sales shall be held under the execution as prescribed in the Code of Civil Procedure. In all proceedings under this section the board shall act on behalf of the people of the State of California.

CHAPTER 691

An act to amend Section 4904 of the Labor Code and to add Section 2629.1 to the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965]

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

SECTION 1. Section 4904 of the Labor Code is amended to read:

4904. If notice is given in writing to the insurer, or to the employer if uninsured, setting forth the nature and extent of any claim that is allowable as a lien, the claim is a lien against any amount thereafter payable as compensation, subject to the determination of the amount and approval of the lien by the commission. The claim of lien shall be perfected pursuant to rules and regulations prescribed by the commission. In determining the amount of lien to be allowed for unemployment compensation disability benefits under subdivision (f) of Section 4903 the commission shall allow such lien in the amount of benefits which it finds were paid for the same day or days of disability for which an award of compensation for temporary disability indemnity is made. In the case of agreements for the compromise and release of a disputed claim for compensation, the applicant and defendant may propose to the commission, as part of the compromise and release agreement, an amount out of the settlement to be paid to any lien claimant claiming under subdivision (f) of Section 4903. The determination of the commission, subject to petition for reconsideration and to the right of judicial review, as to the amount of lien allowed under subdivision (f) of Section 4903, whether in connection with an award of compensation or the approval of a compromise and release agreement, shall be binding on the lien claimant, the applicant, and the defendant, insofar as the right to benefits paid under the Unemployment Insurance Code for which the lien was claimed. The commission may order the amount of any lien claim, as determined and allowed by it, to be paid directly to the person entitled, either in a lump sum or in installments.

SEC. 2. Section 2629.1 is added to the Unemployment Insurance Code, to read:

2629.1. Nothing in the provisions of Section 2629 of this code shall be construed to authorize the stopping of payment of unemployment disability benefits provided for in this part upon the filing of a lien with the Industrial Accident Commission under Section 4903 of the Labor Code. Benefits provided for by this part shall be paid to claimants notwithstanding the filing of such a lien until an award, order or decision has been made in the matter as provided in Section 5313 of the Labor Code.

CHAPTER 692

An act to amend Section 120 of the Agricultural Code, relating to nursery licenses.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 120 of the Agricultural Code is amended to read:

120. It is unlawful to sell any nursery stock without first having obtained an annual license so to do from the director. Such license for the fiscal year shall be issued to any person who sells plants at any place in the state upon receipt of payment of a minimum license fee to be established by the director but not to exceed thirty dollars ($30), to which shall be added an equal sum for each branch salesyard, store or sales location owned and operated in the state as an additional license fee. The director may fix the minimum license fee at a lesser amount and may adjust the license fee when after investigation and due notice he finds that the cost of administering the provisions of this chapter and Chapter 9 (commencing with Section 1148) of Division 5 of this code relating to nursery stock, can be defrayed from revenues derived from such license fee in combination with such sums as are provided by Sections 34.6 and 120.5. The applicant shall further satisfy the director of his or its character and good faith in seeking to carry on the business of selling nursery stock.

The fees for the renewal of the annual license shall be paid between the 1st day of April and the 1st day of July of each year for the fiscal year beginning July 1st of such year. Failure to pay the renewal license fee prior to the 11th day of July of each year, for the year ensuing, shall ipso facto work a forfeiture of the right to sell nursery stock. Any person who has been previously licensed to sell nursery stock and whose right to so sell has been forfeited shall not be issued a renewal license except upon written application to the department, accompanied by a sum equal to the regular license fee or equal to any portion thereof remaining unpaid prior to said 11th day of July in the event of a deficiency in the amount due plus a restoration fee in an amount equal to the regular license fee or in an amount equal to the said unpaid portion thereof; but no such restoration fee shall be required of any person whose application for renewal of license is accompanied by his signed statement that prior to the date of his application he has not sold any nursery stock during any part of the fiscal year for which he applies for renewal of license.

A person shall not be required to pay the above-mentioned fee if his sales of plants amount to less than five hundred dollars ($500) within any one fiscal year and if he has reported to the commissioner his intention to make such sales. All plants

sold by him must be of his own production, and sold for planting within the county where grown.

The license may be suspended or revoked or issuance or renewal thereof refused when, after investigation and hearing, it is determined that the licensee or the applicant has wilfully refused to comply with the laws and regulations relative to nursery stock, or to any pest which might be carried by such nursery stock, or was intentionally guilty of fraud or deception in the procurement of such license, or has been guilty of fraud or misrepresentation in the handling or sale of nursery stock. 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 director shall have all the powers granted therein.

Retail florists and others who sell plants at retail for indoor decorative purposes only are exempt as to such plants from the provisions of this section.

Persons who sell seeds and who do not sell or ship any other kinds of nursery stock are exempt from the provisions of this section.

The director may publish in pamphlet form as often as he deems necessary a list of all persons licensed under the provisions of this section, together with such additional information as he deems advisable concerning the enforcement of laws and regulations pertaining to nursery stock.

SEC. 2. Any revenues derived from any increases in fees provided for in this act shall not be available for expenditures unless appropriated.

CHAPTER 693

An act to amend Sections 80.5, 81, 86, 86.4, 87.5, 88, 88.5, 88.6, 91, 92.3, 92.5, 92.6, 92.8, 94.6 and 95 of, and to renumber and amend Section 98.2 of, and to repeal Sections 98, 98.1, and 98.3 of, the Agricultural Code, and to amend Sections 19623, 19626.2, 19627, 19630, 19631, 19636 and 19637 of the Business and Professions Code, and to amend Sections 25902, 25903, 25905 and 25906 of the Government Code, relating to fairs and expositions.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 80.5 of the Agricultural Code is amended to read:

80.5. The 51st District Agricultural Association is abolished. All property, both real and personal, of the district is transferred to the Department of General Services to be held by it until the Legislature determines, by appropriate act, that the property should be used to meet the educational needs of San Fernando Valley State College or devoted to some other

urgent educational use. Pending the determination by the Legislature pursuant to this section, the Department of General Services may lease or otherwise use such property, on such terms and conditions as the Director of General Services deems to be in the best interests of the state.

SEC. 2. Section 81 of said code is amended to read:

81. Fifty or more persons, residents of the county or of all the counties or parts of counties comprising an agricultural district, may form an association to be known as and designated as the _____ District Agricultural Association, for the purpose of holding fairs, expositions and exhibitions of all of the industries and industrial enterprises, resources and products of every kind or nature of the state with a view of improving, exploiting, encouraging, and stimulating the same.

The officers of such association shall consist of a board of directors of nine members. The directors shall be resident citizens of the district. Where two or more counties constitute an agricultural district, each county shall be represented on the board of directors by at least two resident citizens. If, by reason of the formation of a new agricultural district, a director in one district becomes a resident of another district, his term of office as director expires 60 days after the formation of the new agricultural district. Copies of the articles of association shall be filed with the Governor, the Secretary of State, and the Department of Agriculture.

SEC. 3. Section 86 of said code is amended to read:

86. Each district agricultural association is a state institution. Each association by its name has perpetual succession, may have a seal, and may be sued, and with approval of the Department of Agriculture, may sue and may do any and all things necessary to carry out the powers and the objects and purposes for which the association is formed; provided, however, that claims against district agricultural associations shall be presented to the State Board of Control in accordance with Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, and, with the approval of both the Department of Agriculture and the Department of General Services may:

(a) Contract.

(b) Purchase, acquire, hold, sell, exchange or convey any interest in real or personal property and beautify or improve such property. Any acquisition of land or other real property shall be subject to the provisions of the Property Acquisition Law (Part 11, commencing with Section 15850, Division 3, Title 2 of the Government Code).

(c) Lease, let or grant licenses for the use of its real estate or personal property or any portion thereof to any person or public body for whatever purpose may be approved by the board of directors and the Department of General Services.

(d) Use or manage its real estate or personal property or any part thereof for any or all of the foregoing purposes

jointly with any lessee, sublessee or licensee, or otherwise use or manage said property in connection with such lease, sublease or license heretofore or hereinafter made or granted.

(e) Lease or let its real property for public park, recreational, or playground purposes.

(f) Rent or permit the use of its premises for purposes beneficial to the agricultural industry, including but not limited to the holding of sales or auctions of cattle or other livestock.

(g) Contract with any county or county fair association for holding a fair jointly with the same. Such joint fair shall constitute a district fair of the association.

SEC. 4. Section 86.4 of said code is amended to read:

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

SEC. 5. Section 87.5 of said code is amended to read:

87.5. (a) Any district agricultural association and any county may jointly construct a building to constitute a war memorial and to be used for any purpose for which real property of a district agricultural association may be used.

(b) The buildings or war memorials may be constructed and managed under such terms and conditions as may be agreed upon by the directors of the association with the approval of the Department of Agriculture and the board of supervisors of the county, and shall be owned and used jointly by the association and county.

(c) Any construction work done pursuant to any such agreement shall be performed in accordance with and subject to the provisions of the State Contract Act.

SEC. 6. Section 88 of said code is amended to read:

88. The proceeds of the sale of any interest in real property owned by any association shall be paid into the Fair and Exposition Fund in the State Treasury. The amount paid into such fund under the provisions of this section shall be available for expenditure by the association, with the approval of the State Department of Agriculture and the State Public Works Board, for permanent improvements for fair purposes on the property of the association or the purchase of equipment for fair purposes, or the acquisition or purchase of real property, including costs of appraisal, or other incidental costs, to be used as sites for such permanent improvements. Said funds or any portion thereof which are not expended within three years after being so paid into the State Treasury as provided in this section shall be added to and become a part

of the amount available under Section 19630 of the Business and Professions Code for permanent improvements upon the property of the state, citrus, county, or district agricultural associations for fair purposes, or the purchase of equipment for fair purposes, or the acquisition or purchase of real property, including costs of appraisal or other incidental costs, to be used as sites for such permanent improvements, in such amounts as may be allocated by executive order of the State Director of Agriculture. The execution of any lease, easement, or agreement for the extraction of any oil, or gas from lands owned or controlled by a district agricultural association is not a sale of an interest of real property within the meaning of this section. All revenues received by any association pursuant to any such lease, easement, or agreement for the extraction of oil or gas shall be paid into the General Fund in the State Treasury.

SEC. 7. Section 88.5 of said code is amended to read:

88 5. The Director of Agriculture may make available for the use of any district agricultural association any property of the state, suitable for the purposes of the district, which has been obtained by the state by gift from counties, cities and counties, or cities, or otherwise without cost to the state.

SEC. 8. Section 88 6 of said code is amended to read:

88 6. When the board of directors of a district agricultural association shall, by resolution, adopted by vote of two-thirds of all its members, have found and determined that the public interest and necessity require the acquisition of any buildings or improvements situated on property owned by said association, in trust or otherwise or of any outstanding rights to such property, such association may, with the approval of the Department of Agriculture, acquire such buildings, improvements or outstanding rights by condemnation.

The use by such association of its property shall be considered a more necessary public use than the use thereof by any grantee, lessee or licensee for the purposes specified in Section 86 of this chapter.

SEC 9. Section 91 of said code is amended to read:

91. The directors of each district agricultural association shall annually make to the Department of Agriculture such report as such department may direct.

SEC 10. Section 92.3 of said code is amended to read:

92 3. During the 1960–61 fiscal year and each fiscal year thereafter, the funds apportioned by the Department of Agriculture under the provisions of Section 92 of this code and other applicable provisions of law shall be paid monthly to the several counties and district agricultural associations from the revenue deposited in the Fair and Exposition Fund and appropriated for encouragement of county, district or combined county and district agricultural fairs under the provisions of Section 19627 of the Business and Professions Code during the fiscal year in which the apportionment is made. The depart-

ment shall apportion monthly to the several counties and district agricultural associations the funds available for such apportionment in such amounts as the department shall determine; provided, however, that the aggregate of the monthly apportionments to each of the several counties and district agricultural associations shall not exceed the maximum apportionment provided by law.

The amount of the premiums used in determining such apportionments shall be the amount of premiums paid by each of the several counties and district agricultural associations in the calendar year preceding the fiscal year in which the apportionment is made.

SEC. 11. Section 92.5 of said code is amended to read:

92.5. In the event the audited total of eligible premiums paid by any fair in any year differs from the total set forth in the sworn statement filed with the Department of Agriculture under Section 92 of the Agricultural Code, the amount of the apportionment made to such fair for such year under Section 92 shall be recalculated on the basis of the audited total of eligible premiums paid multiplied by the factor used in calculating the original apportionment. If the recalculated apportionment is less than the original apportionment, the amount of such difference shall be returned to the Fair and Exposition Fund and be added to and become a part of the funds appropriated for the encouragement of agricultural fairs under Section 19627 of the Business and Professions Code, during the fiscal year in which said difference is returned to said fund.

SEC. 12. Section 92.6 of said code is amended to read:

92.6. Every agency conducting a fair for which an apportionment is sought under the provisions of Section 92 shall file a detailed statement of its operations in the previous calendar year with the Department of Agriculture on or before the 20th day of January in each year. The content and form of such statement shall be prescribed by said department.

SEC 13. Section 92.8 of said code is amended to read:

92.8. The Department of Agriculture shall review the statements of operation filed by the several fairs pursuant to Section 92 6. It shall consider such reports, statistics and other information as to the conduct, operation, management of, and other matters relating to all fairs which are subject to Section 92.6.

The Department of Agriculture shall, from time to time, classify such fairs In making such classifications it shall take into consideration all of the following:

(a) The type and class of agricultural, including livestock, industrial and natural resources exhibited and the amount of premiums paid in accordance with the approved premium list of such fair.

(b) Whether the fair is regional in nature, offers a special feature for agriculture, livestock or industry, or is a sectional fair limiting exhibits to the region in which the fair is held.

and such other characteristics and factors as the Department of Agriculture deems necessary.

(c) The ratio of attendance at the fair to the population of the area served by it.

(d) The efficiency of management, including operational procedures, revenue from sources other than the state, quality of exhibits and community interest in such fair.

(e) The extent and nature of interim utilization of fair property as promoted by the fair management.

(f) The need of the fair for money from state sources.

SEC. 14. Section 94.6 of said code is amended to read:

94.6. Associations mentioned in Section 94 of this code and citrus fruit fairs eligible to receive allocations under Section 19626 of the Business and Professions Code shall file a detailed statement of operations in the previous calendar year with the Department of Agriculture on or before the 20th day of January in each year. The content and form of such statement shall be prescribed by said department.

SEC. 15. Section 95 of said code is amended to read:

95. Where a charge is made for admission to enter a state, district, county, or citrus fruit fair in this state, entrance to such fairgrounds, without the payment of the established admission price, shall be limited as follows:

Credential admissions shall be those admissions authorized by the board of directors of a state, district, or citrus fruit fair or by the board of supervisors of a county for admission to a fair without payment when a service is rendered necessary for the conduct of the fair. The words "credential admission" shall be printed on each ticket so issued.

Credential admissions may be issued to individuals, associations, and bodies who prepare or service educational, commercial, industrial, livestock, agricultural, horticultural, viticultural displays or exhibits, service, maintain or operate concessions; render, through agreement with the fair, a service to fair patrons; render a necessary public service, safeguard health, provide for public safety, participate in parades or events necessary for the conduct of the fair; representatives of press, radio, and television personally engaged in obtaining and transmitting public information; ambulance drivers, firemen on duty, and repairmen necessary to service utilities, and to employees of the fair, and state officials in the performance of duty.

Courtesy pass admissions shall be all admissions, without payment of the admission charge, to any state, county, district, citrus fruit, or county fair, except credential admissions, children under 12 years of age, and military personnel in uniform.

The number of courtesy passes for admittance without payment to any state, district, citrus fruit, or county fair shall not exceed 4 percent of the gross paid admissions to the fair in the preceding calendar year.

Any courtesy pass or courtesy passes issued pursuant to the limitation of this section shall not be transferred to any other person.

Each fair shall maintain complete records of the number of credential and courtesy admissions issued for each fair period.

Each fair shall make an annual report to the Department of Agriculture, as prescribed by said department, of the total number of credential and courtesy pass admissions issued and honored at each fair.

SEC. 16. Section 98.2 of said code is renumbered and amended to read:

98. Notwithstanding any provision of law to the contrary, budgets of county fairs and district agricultural associations shall continue to be subject to approval of the Department of Finance pursuant to the provisions of Sections 13320 to 13324, inclusive, of the Government Code, and the Department of Finance shall continue to have the powers contained in such sections with respect to such budgets.

SEC. 17. Section 98 of said code is repealed.

SEC. 18. Section 98.1 of said code is repealed.

SEC. 19. Section 98.3 of said code is repealed.

SEC. 20. Section 19623 of the Business and Professions code is amended to read:

19623. The money appropriated for the Los Angeles County Fair and the 48th District Agricultural Association by Section 19622 may be expended for the payment of premiums and, with the approval of the Department of Agriculture for capital outlay purposes, including the purchase of land and construction, improvements, and equipment, and for the support, and maintenance of such fairs.

SEC. 21. Section 19626.2 of said code is amended to read:

19626.2. During the 1960–61 fiscal year and each fiscal year thereafter the funds appropriated and allocated for payment to and use of citrus fruit fairs under the provisions of Section 19626 shall be payable from the revenue deposited in the Fair and Exposition Fund and appropriated for said purpose during the fiscal year in which the funds are to be allocated and paid to the several citrus fruit fairs and expositions. The Department of Agriculture shall allocate monthly to the several citrus fruit fairs and expositions, the funds available for such allocation in such amounts as the department shall determine; provided, however, that the aggregate of the monthly allocations to each of the several citrus fruit fairs and expositions shall equal the allocation provided by law.

SEC. 22. Section 19627 of said code is amended to read:

19627. Forty percent, but not more than four million six hundred eighty thousand dollars ($4,680,000), of the first balance of the fund is hereby annually appropriated for the encouragement of county, district, or combined county and district fairs (exclusive of the California State Fair and Exposition, the Los Angeles County Fair, 1-A District Agricul-

tural Association, the Sixth District Agricultural Association, known and designated as the California Museum of Science and Industry, the 48th District Agricultural Association, and citrus fruit fairs), to be apportioned by and expended under the supervision of the Department of Agriculture in the manner and for the purpose prescribed by Section 92 of the Agricultural Code and other applicable provisions of law including this section.

The Department of Agriculture shall apportion the money appropriated by this section to the several eligible county, district, or combined county and district agricultural fairs on the basis of the need of each such fair for financial assistance from the state during the year for which the apportionment is to be made. No such fair shall receive such an apportionment in excess of such need as established by the department. In determining such need, the department shall take into consideration, as to each such fair, all relevant factors, including, but not limited to, the following:

(1) The approved budget of the fair.

(2) The statements of operations of the fair filed pursuant to Section 92.6 of the Agricultural Code

(3) The amount of money available to the fair from its own resources or from sources other than the state.

(4) The propriety and amount of any reserve funds established, or sought to be established, by the fair.

(5) The maximum amount of revenue from all sources which might reasonably be expected to become available to the fair during such year, and the times within such year at which it will become available.

(6) The classification of the fair.

No such county, district or combined county and district agricultural fair shall receive an apportionment of more than sixty-five thousand dollars ($65,000) in any one year. No such fair shall be eligible for an apportionment pursuant to this section unless it has filed, for each year subsequent to 1958, a statement of its operations during such year as provided in Section 92.6 of the Agricultural Code, irrespective of whether or not an apportionment for any such year or years is sought or made and all such fairs shall be deemed to be subject to said Section 92.6 for all purposes.

If in any year the sum appropriated to county, district or combined county and district agricultural fairs under this section is less than two hundred twelve thousand one hundred seventy-two dollars and seventy-nine cents ($212,172.79), then during that year the apportionment to all fairs shall be made in the manner and upon the basis prescribed by Section 13 of Chapter 769 of the Statutes of 1933 and by Section 92 of the Agricultural Code.

SEC. 23. Section 19630 of said code is amended to read:

19630. There is hereby appropriated annually from the second balance of the fund, for expenditure without regard to fiscal years, the sum of two million two hundred fifty thousand

dollars ($2,250,000) or so much thereof as may be approved by the State Public Works Board and allocated by the Director of Agriculture in his discretion for any of the following:

(a) Permanent improvements for fair purposes upon the property of any county or district agricultural association fair which is subject to the provisions of Section 92.6 of the Agricultural Code, or of any citrus fruit fair defined in Section 94 of the Agricultural Code, or other citrus fruit fair and exposition qualified to receive an allocation under Section 19626.

(b) The purchase of equipment for fair purposes of such fairs, citrus fruit fairs and citrus fruit fairs and expositions.

(c) The acquisition or purchase of real property, including costs of appraisal and incidental costs, to be used as sites for the permanent improvements specified in subdivision (a).

Any unappropriated money in the fund shall be transferred to the General Fund by the State Controller upon the certification of the Director of Agriculture at the end of each calendar month. Any money in the fund required to satisfy allocations made under subdivision (c) of Section 19626 prior to the effective date of this amendment shall not be deemed to be unappropriated money.

SEC. 24. Section 19631 of said code is amended to read:

19631. Notwithstanding any other provision of law, the 1-A District Agricultural Association may, with the approval of the Department of Agriculture, expend any money available for expenditure by it, for construction, repairs, and equipment.

SEC. 25. Section 19636 of said code is amended to read:

19636. All money appropriated pursuant to this article to the California State Fair and Exposition, the Los Angeles County Fair, the Sixth District Agricultural Association, known and designated as the California Museum of Science and Industry, the citrus fruit fairs defined in Section 94 of the Agricultural Code, and the 1-A District Agricultural Association, except money allocated by the Director of Agriculture for fair purposes under Section 19630 of this code, is exempt from the provisions of Section 16304 of the Government Code, and shall remain available for expenditure from year to year until expended.

SEC. 26. Section 19637 of said code is amended to read:

19637. Appropriations and allocations from the Fair and Exposition Fund made pursuant to this article, other than those made under Section 19621 and allocations made by executive order of the Director of Agriculture for permanent improvements for fair purposes under Section 19630, are exempt from the provisions of Section 16304 of the Government Code. The date of such executive order is deemed to be the date when the appropriation becomes available for expenditure

All appropriations and allocations made by this article which are not exempted by this section from the provisions of Section

16304 of the Government Code are subject to those provisions.

Allocations for permanent improvements for fair purposes under Section 19630 of this code are available to defray expenditures lawfully incurred prior to the date of the executive order involved, if the executive order so provides.

Upon reversion an allocation made by the Director of Agriculture for permanent improvements for fair purposes under Section 19630 reverts to and becomes a part of the appropriation from which the allocation was made.

SEC. 27. Section 25902 of the Government Code is amended to read:

25902. If any real property which was acquired or used for fair purposes and which was purchased or improved in whole or in part from funds apportioned or allocated to the county for fair purposes by the state is sold by any county, there shall be paid into the Fair and Exposition Fund in the State Treasury from the proceeds of the sale an amount equal to that proportion of the cost of the real property and improvements which was paid for out of funds apportioned or allocated by the state for fair purposes, less a reasonable allowance for depreciation in value in an amount approved by the Department of Agriculture.

SEC. 28. Section 25903 of said code is amended to read:

25903. With the approval of the Department of Agriculture and the State Public Works Board, the amount paid into the Fair and Exposition Fund shall be available for expenditure by the county for permanent improvements for fair purposes on the property of the county, the purchase of equipment for fair purposes, or the acquisition or purchase of real property, including costs of appraisal or other incidental costs, to be used as sites for such permanent improvements. Any portion of such funds which is not so expended within three years after being paid into the State Treasury shall be added to and become a part of the amount available under law for permanent improvements upon the property of the state, citrus, county, or district agricultural associations for fair purposes, or the purchase of equipment for fair purposes, or the acquisition or purchase of real property and appraisal or other incidental costs, to be used as sites for such permanent improvements, in such amounts as are allocated by executive order of the Director of Agriculture.

SEC. 29. Section 25905 of said code is amended to read:

25905. The board of supervisors may contract with a nonprofit corporation or association for the conducting of an agricultural fair, as agent of the county, for a period not exceeding five years. Such contract may provide for the use, possession, and management of any public park or fairgrounds by such nonprofit corporation, as agent of the county, during the period of the contract.

All net proceeds received by such nonprofit corporation, from whatever source, shall be deposited within 60 days after the conclusion of any fair in a county fair fund which shall

be established in the county treasury for such purpose. The moneys in the fund shall be expended only for support of the county fair, including maintenance and operation of the county fair facilities, premiums, purposes incidental to the fair, capital outlay for fair purposes and for the acquisition or purchase of real property to be used for fair purposes.

The corporation shall submit an annual budget to the State Department of Agriculture, showing the estimated revenues and the proposed expenditures from all sources during the ensuing calendar year, which budget shall first be approved by the county board of supervisors and shall be considered as complying with the provisions of Section 92 of the Agricultural Code relating to budgets.

Any other provisions of law relating to county fairs as a condition to receiving an allocation of state money for fair purposes shall be observed by such nonprofit corporation.

When such use, possession, and management is granted, the board may also allocate and pay to such nonprofit corporation in advance such sum of money it deems necessary to be used for the purposes for which such use, possession, and management is granted.

SEC. 30. Section 25906 of said code is amended to read:

25906. The board of supervisors of a county may contract with a nonprofit corporation or association for the conducting of an agricultural fair in such county for such period and under such conditions as the board may determine. Such contracts may provide for the use, possession, and management of any public park or fairgrounds by such nonprofit corporation during the period of the contract. When such use, possession, and management is granted, the board may also allocate to such nonprofit corporation such sum of money it deems necessary to be used for any purpose incidental to the fair. If such contract involves the use of property acquired with money derived from the state or if the contract contemplates the use of money allocated or appropriated by the state for such fair, the contract shall be subject to approval by the Department of Agriculture. If such county desires to receive an allocation under the provisions of Section 92 of the Agricultural Code, the corporation shall submit an annual budget to the State Department of Agriculture, showing the estimated revenues and the proposed expenditures from all sources during the ensuing calendar year, which budget shall first be approved by the board of supervisors, and shall be considered as complying with the provisions of Section 92 of the Agricultural Code relating to budgets. The corporation shall also observe any other provisions of law relating to county fairs as a condition necessary for the county to receive an allocation of state money for fair purposes. Upon the dissolution of any such corporation all property and assets thereof within the county with which it contracts shall be paid to such county.

CHAPTER 694

An act to amend Sections 74642 and 74643 of, to add Sections 74644 and 74644.1 to, and to repeal Sections 74644 and 74644.1 of, the Government Code, relating to municipal courts.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 74642 of the Government Code is amended to read:

74642. There shall be one clerk, one assistant clerk, six deputy clerks III, six deputy clerks II, three deputy clerks I and four typist-clerks, each of whom shall receive a salary in accordance with Section 74644 and Section 74644.1.

SEC. 1.5. Section 74643 of said code is amended to read:

74643. There shall be one marshal, one chief deputy marshal, seven deputy marshals, one marshal's clerk, and four typist-clerks, each of whom shall receive a salary in accordance with Section 74644 and Section 74644.1.

SEC. 2. Section 74644 of said code is repealed.

SEC. 3. Section 74644 is added to said code, to read:

74644. (a) The monthly salaries for the following classes of positions 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	38	$742	$779	$818	$859	$902
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	38	742	779	818	859	902
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 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 the purposes of this article, an employee, unless otherwise designated, refers to every person filling any position established by Sections 74642 and 74643.

SEC. 4. Section 74644.1 of said code is repealed.

SEC. 5. Section 74644.1 is added to said code, to read:

74644.1. 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 and 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 74644.1 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. 6. The authorizations contained in Section 74642 for two of the six deputy clerks III, two of the six deputy clerks II, one of the three deputy clerks I and one of four typist-clerks, and the authorizations contained in Section 74643 for two of the seven deputy marshals and two of the four typist-clerks shall not become operative until October 1, 1965.

CHAPTER 695

An act to amend Section 2353 of the Fish and Game Code, relating to importation of fish and game.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 2353 of the Fish and Game Code is amended to read:

2353. No birds, mammals, fish, or amphibia may be brought into this state unless legally taken and, if taken under the authority of a sport fishing or hunting license, legally possessed outside of this state and a declaration is made at or immediately prior to the time of entry.

Such declaration shall be in a form prescribed by the department. One copy shall be retained by the person bringing in the birds, mammals, fish, or amphibia while they are in his possession, one copy shall be deposited at the point of entry with any state or federal agency designated by the department, and one copy mailed to the department within twenty-four (24) hours after entering the state.

Birds, mammals, fish, or amphibia legally taken and, if taken under the authority of a sport fishing or hunting license, legally possessed outside this state may be imported into this state without such a declaration if the shipment is handled by a common carrier under a bill of lading or as supplies carried into this state by common carriers for use as food for the passengers.

The commission shall not modify the provisions of this section by any regulation which would prohibit the importation of lawfully killed migratory game birds taken in any other

state or country and transported into this state pursuant to the migratory bird regulations adopted annually by the Secretary of the Interior.

CHAPTER 696

An act to add Sections 13253 and 13253.5 to the Education Code, relating to public school employment.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 13253 is added to the Education Code, to read:

13253. Notwithstanding the provisions of Sections 12902, 13251, 13252, or any other provision of law, a noncertificated student enrolled in any public or private college or university in California may be permitted by the governing board of a school district maintaining any of grades one through eight, to serve in elementary schools or child care centers as a nonteaching aide under the following conditions:

(a) Such service by the student is based upon a program for the part-time employment of students established by the college or university under those provisions of the federal statute cited as the Economic Opportunity Act of 1964 (Public Law 452, of the 88th Congress), and acts amendatory thereof, which provide for federal financial grants for work-study programs.

(b) The compensation being received by the student for such services is provided, at least in part, by grants made to the college or university by the government of the United States for a program of the type specified in subdivision (a).

(c) The student has been determined under procedures established by the Department of Education to be free of any disability of person or character (other than in professional competency) which would prohibit the issuance to him of any credential or certification document provided for under this code if he were otherwise qualified therefor.

SEC. 2. Section 13253.5 is added to said code, to read:

13253.5. A student providing services in elementary schools or child care centers as a nonteaching aide shall perform no instructional work; but shall, under the immediate supervision and direction of a certificated employee, perform noninstructional work which serves to assist certificated personnel in performance of teaching and administrative responsibilities.

CHAPTER 697

An act to amend Section 273a of the Penal Code, relating to cruelty to children.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 273a of the Penal Code is amended to read:

273a. (1) Any person who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health is endangered, is punishable by imprisonment in the county jail not exceeding 1 year, or in the state prison for not less than 1 year nor more than 10 years.

(2) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured, or willfully causes or permits such child to be placed in such situation that its person or health may be endangered, is guilty of a misdemeanor.

CHAPTER 698

An act to amend Sections 25436, 25437, 25438, 25440, 25457, 25457.5, 25465, 25470, 25476, 25480, 25480.5, and 25484, to amend and renumber Sections 25458.5 and 25458.6, and to repeal Sections 25436.5 and 25458 and Article 14 (commencing with Sections 25490) of Chapter 2 of Division 18.5 of, the Education Code, relating to junior college districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 25436 of the Education Code is amended to read:

25436. A junior college district may include all or part of the territory of one high school or unified district or two or more high school or unified districts and may include noncontiguous territory.

SEC. 2. Section 25436.5 of said code is repealed.

SEC. 3. Section 25437 of said code is amended to read:

25437. A junior college district may be formed to include all or a part of the territory of an existing junior college district and one or more high school and unified districts.

SEC. 4. Section 25438 of said code is amended to read:

25438. The governing board of any high school district or the governing boards of two or more high school districts, or the governing board of a junior college district and the governing board of one or more high school districts, may present to the State Board of Education a petition in the form prescribed by the Superintendent of Public Instruction, asking permission to call an election for the formation of a junior college district to include all the territory in the high school district or districts, as the case may be. The petition may include a proposal to form trustee areas in the proposed junior college district, and shall state whether five or seven members shall constitute the governing board of the district. The Superintendent of Public Instruction shall make or cause to be made a survey of the proposed junior college district and of other high school districts which, in whole or in part, may appropriately be included in the proposed district.

SEC. 5. Section 25440 of said code is amended to read:

25440. Within 30 days after receiving the notice the superintendent of schools of the county within which the greatest area of the proposed junior college district lies, shall call an election to be held in every elementary district and unified district or portion thereof included in the proposed junior college district. He shall establish one or more precincts in each elementary or unified district, or portion thereof, and appoint three qualified electors in each precinct to conduct the election.

SEC. 6. Section 25457 of said code is amended to read:

25457. The Legislature hereby declares as its policy that the territory of all high school districts and unified districts shall be included in districts maintaining a junior college.

SEC. 7. Section 25457.5 of said code is amended to read:

25457.5. On or before September 15, 1967, the county committee on school district organization of each county shall submit plans and recommendations for the inclusion of all of the territory of the county in one or more junior college districts, or for the annexation to existing junior college districts of territory not a part of any junior college district. Notwithstanding the provision of Section 25465, if the plan prepared by the county committee proposes the annexation of territory to an existing junior college district which maintains not more than two junior colleges, an agreement to the annexation by the junior college board shall not be required.

SEC. 8. Section 25458 of said code is repealed.

SEC. 9. Section 25458.5 of said code is amended and renumbered, to read:

25458. The procedures contained in Chapter 10 (commencing with Section 3100) of Division 5 shall be used in the de-

velopment of plans and recommendations for the inclusion of territory in junior college districts.

SEC. 10. Section 25458.6 of said code is amended and renumbered, to read:

25458.5. The plans and recommendations for the formation of a junior college district prepared by a county committee on school district organization pursuant to this article may propose the formation of a junior college district or the annexation of territory to a junior college district to include either all or a part of a union or joint union high school district or unified district

The portion of a union or joint union high school district or unified district excluded from a proposed junior college district may be excluded only for the purpose of becoming a part of another junior college district. If the excluded portion fails to become a part of a junior college district within a period of three years after its exclusion it shall become a part of the junior college district of which the union or joint union high school district or unified district is a component. Any portion of a union or joint union high school district or unified district excluded from a newly formed junior college district under provisions of this section may be included in a proposal to form a new junior college district or annexed to a junior college district under provisions of Chapter 2 (commencing with Section 25435) of Division 18.5 or Chapter 10 (commencing with Section 3100) of Division 5 of this code.

SEC. 11. Section 25465 of said code is amended to read:

25465. A majority of the registered electors residing in any high school district, as shown by the affidavits of one or more of the petitioners, may present to the superintendent of schools who has jurisdiction over the junior college district, a petition for the annexation of the high school district to the junior college district. The petition shall be accompanied by an agreement, signed by a majority of the members of the governing board of the junior college district to which annexation is desired, and by a majority of the trustees of the high school district, consenting to the annexation and setting forth the terms of the annexation. The superintendent of schools shall, after verifying the signatures and finding them sufficient, transmit the petition and agreement to the board of supervisors of his county with his recommendations.

SEC. 12. Section 25470 of said code is amended to read:

25470. Whenever a principal of a junior college in any junior college district presents to the governing board of the junior college district a statement made under oath that the average daily attendance in the junior college, of pupils whose parents reside in a high school district not maintaining a junior college, was an average of three or more for the two school years next preceding, setting forth the names of the pupils, the governing board of the junior college district may petition the board of supervisors of the county, the superintendent of schools of which has jurisdiction over the high

school district, to annex the high school district to the junior college district.

Where a junior college was maintained by a high school district which has been formed as a junior college district or portion thereof, the governing board of the junior college district so formed may petition the board of supervisors of the county, the superintendent of schools of which has jurisdiction over another high school district, to annex such other high school district if it does not maintain its own junior college and the principal of the junior college presents to the governing board of the junior college district a statement, made under oath, that the average daily attendance in the junior college of pupils whose parents reside in such other high school district was three or more for the two school years next preceding, setting forth the names of the pupils.

SEC. 13. Section 25476 of said code is amended to read:

25476. The governing board of a high school district in which reside persons attending a regular day junior college in a junior college district may petition the board of supervisors of the county having jurisdiction over the high school district to annex the high school district to the junior college district.

SEC. 14. Section 25480 of said code is amended to read:

25480. A junior college district, hereinafter in this article called the petitioning district, may be annexed to another junior college district, hereinafter in this article called the admitting district, upon such terms and conditions as may be agreed upon between the governing board of the petitioning district and the governing board of the admitting district.

SEC 15. Section 25480 5 of said code is amended to read:

25480 5. The proceedings for annexation of one junior college district to another junior college district may be commenced by the petitioning district in either of the following ways:

(a) The presentation to the superintendent of schools of each county in which any of the area of the petitioning district and of the admitting district lies, of a petition asking for the annexation of the district to a junior college district, signed by 25 percent of the registered electors of the petitioning district.

(b) The presentation to the superintendent of schools of each county in which any of the area of the petitioning district and of the admitting district lies, of a resolution of the governing board of the petitioning district asking for the annexation of the district to a junior college district.

The petition or resolution presented pursuant to this section shall be accompanied by an agreement signed by a majority of the members of the governing board of the admitting district consenting to and agreeing to the annexation and setting forth the terms and conditions upon which the annexation shall be made.

SEC. 16. Section 25484 of said code is amended to read:

25484. Whenever the boundary of any high school district included in a junior college district is changed by annexation, withdrawal, operation of law or in any other manner, such change shall automatically effect a corresponding change in the junior college district boundary, and any such change in junior college district boundaries shall be effective at the same time as the change in high school district boundaries is effective, except that if a new high school district is formed from territory entirely within an existing junior college district, the new high school district shall continue to be part of the junior college district.

SEC. 17. Article 14 (commencing with Section 25490) of Chapter 2 of Division 18.5 of said code is repealed.

SEC. 18. 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 districts maintaining junior colleges are in the process of territorial reorganization, and a number of new junior college districts are being formed in the state. The various simplifications and the increased flexibility in district formation and reorganization afforded by the changes in law made by this act should be made available as early as possible for such districts in order that district formations and reorganizations may be accelerated and completed in as many instances as practicable for purposes of the forthcoming school year, and for purposes of budgeting and tax procedures which must be undertaken and completed early in the forthcoming fiscal year. For these reasons it is necessary that this act take effect immediately.

CHAPTER 699

An act to add Section 1110.6 to the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 1110.6 is add to the Unemployment Insurance Code, to read:

1110.6. Notwithstanding the provisions of Section 1110, whenever the liability of an employer for contributions under this division arises under the terms of a written contract in which such employer has agreed, for the benefit of another party to such contract, to assume ultimate liability for contributions under this division in the event of the default in payment thereof by any other employer affected by such con-

tract, such contributions shall not become delinquent and no penalties or interest prescribed by this chapter shall commence to accrue with respect to such contracting employer, until after the 30th day following the date of mailing or service of notice upon him, by the director, of the default of any such other employer.

CHAPTER 700

An act to amend Section 8393 of the Fish and Game Code, relating to importation of fish.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 8393 of the Fish and Game Code is amended to read:

8393. (a) Except where subdivision (b) has been complied with, marlin meat, whether fresh, smoked, canned, or preserved by any means, shall not be bought or sold, or possessed or transported for the purpose of sale.

(b) Notwithstanding the provisions of subdivision (a) of this section, black marlin (Makaira Indica) may be imported into this state for the purpose of processing (manufacturing) a product commonly known as fish cakes for human consumption. All such black marlin (Makaira Indica) imported into this state must be in an identifiable condition and accompanied by a bill of lading, showing the name of the consignor, the consignee, and the weight or number of fish shipped. A copy of the bill of lading must be delivered to the nearest office of the Department of Fish and Game either prior to or no later than two days after receipt of the fish. No such marlin (Makaira Indica) imported into California may leave the premises of the original consignee unless written permission is received from the Department of Fish and Game, or unless processed into the form of the product commonly known as fish cakes.

CHAPTER 701

An act to add Section 1747 to the Education Code, relating to school district organization.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 1747 is added to the Education Code, to read:

1747. Whenever territory is transferred to another district in which trustee areas have been established, the territory being transferred shall become a part of the trustee areas to which it is contiguous. In the event that the territory being transferred is contiguous to more than one trustee area, terms of agreement to the transfer may include provisions for the division of the transferred territory among the trustee areas to which it is contiguous.

CHAPTER 702

An act to amend Sections 18002 and 18011 of, to amend and renumber Sections 18001 and 18001.2 of, and to add Sections 18007 and 18007.5 to, the Health and Safety Code, relating to mobilehomes.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 18001 of the Health and Safety Code is amended and renumbered to read:

18004. "Mobilehome" is a vehicle, other than a motor vehicle, designed or used for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

SEC. 2. Section 18001.2 of said code is amended and renumbered to read:

18004.4. (a) A dependent mobilehome is one not equipped with a toilet for sewage disposal.

(b) An independent mobilehome is one equipped with a toilet for sewage disposal.

(c) A self-contained mobilehome is one equipped with a toilet, water storage tank for potable water, and sewage holding tank.

SEC. 3. Section 18002 of said code is amended to read:

18002. "Camp car" is a vehicle with or without motive power, which is designed or used for human habitation.

SEC. 4. Section 18007 is added to said code, to read:

18007. "Trailer coach" is a vehicle, other than a motor vehicle, designed or used for human habitation, or human occupancy for industrial, professional or commercial purposes, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

SEC. 5. Section 18007.5 is added to said code, to read:

18007.5. "Travel trailer" is a vehicle, other than a motor vehicle, which is designed or used for human habitation, and for travel or recreational purposes, which does not at any time exceed 8 feet in width and 40 feet in length, and which may be moved upon a public highway without a special permit or chauffeur's license or both, without violating any provision of the Vehicle Code.

SEC. 6. Section 18011 of said code is amended to read:

18011. (a) The provisions of this part applicable to mobilehomes shall apply equally to camp cars, travel trailers, and trailer coaches except where specifically exempted.

(b) The provisions of this part applicable to mobilehome parks shall apply equally to travel trailer parks, recreational trailer parks, temporary trailer parks, incidental camping areas, and tent camps except where specifically exempted.

(c) The Division of Housing shall specify by rule and regulation reasonable requirements for travel trailer parks, recreational trailer parks, temporary trailer parks, incidental camping areas, and tent camps which shall allow reasonable variations from the requirements of this part for mobilehome parks if the division determines such variations will not endanger public health, welfare, or safety and such variations do not conflict with a valid local regulation adopted pursuant to this part, in the following respects:

(1) Size of yards and lots.
(2) Distance separating trailers.
(3) Construction and width of driveways.
(4) Sanitary facilities.
(5) Electrical installations.
(6) Water supply.
(7) Submission of plans and issuance of permits.
(8) Occupancy of trailer lots.

CHAPTER 703

An act to amend Sections 2361, 2362, and 2369 of the Education Code, relating to school district organizations, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 2361 of the Education Code is amended to read:

2361. Any part of an elementary, unified, or junior college district which is less than the whole of the district may be transferred from that district to another elementary, unified, or junior college district pursuant to this article.

SEC. 2. Section 2362 of said code is amended to read:

2362. An action to transfer territory from an elementary, unified, or junior college district to another elementary, unified, or junior college district is initiated upon the filing with the county superintendent of schools of a petition for transfer and an agreement to the transfer.

SEC. 3. Section 2369 of said code is amended to read:

2369. After hearing all persons interested in the petition the board of supervisors shall grant or deny the petition or it shall require an election held on the question. If the board grants the petition it shall determine whether all or only a part of the territory petitioned for shall be transferred. If the board requires an election to be held it shall determine whether the election shall be in the whole elementary, unified, or junior college district from which the territory would be transferred or whether the election shall be only in the territory proposed to be transferred. The county superintendent of schools shall call, hold, and conduct the election in the manner prescribed in Division 4 of this 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:

The procedure provided by this act for the transfer of territory from one junior college district to another will permit many junior colleges to fulfill the educational needs of students who would otherwise have been educationally deprived. In order that a junior college will be able to take advantage of the procedure provided by this act at the earliest possible date, so as to fulfill the immediate educational needs of such students, it is necessary that this act go into immediate effect.

CHAPTER 704

An act relating to unified school districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Any unified school district formed pursuant to Chapter 10 (commencing with Section 3101) of Division 5 of the Education Code as a result of a successful formation election held on or before January 1, 1965, and which meets all the requirements for formation under such chapter except that the publication of the notice of hearing required by Section 3295 of the Education Code was made once rather than three times as required by Section 1344 of the Education Code, is hereby declared to have been legally organized and legally functioning as such a unified school district for every purpose authorized by law, including the issuance and sale of bonds, whether the bonds were authorized to be issued before or after the effective date of this act. Every such unified school district shall have all the rights, powers and privileges, and be subject to all the duties and obligations of such a district regularly formed pursuant to such 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:

At least one newly formed unified school district would be effective for all purposes on July 1, 1965, except that through an inadvertence three required publications of a notice of a unification proposal meeting were not made. Section 1 of this act would validate certain newly formed unified school districts in this regard. In order that such newly formed unified school districts, within the purview of Section 1 of this act, be effective for all purposes commencing with the fiscal year 1965–1966 so that each could prepare and provide its educational program for that fiscal year, it is necessary that this act go into immediate effect.

CHAPTER 705

An act to amend Sections 5019.10, 5019.11, 5019.12, 5019.13, 5019.14, 5019.15, 5019.16, 5019 19, 5019.20, 5019.21, 5019.22, 5019.23, 5019.25, and 5019.26 of the Public Resources Code, relating to concession contracts with the Department of Parks and Recreation.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 5019.10 of the Public Resources Code is amended to read:

5019.10. The Department of Parks and Recreation may enter into contracts with persons, firms or corporations to construct, maintain and operate concessions within the state park areas for the safety and convenience of the general public in the use and enjoyment of the state park system.. The approval of the Director of General Services shall not be required, notwithstanding Section 11005.2 of the Government Code or other provisions of law, unless the contract authorizes occupancy of the state park system for a period of more than one year.

SEC. 2. Section 5019.11 of said code is amended to read:

5019.11. Except as provided in Section 5019.23 all concession contracts authorizing occupancy of any portion of the state park system for a period of more than two years shall be awarded to the best responsible bidder. "Best responsible bidder" means the bidder, as determined by standards established by the department, and who, in the opinion of the department, will operate the concession consistent with the contract and in the best interest of the state and public.

SEC. 3. Section 5019.12 of said code is amended to read:

5019.12. For any concession contract authorizing occupancy by the concessionaire for a period of more than two years of any portion of the state park system, the department shall prepare an invitation to bid, which shall include a summary of the terms and conditions of the concession sufficient to enable persons to bid solely on the basis of rates to be paid to the state. Bids will be made only on the basis of the invitation to bid.

SEC. 4. Section 5019.13 of said code is amended to read:

5019.13. Notwithstanding the provisions of Sections 11080 or 11081 of the Government Code, public notice to bidders shall be given of all proposed concession contracts authorizing occupancy for a period of more than two years of property in state park system as follows:

(a) The department shall advertise the notice through appropriate public media to the extent it determines is sufficient to provide adequate coverage.

(b) Publish an advertisement for bid at least once a week for two consecutive weeks in a newspaper of general circulation in the county in which the concession is to operate.

(c) If the director determines that, in view of the type of concession involved, the public interest would be best served by the solicitation of bids from out-of-state bidders, he shall give such additional notice as he finds is best suited to attract bids from out-of-state bidders.

SEC. 5. Section 5019.14 of said code is amended to read:

5019.14. The published notice shall state where bid forms may be obtained, the time and place for the receiving and opening of sealed bids, and shall describe, in general terms, the concession to be operated.

SEC. 6. Section 5019.15 of said code is amended to read:

5019.15. The department shall require from prospective bidders answers to questions contained in a standard form of questionnaire and financial statement including a complete statement of the prospective bidder's financial ability and experience in maintaining and operating similar or related concessions or business activities. When completed, the questionnaire and financial statement shall be verified under oath by the bidder.

SEC. 7. Section 5019.16 of said code is amended to read:

5019.16. Such questionnaires and financial statements are confidential and not open to public inspection, provided, however, nothing herein contained shall be construed to prevent reference thereto or use thereof in a civil action or a criminal prosecution by the state for a false statement contained therein.

SEC. 8. Section 5019.19 of said code is amended to read:

5019.19. Any bid may be withdrawn at any time prior to the time fixed in the public notice for the opening of bids but only by written request of the withdrawal of the bid filed with the Director of Parks and Recreation. The request shall be executed by the bidder or by an authorized representative. The withdrawal of a bid does not prejudice the right of a bidder to file a new bid prior to the date and time set for the opening of bids.

This section does not authorize the withdrawal of any bid after the time fixed in the public notice for the opening of bids.

SEC. 9. Section 5019.20 of said code is amended to read:

5019.20. On the day named in the public notice the department shall publicly open the sealed bids. The department shall carefully study and analyze all such bids and, on or after the 15th day after the bids are opened, may award the concession to the person then determined to be the best responsible bidder.

SEC. 10. Section 5019.21 of said code is amended to read:

5019.21. A failure on the part of the successful bidder to sign and deliver the concession contract within 30 days of receipt thereof and to provide the state with any bond and any evidence of insurance required thereunder, and on the time limit presented, may be treated as a refusal to execute if the

department so elects. If the director deems it is for the best interests of the state, he may, on the refusal or failure of the successful bidder to execute the contract, award it to the second best responsible bidder.

If the second best responsible bidder fails or refuses to execute the contract, the director may likewise award it to the third best responsible bidder.

SEC. 11. Section 5019.22 of said code is amended to read:

5019.22. If the director deems that the acceptance of any bid is not for the best interests of the state, he may reject all bids.

SEC. 12. Section 5019.23 of said code is amended to read:

5019.23. If the director deems it is for the best interests of the state he may, upon giving notice of his intention to the State Park Commission, negotiate a contract including terms and conditions when one or more of the following conditions exist:

(a) The bid process as prescribed in this article has failed to produce a best responsible bidder, or

(b) It constitutes an extension of an existing concession contract obtained through the process required by this article and such extended concession contract shall provide for substantial and additional concession facilities constructed at the sole expense of the concessioner, or

(c) Lands in the state park system administered by the department and lands under the legal control of the prospective concessioner are so situated that the concession is dependent upon the use of such public and private lands for the physical or economic success, or both, of the concession.

(d) Where a concession is desired for interpretive purposes in a unit of the state park system.

SEC. 13. Section 5019.25 of said code is amended to read:

5019.25. Every contract awarded pursuant to the bidding requirements of this article and those negotiated contracts pursuant to subdivisions (a), (b), and (c) of Section 5019.23, shall be submitted to the Attorney General for approval. Such a contract is not binding on the state until such approval by the Attorney General.

SEC. 14. Section 5019.26 of said code is amended to read:

5019.26. Within five days after the opening of bids as directed in Section 5019.20, the Auditor General shall be furnished such bid information as he may require.

The Auditor General shall ascertain, study and analyze all facts relating to such concession contracts, and report annually thereon to the Legislature to the end that the Legislature will be informed as to the adequacy of the contracts, financial statements and questionnaires in accordance with generally accepted accounting principles, and may include in his reports his recommendations for appropriate legislation.

CHAPTER 706

An act to amend Section 2137.1 of the Business and Professions Code, relating to state institutions.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 2137.1 of the Business and Professions Code is amended to read:

2137.1. Subject to the provisions of the State Civil Service Act, any person who is licensed to practice medicine in any other state and who complies with each and all of the requirements of Section 2147.5 with respect to registration with the board and graduation from a school approved by the board, may be appointed to a medical staff within a state institution and, under supervision of a licensed physician and surgeon, may treat persons under the jurisdiction of any such state institution for a period not exceeding one year or until October 1, 1967, whichever is later; provided, that qualified physicians and surgeons cannot be recruited in the State of California. At the end of such time he must have secured a physician's and surgeon's certificate in order to continue as a member of such medical staff. Until such person has obtained a physician's and surgeon's certificate he shall not engage in the practice of medicine and surgery in this state except to the extent expressly herein permitted. No person appointed pursuant to this section shall be employed in any state institution or institutions for a period in excess of two years from the date such person was first employed. The provisions of this section shall terminate on October 1, 1967.

CHAPTER 707

An act to amend Section 22470 of the Financial Code, relating to length of term of loans by personal property brokers.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 22470 of the Financial Code is amended to read:

22470. No licensee shall enter into any contract for a loan for a period longer than 24 months and 15 days after making the loan. A loan of a principal amount of two thousand dollars ($2,000) or more may be made for a period not exceeding 3 years and 15 days from the date of making the loan and the loan is amortized over its life by equal monthly payments.

CHAPTER 708

An act to add Section 7321 to the Labor Code, relating to elevators.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 7321 is added to the Labor Code, to read:

7321. On or before July 1, 1966, all elevators equipped with photoelectric tube devices, which control the closing of automatic, power-operated elevator doors, shall have a switch in the elevator car which, when actuated, will render the photoelectric tube device ineffective.

This switch shall be constant pressure type, requiring not less than 10 pounds nor more than 15 pounds pressure to actuate. It shall be located not less than 6 feet nor more than 6 feet, 6 inches above the car floor, and shall be in or adjacent to the operating panel.

The switch shall be clearly labeled "To be used in case of fire only".

CHAPTER 709

An act to amend Sections 843, 843.2, 844, and 845.3 of the Agricultural Code, relating to honey.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 843 of the Agricultural Code is amended to read:

843. Any honey, packed, stored, delivered for shipment, loaded, shipped, or being transported or sold in violation of any of the provisions of this chapter and its containers, is a public nuisance, and shall be held by the person in whose possession such honey may be and shall not be moved from the place where it may be, except under the specific direction of a proper enforcing officer. The enforcing officer may affix a warning tag or notice to such nuisance. If, after notice of such violation is given to the packer or owner of such honey, or to the agent of such packer or owner, such person, so notified, refuses, or fails within a reasonable time, to recondition or remark the same so as to comply with all requirements of this chapter, such honey and its containers may be seized by the director or any enforcing officer and by order of the justice's, municipal or superior court of the county, city, or township within which the same may be, shall be condemned and destroyed, or released upon such conditions as the court,

in its discretion, may impose to insure that it will not be packed, delivered for shipment, shipped, transported, or sold in violation of this chapter. In case an agent is found in possession of such honey, notice of rejection or any order of the court concerning such honey may be served on such agent and need not be served on such packer or owner. It is unlawful to fail to comply with the directions of any officer relating to the disposition of such honey, or with any order of court respecting the same

SEC. 2. Section 843.2 of said code is amended to read:

843 2. When any markings are used or required to be used by this chapter, on any container of honey to identify the container or describe the contents thereof, such markings must be plainly and conspicuously marked, stamped, stenciled, printed, labeled or branded in the English language, unless the container is intended for and is shipped outside of the United States, in letters large enough to be readily discernible by any person, on the top, front, or side of any container. If the marking is on a placard used in display the placard must be placed or posted in such a position that there is no doubt as to the product it is to identify.

SEC. 3. Section 844 of said code is amended to read:

844. All comb honey shall be conspicuously marked, either on the section or on its individual container, with (1) the name and address of the producer or distributor; (2) the net weight of the comb section, stated in terms of whole ounces; and (3) one of the U.S. grades established for honey by the U.S. Department of Agriculture.

Opaque containers of bulk or chunk comb honey shall be marked with the color the honey would be if extracted except when in the unclassified grade

All comb honey shall meet the requirements of the color classification and grades as defined in U.S. grades, color standards, and packing requirements for honey by the U.S. Department of Agriculture, according to the color classification and grade as marked.

Comb honey which has crystallized shall be conspicuously marked with the word "crystallized" on a placard used in connection therewith having reference to such honey.

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.

SEC. 4. Section 845.3 of said code is amended to read:

845.3. Whenever, upon petition of persons interested in the production or handling of honey, or upon his own motion the director finds that any provision of this chapter relating to standards for honey, standard units of net weight, type of container, color classifications, or markings required on any container is difficult or impossible of performance by reason of laws or orders promulgated by authority of the government of the United States, or the standard weights are not appro-

priate for the country of destination as to honey intended to be shipped outside the United States, or because of scarcity of materials, labor, or equipment used in the production or marketing of honey regulated by this chapter, or that any such provision of this chapter results in a serious waste of honey otherwise available for human consumption, or in serious waste of other resources or prevents the utilization of new technological developments to the serious disadvantage of California producers or handlers of honey, he may establish emergency standards for honey, standard units of weight, type of container, color classifications, or markings required on any container; and until expiration hereinafter provided, such emergency standards shall be in full force and effect notwithstanding any other provision of this chapter and all provisions of this chapter applying to standards which apply to such emergency standards in lieu of the standards set forth in this chapter.

All emergency standards established under the provisions of this section shall be reasonably calculated to effectuate the purposes of the standards which they supersede. No emergency standards shall be established which tend to lower any standards relating to carrying or keeping quality of honey.

No emergency standards shall be construed to modify in any respect any provision of this chapter designed to prevent deception or mislabeling, or designed to prevent the marketing of honey which is unwholesome or which would fail to give consumer satisfaction.

All emergency standards issued under the provisions of this section, before they may become effective, shall be published in one or more newspapers, trade papers, or industry publications deemed best adapted to give notice to interested persons, together with a notice of the time and place for hearing objections. Such hearing shall be not less than 10 nor more than 20 days from the date of publication. Notice of hearing shall be mailed not less than 10 days prior to the date of the hearing to all persons who theretofore have filed with the director a request for notice of such hearings. If at the hearing it shall be developed by competent testimony that additional time will be required to produce further essential evidence the director shall continue the hearing to a date which will allow sufficient time for the production of such evidence. At the hearing, interested parties shall be heard and a record kept of the proceedings for determination by the director of the facts shown at the hearing. The director, upon his findings on the facts shown at the hearing, shall rescind, modify or affirm the emergency standards as published; and such emergency standards shall take effect on the day appointed therefor, and shall continue in effect until suspended or rescinded by the director, or until the 91st day after adjournment of the next regular session of the Legislature, whichever first occurs.

Emergency standards may be amended, suspended, or rescinded upon notice and hearing in the same manner as provided for the establishment of such standards.

CHAPTER 710

An act to add Section 172.95 to the Penal Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 172.95 is added to the Penal Code, to read:

172.95. Sections 172 to 172.9, inclusive, do not apply to sales to wholesalers or retailers by licensed winegrowers, brandy manufacturers, beer manufacturers, distilled spirits manufacturers' agents, distilled spirits manufacturers, or wholesalers.

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:

Prior to April 27, 1965, Sections 172 to 172.9, inclusive, were interpreted by the Department of Alcoholic Beverage Control as inapplicable to licensed winegrowers, brandy manufacturers, beer manufacturers, distilled spirits manufacturers, or wholesalers. On April 27, 1965, in Opinion No. 65166, the Attorney General concluded that these sections prohibit licensed distilled spirits manufacturers, operators of wineries and breweries, and alcoholic beverage wholesalers from selling, giving away, exposing or offering for sale various intoxicating beverages near certain institutions. As a consequence of this ruling at least one major building project has been suspended and many businesses and firms are affected. In order to eliminate these undue interpretations and detrimental economic effects, it is imperative that this act take effect immediately.

CHAPTER 711

An act to add Section 155.1 to the Revenue and Taxation Code and Section 43005 to the Government Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 155.1 is added to the Revenue and Taxation Code, to read:

155.1. Notwithstanding anything in this code to the contrary, the board of supervisors, of any county with a population of 20,000 or less as determined by the 1960 federal census may by ordinance provide that every person who at 12 o'clock meridian of the first Monday in March, 1964, was the owner of, or had in his possession or under his control, any taxable property, which property was thereafter damaged or destroyed by flood or storm conditions prior to December 31, 1964, in an area or region subsequently proclaimed by the Governor to be in a state of disaster, may, within 30 days after the effective date of this section make application for reassessment of such property and deliver to the assessor a written statement under oath, accompanied by a certificate of a disinterested competent person or authority, showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown therein to be in excess of five hundred dollars ($500). The assessor shall, on or before September 1, 1965, assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the board a description of the property so reassessed, the name of the person making the application in connection with the property, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer's liability for the tax shall be as follows:

(a) He shall remain liable for the first installment of the tax on property on the secured roll as computed on the original equalized assessment of the property.

(b) He shall be liable for a second installment of tax on property on the secured roll in an amount equal to the amount of a second installment of tax computed on the equalized reassessment of the property.

(c) With respect to property on the unsecured roll, he shall be liable only for one-half of the tax computed on the equalized reassessment of the property.

(d) If the taxpayer has already paid the second installment of tax on property on the secured roll as computed on the original equalized assessment, and that installment is greater than the second installment computed on the equalized reassessment, the difference shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax.

(e) If the taxpayer has already paid the tax on property on the unsecured roll as computed on the original equalized assessment, and the tax computed on that roll is greater than the tax computed on the equalized reassessment, the difference between one-half the tax as computed on the original assessment and one-half the tax computed on the reassessment shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division as an erroneously collected tax.

SEC. 2. Section 43005 is added to the Government Code, to read:

43005. Notwithstanding any other contrary provisions of law, the legislative body of a city in any county with a population of 20,000 or less as determined by the 1960 federal census may by ordinance provide that every person who at 12 o'clock meridian of the first Monday in March, 1964, was the owner of, or had in his possession or under his control, any taxable property, which property was thereafter damaged or destroyed by flood or storm conditions in an area or region subsequently proclaimed by the Governor to be in a state of disaster, may, within 30 days after the effective date of this section, make application for the reassessment of such property and deliver to the assessing official of the city a written statement under oath, accompanied by a certificate of a disinterested competent person or authority showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown thereon to be in excess of five hundred dollars ($500). The assessor shall, on or before September 1, 1965, assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the board a description of the property so reassessed, the name of the person making the application in connection with the property, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer's liability for the tax shall be as follows:

(a) He shall remain liable for the first installment of the tax on property on the secured roll as computed on the original equalized assessment of the property.

(b) He shall be liable for a second installment of tax on property on the secured roll in an amount equal to the amount of a second installment of tax computed on the equalized reassessment of the property.

(c) With respect to property on the unsecured roll, he shall be liable only for one-half of the tax computed on the equalized reassessment of the property.

(d) If the taxpayer has already paid the second installment of tax on property on the secured roll as computed on the original equalized assessment, and that installment is greater than the second installment computed on the equalized reassessment, the difference shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax.

(e) If the taxpayer has already paid the tax on property on the unsecured roll as computed on the original equalized assessment, and the tax computed on that roll is greater than the tax computed on the equalized reassessment, the difference between one-half the tax as computed on the original assessment and one-half the tax computed on the reassessment shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division as an erroneously collected tax.

This section shall apply to all cities, whether operating under a charter or the general laws of this state.

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. Facts constituting such necessity are:

The recent disastrous and extensive floods in the northern part of the state in areas and regions subsequently proclaimed by the Governor to be in a state of disaster have destroyed and damaged property to such an extent that unless partial relief from taxation is given to the owners thereof, there is grave danger that they may be unable to pay the taxes currently levied thereon. Section 2.8 of Article XIII of the Constitution authorizes the Legislature to provide for appropriate relief from ad valorem taxation in such situations. In order that such relief may be afforded at the earliest possible time to the people in these stricken areas, it is necessary that this act go into immediate effect.

CHAPTER 712

An act to amend Section 7420.5 of the Business and Professions Code, relating to the practice of cosmetology.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 7420.5 of the Business and Professions Code is amended to read:

7420.5. The board may issue a temporary permit to practice in this state for not to exceed five days to a licensed cosmetologist or cosmetology instructor who is a member of a national or international nonprofit organization composed of at least 20,000 members who are cosmetologists or others who are engaged in occupations closely related or whose services are performed for cosmetic purposes. The temporary permit shall be issued for practice at national, international, or state conventions or educational shows held in this state. It shall be issued for a specific location and a specific date and shall be returned to the board when it has expired. Any person who is issued such a temporary permit shall comply with sanitary regulations as required by the board.

A person shall make application to the board to obtain a temporary permit and shall pay an application fee of not more than ten dollars ($10) and not less than two dollars ($2) as set annually by the board.

CHAPTER 713

An act to amend Section 12024.5 of the Business and Professions Code, relating to weighing poultry and meat.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 12024.5 of the Business and Professions Code is amended to read:

12024.5. It shall be unlawful for any person to sell or advertise for sale any dressed poultry or any other fowl or rabbit in dressed form, either cooked or uncooked, or smoked, fresh, frozen, cooked, dried, or pickled meats or fish other than by weight determined at time of sale on a scale properly sealed in accordance with the provisions of this division. Any commodity specified in this section, however, need not be weighed at the time of sale if at that time it is packed in a package or container upon which appears the net weight of the commodity therein. Any person, including but not limited to a manu-

facturer, processor, packer, wholesaler, or jobber that packs any commodity specified in this section in any package which is intended for retail sale, shall mark the net weight of the commodity therein upon the package. The provisions of this section do not apply to any commodity sold or offered for sale with other foods as part of a prepared meal.

CHAPTER 714

An act to amend Section 6546 of the Business and Professions Code, relating to barbers.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 6546 of the Business and Professions Code is amended to read:

6546. Any person is qualified to receive a certificate of registration as a registered apprentice if he complies with each of the following:

(a) He has completed the proper grade in school as provided in Section 6546.5, or has an equivalent education, as determined by an examination conducted by an examining agency prescribed by the board.

(b) He is at least 17½ years of age.

(c) He is of good moral character and temperate habits.

(d) He has graduated from a college approved by the board.

(e) He has passed a satisfactory examination conducted by the board to determine his fitness to practice as a registered apprentice.

Any applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination shall complete a further course of study of not less than 250 hours to be completed within three months of not more than eight hours in any one working day, in a college approved by the board.

No person holding a certificate of registration as a registered apprentice shall work for more than three years as an apprentice nor shall he work more than six months after completing the required working time of an apprenticeship without applying for and taking the examination for a certificate to practice as a registered barber, except that the board may extend this three-year period upon showing of good cause, which shall include but not be limited to delays in applying for and taking the examination caused by illness of or accident to the apprentice or service in the armed forces of the United States.

CHAPTER 715

An act to add Section 653 to, and to amend Section 668 of, the Harbors and Navigation Code, relating to capacity of vessels.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 653 is added to the Harbors and Navigation Code, to read:

653. Every vessel less than 26 feet in length designed to be propelled by machinery as its principal source of power, shall, if manufactured or imported and offered for sale in this state, have affixed permanently thereto by the manufacturer or by the importer if not provided by the manufacturer a capacity plate as required by the regulations of the Small Craft Harbors Commission. 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. As used in this section, "manufacture" means to construct or assemble a vessel or alter a vessel in such a manner as to change its weight capacity.

This section applies only to vessels manufactured or imported and offered for sale after January 1, 1966.

A capacity plate shall bear the following information permanently marked thereon in such manner as to be clearly visible and legible from the position designed for or normally intended to be occupied by the operator of the vessel when underway:

(a) The total weight of persons, gear, including outboard motor, and other articles placed aboard which the vessel is capable of carrying with safety.

(b) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than 150 pounds.

(c) Clear notice of the conditions under which the information appearing on the capacity plate is applicable and notice that the weight of the outboard motor and its associated equipment is considered to be part of total weight capacity.

(d) In case of an outboard motor, the maximum horsepower of the motor the vessel is designed or intended to accommodate.

The information relating to maximum capacity required to appear on capacity plates shall be determined in accordance with such methods and formulae as shall be prescribed by the Small Craft Harbors Commission. In prescribing such methods and formulae, the commission shall be guided by and give due regard to the necessity of uniformity in methods and formulae lawful for use in determining small vessel capacity in the several states and to any methods and formulae which may be

recognized or recommended by the United States Coast Guard, or any agency successor thereto.

The form and specifications for such plates shall be as prescribed by the commission.

The commission may exempt any vessel from the requirements of this section if the commission finds compliance with this section would not materially contribute to the safe operation of the vessel.

SEC. 2. Section 668 of said code is amended to read:

668. (a) Any person who violates any provisions of Sections 652, 654, or 659 and any manufacturer or importer who violates Section 653 of this code or any regulations adopted by the commission pursuant thereto is guilty of a misdemeanor and shall be subject to a fine of not to exceed fifty dollars ($50) or imprisonment in the county jail for not to exceed five days, or both, for each violation.

(b) Any person who violates any provisions of subdivision (a) or (b) of Section 658 of this code is guilty of a misdemeanor and shall be subject to a fine of not to exceed one hundred dollars ($100) for each violation.

(c) Any person who violates any provision of Sections 655, 656, or subdivision (d) or (e) of Section 658 of this code or any special rules and regulations adopted by the commission pursuant to the provisions of subdivisions (b) or (c) of Section 660 of this code is guilty of a misdemeanor and shall be subject to a fine of not to exceed five hundred dollars ($500) or imprisonment in the county jail for not to exceed six months, or both, for each violation.

CHAPTER 716

An act to add Section 1580 to the Welfare and Institutions Code, and to add Section 11488 to Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682 of the 1965 Regular Session, relating to the support of children.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 1580 is added to the Welfare and Institutions Code, to read:

1580. In any case where aid is granted under this chapter to a child on the basis of the absence of a parent from the home, the county department, if it deems it advisable, may maintain an action in the superior court to obtain support for the child.

SEC. 2. Section 11488 is added to Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682 of the 1965 Regular Session, to read:

11488. In any case where aid is granted under this chapter to a child on the basis of the absence of a parent from the home, the county department, if it deems it advisable, may maintain an action in the superior court to obtain support for the child.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 1682 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No. 1682 takes effect; at which time Section 1580 of the Welfare and Institutions Code as added by Section 1 of this act is repealed.

CHAPTER 717

An act to amend Sections 658 and 671 of, and to add Sections 873.1 and 16653.5 to, the Education Code, and to amend Sections 20580 and 31469 of, and to add Sections 31565.5 and 31585.1 to, the Government Code, relating to transfers of functions between county boards of supervisors and boards of education, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 658 of the Education Code is amended to read:

658. Upon the adoption of a resolution by the board of supervisors of the county consenting to the transfer of the functions specified in the sections set forth below in this section, the functions specified in such section shall be transferred from the county board of supervisors to the county board of education. The functions, including but not limited to the receipt of petition and reports and other papers, are those specified in Sections 912, 913, 1647, 1701, 1705, 1744, 1822.1, 2307, 2367, 2368, 2369, 2703, 2704, 2705, 2746, and 3303.

Upon the adoption of such resolution, any reference, with respect to that county, in such sections to the board of supervisors shall be deemed to be a reference to the county board of education of that county and any reference to the clerk of the county board of supervisors shall be deemed to be a reference to the secretary of the county board of education of that county.

SEC. 1.5. Section 671 of said code is amended to read:

671. The county board of supervisors, by resolution, may transfer all of the following duties and functions of the county board of supervisors to the county board of education:

(a) Approval of the county superintendent's estimate of anticipated revenue and expenditures pursuant to Section 653, following which it shall be filed with the county board of supervisors.

(b) Allowance of the actual and necessary travel expenses, the expenses of the office of the county superintendent of schools, and the expenses of providing housing for all the services of the county superintendent of schools pursuant to Sections 751, 752, 753, and 754.

(c) Receipt of information concerning approvals of the formation of a joint parental school and the declaration, by resolution, of the school's formation, pursuant to Sections 6552 and 6553.

(d) By agreement with the county board of education, any other duties and functions of an educational, or educational and recreational, nature which by law are required or permitted to be performed by the county board of supervisors

(e) By agreement with the county board of education, in addition to the functions specified in Section 658, any duties and functions relative to the organization or reorganization of school districts.

(f) By agreement with the county board of education, the community recreation functions authorized by Chapter 6 (commencing with Section 16651) of Division 12.

The transfer of duties and functions under the provisions of this article shall not alter the requirement that the expenses for such duties and functions be paid out of the county general fund as provided elsewhere in this code, provided however that the county board of supervisors and the county board of education may agree that all or any portion of the expenses for such duties and functions which are by law required or permitted to be paid from the county general fund shall be included in that part of the single budget prepared by the county board of education for which a county tax is levied pursuant to Section 20403.

SEC. 2. Section 873.1 is added to said code, to read:

873.1. Each county employee whose status is changed by this article, and who is in employment and a member of a county retirement system other than one provided by contract with the State Employees' Retirement System on the date of such change, shall become eligible for membership in the State Employees' Retirement System in accordance with the State Employees' Retirement Law with respect to his employment thereafter, and shall be subject to the reciprocal benefits provided by said systems; provided, that such employee may elect to continue in membership of such county retirement system with respect to such employment thereafter, in which event the same appropriations and transfers of funds shall be made to the retirement fund of the county system for such employee as

those required of the county under the county retirement law, and such amounts shall be legal charges against the county school service fund. The election authorized by this section shall be made no later than the date preceding the date upon which his status is changed in accordance with procedures to be established by the board of supervisors, which shall allow at least 30 days to make the election. The election once made may not be rescinded. An employee who does not elect to continue membership in the county system shall be deemed to have discontinued county employment for purposes of the county system at the close of the day preceding the date upon which his status changes.

SEC. 3. Section 20580 of the Government Code is amended to read:

20580. Every county superintendent of schools shall enter into a contract with the board for the inclusion in this system of: (a) all of the employees of the office of county superintendent whose compensation is paid from the county school service fund other than employees electing pursuant to Section 873.1 of the Education Code to continue in membership in a county system; and (b) all of the employees of school districts existing on July 1, 1949, or thereafter formed, within his jurisdiction, other than school districts which are contracting agencies or which maintain a district, joint district, or other local retirement system, in respect to service rendered in a status in which they are not eligible for membership in the State Teachers' Retirement System. The effective date of each such contract shall be not later than July 1, 1949. For the purposes of this part such school district employees shall be considered to be employees of the county superintendent of schools having jurisdiction over the school district by which they are employed and service to the district shall be considered as service to the county superintendent of schools

SEC. 4. Section 16653.5 is added to the Education Code, to read:

16653.5. Upon the transfer of duties and functions of the county board of supervisors to the county board of education, the county board of supervisors may provide by agreement with the county board of education that the county board of education will perform all or any portion of the duties and functions of the county under this article.

SEC. 5. Section 31469 of the Government Code is amended to read:

31469. (a) "Employee" means any officer or other person employed by a county whose compensation is fixed by the board of supervisors or by statute and whose compensation is paid by the county, and any officer or other person employed by any district within the county.

(b) "Employee" includes any judge of a justice court.

(c) "Employee" includes any officer or attaché of any superior court or municipal court which has been brought within the operation of this chapter.

(d) "Employee" includes any officer or other person employed by a district as defined in subdivision (c) of Section 31468 and whose compensation is paid from funds of the district.

(e) "Employee" includes any member paid from the county school service fund who elected pursuant to Education Code Section 873.1 to remain a member of this system.

SEC. 6. Section 31565 5 is added to said code, to read:

31565.5. Any member of a system established under this chapter who ceases to be an employee of the county under the provisions of Education Code Section 873 may elect as authorized in Education Code Section 873 1 to remain a member of such system.

SEC. 7. Section 31585 1 is added to said code, to read:

31585.1. When an employee paid from the county school service fund elects to remain a member of this retirement system as authorized by Education Code Section 873.1, the same appropriations, transfers and disposition of funds shall be made as those required of the county by this article, and such charges are legal charges against the funds of the county school service fund.

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

The Legislature has authorized the transfer, by mutual agreement, of certain duties, functions and responsibilities from a county board of supervisors to a county board of education, but in certain counties, the retirement rights, privileges and benefits of transferred employees will be seriously impaired unless corrective legislation is enacted. The transfer provisions are hampered by this problem and transfer cannot be effected at the beginning of the 1965–66 fiscal year unless these problems are effectively resolved.

CHAPTER 718

An act to amend Section 10451.5 of the Business and Professions Code, relating to the Real Estate Education, Research and Recovery Fund.

[Approved by Governor June 17, 1965 Filed with Secretary of State June 18, 1965]

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

SECTION 1. Section 10451.5 of the Business and Professions Code is amended to read:

10451.5. All money paid into the State Treasury and credited to the Real Estate Education, Research and Recovery Fund is available for appropriation by the Legislature to be

used by the commissioner in carrying out the provisions of this part and Chapter 1 of Part 2 in the advancement of education and research in real estate at the University of California, state colleges and junior colleges, or in contracting for a particular research project in the field of real estate for the state at any university in the State of California accredited by the Western Association of Schools and Colleges, and in carrying out the provisions of Article 3 (commencing with Section 10470) of Chapter 6 of this part.

CHAPTER 719

An act to add Section 663.5 to the Harbors and Navigation Code, relating to the enforcement of laws and regulations pertaining to the operation and equipment of boats.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 663.5 is added to the Harbors and Navigation Code, to read:

663.5. Within the territorial limits of a county, city, or district, a harbor policeman regularly employed and paid as such by the county, city, or district shall also enforce the provisions of this chapter and any rules or regulations adopted by the commission pursuant to this chapter.

In the exercise of his duties, a harbor policeman shall have the authority to stop any vessel subject to this chapter and to issue written notices to appear in court pursuant to Section 664. As used in Section 664, the term "officer" shall include a harbor policeman regularly employed and paid as such by a county, city, or district.

Every harbor policeman who is on duty for the purpose of enforcing the provisions of this chapter, and the rules and regulations adopted by the commission pursuant to this chapter, shall wear a full distinctive uniform, and, if he uses a vessel, the vessel shall be painted a distinctive color and appropriately marked as specified by the commission to identify it as a harbor police vessel.

CHAPTER 720

An act to amend Sections 760 and 760.5 of the Insurance Code, relating to unlawful rebates.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 760 of the Insurance Code is amended to read:

760. As used in this section "personal or controlled insurance" means insurance covering an insurance agent, broker, or solicitor, or

(a) His spouse, his employer or his employer's spouse.

(b) Any person related to him or the persons mentioned in subdivision (a) within the second degree by blood or marriage.

(c) If his employer is a corporation, any person directly or indirectly owning or controlling a majority of the voting stock or controlling interest in such corporation.

(d) If his employer is a partnership or association, any person owning any interest in such partnership or association.

(e) If the agent or broker is a corporation, any person directly or indirectly owning or controlling a majority of the voting stock or controlling interest in the agent or broker and any corporation which is also similarly directly or indirectly controlled by the person who directly or indirectly controls the agent or broker.

(f) If the agent or broker is a corporation, any corporation making consolidated returns for United States income tax purposes with any corporation described in subdivision (e).

If premiums on personal or controlled insurance transacted by an insurance agent, broker, or solicitor payable in one year exceed the premiums on other insurance transacted by such licensee payable in the same year, the receipt of commissions upon the excess is an unlawful rebate.

Provided that during and after the sixth calendar year following the initial licensing of such agent, broker, or solicitor, in any manner as an agent, broker or solicitor, whether continuously licensed or not, if premiums on personal or controlled insurance transacted by him payable in any one such calendar year exceed 33⅓ percent of the premiums transacted by him payable in the same calendar year, the receipt of commissions upon the excess over such 33⅓ percent is an unlawful rebate. For the purposes of this paragraph, if the agent or broker be an organization the sixth calendar year shall be the first calendar year beginning five years or more after the initial licensing of the organization, or any predecessor thereof, as an agent or broker.

Provided further, that this section does not apply to an individual licensee who: (1) is licensed during all of such calendar year as a solicitor, or individually as an agent or

broker; (2) during such calendar year conducts an individual business, not being named to transact on any organization license nor owning any interest in any corporation or partnership transacting an insurance agency or brokerage business; (3) has been continuously licensed in some manner as an active agent, broker or solicitor for at least 25 years; and (4) is at least 65 years of age at the beginning of the calendar year.

Whenever an officer or director of a corporation acts as agent, broker, or solicitor in the transaction of insurance covering the corporation, he shall be conclusively presumed to have received the full commission on such contract while an employee of the corporation. Whenever the remuneration for services of an employee is decreased by the employer or is made unreasonably small in amount but the employee is permitted, as an insurance agent, broker, or solicitor, to transact personal or controlled insurance, it shall be conclusively presumed that such employee receives the full amount of commission on such personal or controlled insurance.

"Year" as used in this section means the calendar year. Suspension, revocation or denial of license for violation of this section may be ordered at any time within five years after the close of the year in which the violation occurred.

SEC. 2. Section 760.5 of said code is amended to read:

760 5. As used in this section "personal or controlled insurance" means insurance covering a life agent, or

(a) His spouse, his employer, his employer's spouse, or any group of employees under a group policy issued to his employer.

(b) Any person related to him, his spouse, his employer or his employer's spouse within the second degree by blood or marriage.

(c) If his employer is a corporation, any person directly or indirectly owning or controlling a majority of the voting stock or controlling interest in such corporation.

(d) If his employer is a partnership or association, any person owning any interest in such partnership or association.

(e) If the agent is a corporation, any person directly or indirectly owning or controlling a majority of the voting stock or controlling interest in the agent.

If commissions on personal or controlled insurance transacted by a life agent under his license as a life agent received in one year exceed the commissions received in that year on other insurance transacted by such licensee under his license as life agent, the receipt of commissions upon personal or controlled insurance in excess of those on such other insurance is an unlawful rebate.

Provided that during and after the sixth calendar year following the initial licensing of such life agent in any manner as a life agent, disability agent or life and disability agent, whether continuously licensed or not, if commissions on personal or controlled insurance transacted by him under any or all such licenses received in any such calendar year exceed

33⅓ percent of the commissions received in the same calendar year on other insurance transacted by him under any or all such licenses, the receipt of commissions upon personal or controlled insurance in excess of 33⅓ percent of those on such other insurance is an unlawful rebate. For the purposes of this paragraph, if the license be a joint firm license: The sixth calendar year as respects the firm shall be the first calendar year beginning five years or more after the initial licensing of the firm or any predecessor thereof as a joint firm licensee with any individual; the firm may be charged with a violation of this section separately based upon all joint firm licenses it may have held during the calendar year; and an individual named on one or more joint firm licenses may be charged with a violation of this section separately based upon all life licenses, individual and joint firm, he may have held during the calendar year.

Provided, further, that this section does not apply to an individual licensee who: (1) is licensed during all of such calendar year under one or more kinds of individual life licenses; (2) during all of such calendar year conducts an individual business, not being named in any joint firm license nor owning any interest in a corporation or partnership transacting business under any kind of life license; (3) has been continuously licensed in some manner as an active agent under some kind of life license for at least 25 years; and (4) is at least 65 years of age at the beginning of the calendar year.

"Year" as used in this section means the calendar year. Suspension, revocation or denial of license for violation of this section may be ordered at any time within five years after the close of the year in which the violation occurred.

CHAPTER 721

An act to amend Sections 23393 and 25611.1 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 23393 of the Business and Professions Code is amended to read:

23393. A retail package off-sale beer and wine license authorizes the sale, to consumers only and not for resale, of beer in containers, and wine in packages and in quantities of 52 gallons or less per sale, for consumption off the premises where sold.

SEC. 2. Section 25611.1 of said code is amended to read:

25611.1 Any manufacturer, winegrower, manufacturer's agent, rectifier, distiller, bottler, importer, or wholesaler, or

any officer, director, or agent of any such person, may furnish, give, lend or rent:

(a) Signs relating to wine or distilled spirits, each of which shall not exceed 630 square inches, for interior use in premises where alcoholic beverages are sold for consumption on the premises.

(b) Except as limited in subdivision (a) of this section, signs for interior use in premises where alcoholic beverages are sold for consumption on or off the premises.

(c) Such signs or other advertising matter for exterior use on any licensed premises as may be permitted by this division and rules of the department adopted pursuant thereto.

CHAPTER 722

An act to amend Sections 13119 and 13132 of the Education Code, relating to credentials for public school service.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 13119 of the Education Code is amended to read:

13119. The regulations adopted by the State Board of Education prescribing the minimum standards for a provisional credential shall give consideration to training and to teaching experience in California schools.

It is not the intent of the Legislature to exclude from credentials applicants who have given satisfactory service in the schools of this state in positions requiring certification qualifications.

SEC. 2. Section 13132 of said code is amended to read:

13132. Except as otherwise provided in this section, for any standard teaching credential with a specialization in elementary teaching, secondary teaching, or junior college teaching, there is required (1) the passing of a satisfactory examination on the provisions and principles of the Constitution of the United States in a junior college, college, or university of recognized merit or (2) the satisfactory completion of two semester units of work on the provisions and principles of the Constitution of the United States in any university or college from which undergraduate credits earned are accepted by the State Board of Education as meeting undergraduate credit requirements for credentials issued by the State Board of Education or in any publicly supported junior college in the state.

Such a credential issued as a provisional credential or on the basis of a partial fulfillment of requirements as provided in Section 13197.3 valid only to the credential expiration date in the year next following the date of first issuance of the cre-

dential, may be granted without the passing of this examination or the completion of this work; provided, that credentials so granted shall be issued to remain valid for not less than 12 calendar months.

CHAPTER 723

An act to amend Section 2101 of, and to repeal Section 2118 of, the Business and Professions Code, relating to the practice of medicine.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 2101 of the Business and Professions Code is amended to read:

2101. Members of the board shall only be appointed from persons who have been citizens of this state for at least five years next preceding their appointment. Members of the board, except the public member, shall only be appointed from persons who hold licenses under this chapter or any preceding medical practice act of this state. The public member shall not be a licentiate of the board or of any other board under this division or of any board referred to in Sections 1000 and 3600. No person who in any manner owns any interest in any college, school, or institution engaged in medical instruction shall be appointed to the board. Not more than two members of the board may be full-time members of the faculties of medical schools.

SEC. 2. Section 2118 of said code is repealed.

CHAPTER 724

An act to add Article 2.1 (commencing with Section 10415) to Chapter 8, Division 9 of the Health and Safety Code, relating to vital statistics.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Article 2.1 (commencing with Section 10415) is added to Chapter 8, Division 9 of the Health and Safety Code, to read:

Article 2.1. Amendment of Medical and Health Section Data On Death, Fetal Death and Live Birth Records

10415. Notwithstanding other provisions in this division relative to amendment of records, whenever the information

originally furnished in the medical and health data section of any record of death, fetal death or live birth is modified by supplemental information relative thereto, the certifying physician or coroner having knowledge of this information may make a declaration as provided in Section 2015.5 of the Code of Civil Procedure stating the changes necessary to make the information correct and file it with the state or local registrar.

10416. This amendment shall be handled in the manner prescribed in Article 1 (commencing with Section 10400) of this chapter.

CHAPTER 725

An act to add Sections 17531.6, 17531.7, 17531.8 and 17531.9 to the Business and Professions Code, relating to television picture tubes.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 17531.6 is added to the Business and Professions Code, to read:

17531.6. As used in Sections 17531.7 and 17531.8, the term:

(a) "Picture tube" means cathode ray tube, otherwise known as kinescope or CRT.

(b) "Rejuvenate," or words of like import such as "reactivate" or "restore," means the repair of any internal malfunction of a picture tube by burning out shorts in the electron gun assembly, or flaking the cathode by heating and vibrating the cathode, or activities of a similar nature.

(c) "Seconds," or terms of like import such as "rejects," mean that the picture tube, though giving satisfactory performance, does not meet the quality and workmanship maintained by the manufacturer with respect to the general run of tubes of the same type.

(d) "Person" includes individual, partnership, firm, association, or corporation.

SEC. 2. Section 17531.7 is added to said code, to read:

17531.7. (a) No manufacturer, processor, or distributor of television picture tubes shall sell, offer for sale, or expose for sale any such tube unless the television picture tube and its container, if any, are correctly labeled to indicate the new and used materials of such tube according to the schedule and manner as hereinafter provided.

Description of the picture tube by new and used components and materials shall be indicated by setting forth on the label the particular grade and verbatim description as selected from the following which applies to such tube.

SCHEDULE

Black and White Picture Tubes

Grade AA—Description—All new components and materials including new glass envelope.

Grade A—Description—Used glass envelope, all other components and materials are new.

Grade B—Description—Used glass envelope, used phosphorescent viewing screen, used aluminization, used internal conductive coating, all other components and materials are new.

Grade C—Description—Used picture tube for resale, all significant components and materials are used.

Color Picture Tubes

Grade AA—Description—All new components and materials.

Grade A—Description—New electron gun, other components and materials are used.

Grade C—Description—Used picture tube for resale, all significant components and materials are used.

(b) The fact that a used picture tube has been rejuvenated, or has a new or used brightener attached to it, or has fresh paint or coating on the outside, or any combination of the above, shall not change its status or description as a Grade C picture tube, and the terms "rebuilt" or "reconditioned" or words of like import shall not be used to describe such tube.

(c) Where a picture tube is a "second" such tube shall be designated by label as a "second" to the exclusion of any other grade designation or component description and the following additional notation shall appear verbatim on the label:

—This picture tube is a manufacturer's reject or second line quality tube but it is capable of giving satisfactory performance—

SEC. 3. Section 17531.8 is added to said code, to read:

17531.8. No person other than a purchaser at retail for his own use and consumption shall remove, deface, cover, obliterate, mutilate, alter, or cause to be removed, defaced, covered, obliterated, mutilated, or altered any label required to be placed on a picture tube by this code.

SEC. 4. Section 17531.9 is added to said code, to read:

17531.9. Any person violating any of the provisions of Section 17531.7 or 17531.8 may be enjoined by any superior court of competent jurisdiction upon action for injunction, brought by the Attorney General or any district attorney in this state, and the superior court shall, after proof of violation, issue an injunction or other appropriate order restraining such conduct. This injunctive remedy shall not be construed to limit the district attorney of the county wherein the violation occurred from prosecuting criminal action for any violations of Section 17531.7 or 17531.8.

CHAPTER 726

An act to add Article 4 (commencing with Section 22140) to Chapter 1, Part 5, Division 11 of the Water Code, relating to irrigation districts.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Article 4 (commencing with Section 22140) is added to Chapter 1, Part 5, Division 11 of the Water Code, to read:

Article 4. Pension and Retirement Systems

22140. The board may establish or modify any existing plan or system, so as to provide for a pension or retirement plan or system for the benefit of officers, including directors, and employees of the district and therein provide for the payment of annuities, pensions, retirement benefits, disability payments and death benefits or any one or more of them.

22141. The district may maintain its own pension, retirement, disability benefit and death benefit fund or may provide for benefits to eligible officers and employees, or their beneficiaries, by means of group insurance, group annuities or other insurance, or by such means as in the opinion of the board will satisfactorily provide an adequate and sure method of meeting the payments contemplated by its plan or system.

22142. All money received by any person as an annuity, pension, retirement allowance, disability payment or death benefit from the retirement or pension plan or system and all contributions and interest thereon returned to any member of such plan or system, whether in the actual possession of such person or deposited, loaned or invested by him, is exempt from execution, garnishment or attachment.

22143. This article does not affect the authority of any district to participate in the State Employees' Retirement System or any county employees' retirement system.

CHAPTER 727

An act to amend Sections 2732.05, 2732.1, 2736, 2741, 2750, 2796, and 2811 of, to amend and renumber Section 2733.1 of, and to repeal Sections 2733 and 2736.5 of, the Business and Professions Code, relating to the practice of nursing.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 2732.05 of the Business and Professions Code is amended to read:

2732.05. Every employer of a registered nurse, and every person acting as an agent for such a nurse in obtaining employment, shall ascertain that such nurse is currently authorized to practice as a registered professional nurse within the provisions of this chapter. As used in this section, the term "agent" includes, but is not limited to, a nurses registry.

Examination by an employer or agent of a license or certificate issued by the board showing the nurse's current authority to practice under this chapter, prior to employment, shall constitute a determination of authority to so practice.

Nothing in this section shall apply to a patient, or other person acting for a specific patient, who engages the services of a registered nurse to provide nursing care to a single patient.

SEC. 2. Section 2732.1 of said code is amended to read:

2732.1. (a) An applicant for license by examination shall submit a written application in the form prescribed by the board.

Upon approval of the application, the board may issue an interim permit authorizing the applicant to practice nursing pending the results of the first licensing examination following completion of his nursing course.

If the applicant passes the examination, the interim permit shall remain in effect until a regular renewable license is issued by the board. If the applicant fails the examination, the interim permit shall terminate upon notice thereof by certified mail, return receipt requested, or if the applicant fails to receive the notice, upon the date specified in the interim permit.

(b) The board upon written application in the form prescribed by the board may issue a license without examination to any applicant who is licensed or registered as a nurse under the laws of another state or foreign country, and who in the opinion of the board meets all the other requirements set forth in Section 2736.

(c) Each application shall be accompanied by the fee prescribed by this chapter for the filing of an application for a regular renewable license.

SEC. 3. Section 2733 of said code is repealed.

SEC. 4. Section 2733.1 of said code is amended and renumbered to read:

2733. (a) Upon approval of an application filed pursuant to subdivision (b) of Section 2732.1 and upon the payment, in addition to the fee prescribed by said section, of the temporary license fee prescribed by this chapter, the board may issue a temporary license to practice professional nursing for a period of six months from the date of issuance.

(b) Upon written application, the board may reissue a temporary license to any person who has applied for a regular renewable license pursuant to subdivision (b) of Section 2732.1 and who, in the judgment of the board has been excusably delayed in completing his application for or the minimum requirements for such regular renewable license, but the board may not reissue a temporary license more than twice to any one person.

SEC. 5 Section 2736 of said code is amended to read:

2736. (a) An applicant shall comply with each of the following:

(1) Have successfully completed at least an approved high school course of study or the equivalent thereof as determined by board regulation, and such other preliminary requirements as the board by regulation may prescribe.

(2) Have successfully completed the prescribed course of study in an accredited school of nursing in this state, or have graduated from a school outside this state which in the opinion of the board maintains and gives a course which is equivalent to the minimum requirements of the board established by regulation. for an accredited school in this state.

(3) Have committed no act, which, if committed by a licensee would be a ground for disciplinary action.

(b) An applicant for a license under this chapter who completes the prescribed course of study in a school of nursing located outside of this state shall be deemed to have complied with the provisions of paragraph (2) of subdivision (a) of this section if the school of nursing in which the applicant successfully completed his prescribed course of instruction was a school which, in the opinion of the board, maintained and gave a course which was equivalent to the minimum requirements of the board for an accredited school in this state at the time the applicant was a student in such school.

SEC. 6. Section 2736 5 of said code is repealed.

SEC. 7. Section 2741 of said code is amended to read:

2741. An applicant who fails to pass the examination may take a second examination without payment of an additional fee if not more than 12 months have elapsed since the first examination Upon the failure of the applicant to pass the second examination he shall not be eligible for any subsequent examination except upon the filing of a new application and payment of an additional fee equal to the fee prescribed by this chapter for the filing of an original application.

SEC. 8. Section 2750 of said code is amended to read:

2750. Every licensee, including a licensee holding a temporary license, may be disciplined as provided in this article. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

SEC. 9. Section 2796 of said code is amended to read:

2796. It is unlawful for any person or persons not licensed as provided in this chapter to use the title "registered nurse," the letters "R.N.," or the words "graduate nurse," or "trained nurse."

It is unlawful for any person or persons not licensed as provided in this chapter to impersonate a professional nurse or pretend to be licensed to practice professional nursing as provided in this chapter.

SEC. 10. Section 2811 of said code is amended to read:

2811. Each person holding a regular renewable license under this chapter shall apply for a renewal of his license and pay the biennial renewal fee required by this chapter each two years on or before the last day of the month following the month in which his birthday occurs, beginning with the second birthday following the date on which the license was issued, whereupon the board shall renew the license.

Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatement of any such expired license which has lapsed solely by reason of nonpayment of the renewal fee. After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant pass such examination as it deems necessary to determine his present fitness to resume the practice of professional nursing.

CHAPTER 728

An act to amend Section 2406 of the Corporations Code, relating to certificates for shares of corporations, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 2406 of the Corporations Code is amended to read:

2406. Every certificate for shares issued by a corporation shall be (a) signed by the president or a vice president and the secretary or an assistant secretary, or (b) authenticated by facsimiles of the signatures of its president and secretary or by a facsimile of the signature of its president and the written signature of its secretary or an assistant secretary. Before it becomes effective every certificate for shares authenticated by a facsimile of a signature shall be (i) countersigned by a transfer agent or transfer clerk and registered by an incorporated bank or trust company, either domestic or foreign, as registrar of transfers, or (ii) countersigned by a facsimile of the signature of a transfer agent or transfer clerk and registered by written signature by an incorporated bank or trust company, either domestic or foreign, as registrar of transfers.

Even though an officer who signed, or whose facsimile signature has been written, printed, or stamped on a certificate for shares ceases, by death, resignation, or otherwise, to be an officer of the corporation before the certificate is delivered by the corporation, the certificate is as valid as though signed by a duly elected, qualified, and authorized officer, if it is countersigned by the signature or facsimile signature of a transfer clerk or transfer agent and registered by an incorporated bank or trust company as registrar of transfers.

Even though a person whose facsimile signature as, or on behalf of, the transfer agent or transfer clerk has been written, printed or stamped on a certificate for shares ceases, by death, resignation or otherwise, to be a person authorized to so sign such certificate before the certificate is delivered by the corporation, the certificate shall be deemed countersigned by the facsimile signature of a transfer agent or transfer clerk for purposes of meeting the requirements of this section.

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

In order to relieve the undue burden placed upon corporations in the issuance of shares and transaction of business for the ensuing fiscal year and thereby benefit the economy, it is necessary that this measure take effect immediately.

CHAPTER 729

An act to amend Sections 5835.3, 5835.5, 5854, 5855, and 19185 of the Streets and Highways Code, relating to highway lighting.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 5835.3 of the Streets and Highways Code is amended to read:

5835.3. "Maintenance" as used in this chapter in relation to lighting systems, includes the replacement of any obsolete equipment with new modern equipment found by the board of supervisors or legislative body of a city to be necessary for the proper operation of the district. The replacement of any such obsolete equipment with any such new modern equipment, except for work done by a utility district or a private utility company under contract with the maintenance district, shall be subject to the provisions of Section 5834.

SEC. 2. Section 5835.5 of said code is amended to read:

5835.5. Pursuant to a resolution adopted by its board of supervisors a county may lend any available county funds to a county lighting maintenance district for the replacement of obsolete lighting system equipment. Any such loan may be restricted for use in a temporary zone in a district. The loan shall bear interest at a rate to be fixed by the board of supervisors and shall be repaid in approximately equal installments over a period not to exceed 10 years. Any funds lent to the district are appropriated for the purposes for which the loan was made. Any area of a district, or of a temporary zone in a district, which is included in a city by annexation or incorporation after a loan has been made shall continue to be taxed for the repayment of its proportionate part of the unpaid balance of the loan.

If a zone is formed, the board of supervisors shall, in the first fiscal year in which a special tax may be levied in said zone, and in each succeeding year of the duration of the zone, levy a special tax upon the taxable property in the zone for the purpose of repaying the amount lent to the district by the county. When the loan has been repaid, the zone shall terminate.

SEC. 3. Section 5854 of said code is amended to read:

5854. The board of supervisors may by resolution change the name of any maintenance district to conform with a change in the street name or other designation which the district bears. The clerk of the board of supervisors shall file in the office of the county assessor and with the State Board of Equalization a certified copy of every such resolution, and upon such filing the name of the district shall be changed for all purposes.

SEC. 4. Section 5855 of said code is amended to read:

5855. Where the board of supervisors or legislative body has so declared in its resolution of intention to order the formation of a lighting maintenance district or any annexation thereto, the board of supervisors or legislative body may, in its resolution ordering the formation of a lighting maintenance district or any annexation thereto, order the district divided into tax assessment zones. Tax assessment zones may be formed at a time other than at the formation of the district or any annexation thereto if pursuant to the same procedure of resolution, notice, and hearing as are applicable under this chapter to the annexation of territory.

No district shall be divided into zones unless the board of supervisors or legislative body finds that a tax assessment zone requires special services or special facilities in addition to those provided generally by the maintenance district and that the tax levy is commensurate with the special benefits to be provided in the zone.

SEC. 5. Section 19185 of said code is amended to read:

19185. Pursuant to a resolution adopted by the board of supervisors, a county may lend any available county funds to a highway lighting district for the replacement of obsolete lighting system equipment. Any such loan may be restricted for use in a temporary zone in a district. The loan shall bear interest at a rate to be fixed by the board of supervisors and shall be repaid in approximately equal installments over a period not to exceed 10 years. Any funds lent to the district are appropriated for the purposes for which the loan was made. Any area of a district, or of a temporary zone in a district, which is included in a city by annexation or incorporation after a loan has been made shall continue to be taxed for the repayment of its proportionate part of the unpaid balance of the loan.

If a zone is formed, the board of supervisors shall, in the first fiscal year in which a special tax may be levied in said zone, and in each succeeding year of the duration of the zone, levy a special tax upon the taxable property in the zone for the purpose of repaying the amount lent to the district by the county. When the loan has been repaid, the zone shall terminate.

CHAPTER 730

An act to amend Section 36726 of, and to add Section 36558 to, the Water Code, relating to California water district assessments.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 36558 is added to the Water Code, to read:

36558. The board may from time to time by resolution provide for a district fiscal year to commence and end at the dates specified in such resolution.

SEC. 2. Section 36726 of said code is amended to read:

36726. Within 10 days after the assessment is completed, the assessor shall do each of the following:

(a) Compute and charge in the proper part of the assessment book in a place provided therefor in the record of each parcel of land assessed the assessment due on the parcel.

(b) In the event the annual assessment for any parcel of land separately assessed, computed pursuant to (a) above, is less than two dollars ($2), a minimum annual assessment may be set by the board which shall not exceed two dollars ($2) for each separately assessed parcel of land, and upon such a determination the assessor shall enter that assessment for each separately assessed parcel of land for which the annual assessment is less than the amount set by the board.

(c) If authorized by the board of directors by resolution, add to the assessment of each parcel of land any charges for water and other services, or either, which are unpaid. The amount so added shall be collected and shall constitute a lien as a part of the assessment levied on the parcel upon which the water for which the charges are unpaid was used and upon the lands subject to the unpaid charges for any other services.

(d) File each separate part of the assessment book with the tax collector of the district.

CHAPTER 731

An act to add Article 3 (commencing with Section 32150) to Chapter 2 of Division 23 of the Health and Safety Code, relating to hospital districts.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Article 3 (commencing with Section 32150) is added to Chapter 2 of Division 23 of the Health and Safety Code, to read:

Article 3. Hearing Procedures

32150. In accordance with reasonable rules and regulations adopted pursuant to Section 32128 of this chapter, the board of directors, after appropriate action by the medical staff, may take action or make a decision:

(a) Denying an application for membership to the medical staff;

(b) Revoking membership on the medical staff;

(c) Denying a request by a member of the medical staff for additional privileges with respect to the practice of medicine or surgery; or

(d) Imposing additional limitations with respect to the practice of medicine or surgery upon a member of the medical staff.

32151. The secretary of the board of directors or the hospital administrator shall mail notice of any such action or decision to the affected applicant or medical staff member within 10 days thereafter.

32152. The board of directors shall adopt reasonable rules and regulations whereby the applicant or member of the medical staff shall be afforded a hearing in connection with a request for a review of such decision or action taken pursuant to Section 32150.

32153. The board shall have the authority to provide in such rules and regulations for required notices, administration of oaths, taking of depositions, admissibility of evidence, maintenance of records of the proceedings, and any other matters relevant to the holding and conduct of the hearing. Such rules and regulations may provide for the appointment of a hearing officer. The hearing officer, if any, shall be an attorney admitted to practice law in this state for at least 10 years prior to the hearing. If a hearing officer is appointed, he shall conduct the hearing and shall make recommended findings, conclusions and a decision which may be adopted by the board of directors.

32154. The board or the hearing officer, if one is appointed, shall have the same power with respect to the issuance of subpoenas and subpoenas duces tecum as that granted to any agency or hearing officer pursuant to Section 11510 of the Government Code. Any such subpoena or subpoena duces tecum issued pursuant to this section shall have the same force and effect and impose the same obligations upon witnesses as that provided in Section 11510 of the Government Code.

32155. The board of directors may order that the hearing pursuant to this section be held in private or executive session, unless the affected applicant or medical staff member requests a public hearing. Deliberations of the board of directors in connection with matters pertaining to this section may be held in executive session.

CHAPTER 732

An act to amend Section 13001 of the Health and Safety Code, relating to fire protection.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 13001 of the Health and Safety Code is amended to read:

13001. Every person is guilty of a misdemeanor who, through careless or negligent action, throws or places any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire, in any place where it may directly or indirectly start a fire, or who uses or operates a welding torch, tar pot or any other device which may cause a fire, who does not clear the inflammable material surrounding the operation or take such other reasonable precautions necessary to insure against the starting and spreading of fire.

CHAPTER 733

An act to add Section 13006.5 to the Health and Safety Code, relating to fire protection.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 13006.5 is added to the Health and Safety Code, to read:

13006.5. Every owner, operator, lessee, or other person in charge of any apartment house, roominghouse, motel or hotel heretofore or hereafter constructed, or any occupant thereof, who becomes aware of any fire or smoldering combustion of an unwarranted or insidious nature which is not confined within equipment designed for fire or which is a hazard to the apartment house, roominghouse, motel or hotel, shall be guilty of a misdemeanor if he shall fail to report said fire or smoldering combustion without delay to the local fire department.

CHAPTER 734

An act to amend Section 37 of, and to add Sections 36.1, 36.2, and 36.3 to, the Water Conservation Act of 1927 (Chapter 91, Statutes 1927), relating to water conservation districts.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 36.1 is added to the Water Conservation Act of 1927 (Chapter 91, Statutes 1927), to read:

Sec. 36.1. The board of directors, by resolution, may initiate proceedings for the exclusion of territory from the district. Such resolution shall be filed with the board of supervisors of the county in which the district was organized and shall contain a description of the lands which the board of directors desires to have excluded from the district. Thereupon the board of supervisors shall set up a time for a hearing on such exclusion, which shall be the next regular meeting of the board after the full publication of the notice thereof hereinafter required, and shall cause the clerk of such board of supervisors to give notice of such hearing by publishing such notice once a week for at least two weeks, prior to the hearing, in some newspaper or newspapers of general circulation published in each of the counties in which any portion of such district is situated. If no newspaper be published in either of such counties then such notice shall be posted for the same length of time in at least three public places in a portion of the district situated within the county wherein no newspaper is published and be published as aforesaid in the remaining counties in which the district is situated. Such notice shall state the filing of the resolution, a description of the lands mentioned in the resolution, and, substantially, any other matter contained in the resolution, and the time of the hearing; and it shall notify all persons interested in, or who may be affected by, such a change in the boundaries of the district, to appear at the office of the board of supervisors at the time of the hearing, and show cause in writing, if any they have, why the change of the boundaries of the district, as proposed in the resolution, should not be made.

SEC. 2. Section 36.2 is added to said act, to read:

36.2. The board of supervisors, at the time and place mentioned in the notice, or at the time or times to which the hearing on such exclusion may be adjourned, shall proceed to hear the matter contained in the resolution and all evidence and proof that may or shall be introduced by or on behalf of the board of directors, and all objections to such resolution that may or shall be presented in writing by any person showing cause as aforesaid, and all evidence and proofs that may be introduced in support of such objections. The failure of any

person interested in the district to show cause, in writing, why the tract or tracts of land mentioned in the resolution 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.

SEC. 3. Section 36.3 is added to said act, to read:

Sec. 36.3. If, upon the hearing of any such exclusion, no evidence or proof in support thereof be introduced, or if the evidence fails to sustain such exclusion, or if the board of supervisors deem it not for the best interests of the district that the lands, mentioned in the resolution or some portion thereof, should be excluded from the district, the board shall order that such exclusion be denied as to such lands; but if the board deems it for the best interests of the district that the lands mentioned in the resolution be excluded from the district, and, if no person interested in the district show cause in writing why the lands, or some portion thereof, should not be excluded from the district, or if, having shown cause, withdraws the same, or upon the hearing fails to establish such objections as he may have made, then it shall be the duty of the board to, and it shall forthwith, make an order that the lands mentioned and described in the resolution, or some defined portion or portions thereof, as the board may deem proper, be excluded from the district pursuant to the resolution. In the event the board of supervisors shall exclude any lands from the district pursuant to the provisions of this section, it shall then proceed pursuant to the provisions of Sections 40 and 40.1 of this act.

SEC. 4. Section 37 of said act is amended to read:

Sec. 37. Change of Boundaries; Initiation by Landowners; Petition; Notice of Hearing. The owner or owners of any tract or tracts of land which constitute a portion of any such district may file with the board of supervisors of the county in which the district was organized a petition praying that such tract or tracts of land, or some defined portion thereof, may be excluded from the district, and the owner or owners of any tract or tracts of land, which, in their judgment, would be benefited by being included within the boundaries of any such district, may file with such board of supervisors a petition to have such tract or tracts of land, or a defined portion thereof, included therein. Such petition shall contain a description of the lands which the petitioner or petitioners desire to have excluded from or included with the district, and shall designate the owner or owners of the respective parcels of such lands. Thereupon the boards of supervisors shall set a time for the hearing on such petition, which shall be the next regular meeting of the board after the full publication of the notice thereof hereinafter required, and shall cause the clerk of said board of supervisors to give notice of such hearing by publishing such notice once a week for at least two weeks, prior to the hearing, in some newspaper or newspapers of general circulation published in each of the counties in which any portion of such

district is situated. If no newspaper be published in either of such counties then such notice shall be posted for the same length of time in at least three public places in the portion of the district situate within the county wherein no newspaper is published and be published as aforesaid in the remaining counties in which the district is situated. Such notice shall state the filing of the petition, the names of the petitioners, a description of the lands mentioned in the petition and, substantially, the prayer of the petition, and the time of the hearing; and it shall notify all persons, interested in, or who may be affected by, such a change in the boundaries of the district, to appear at the office of said board of supervisors at the time of the hearing, 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.

CHAPTER 735

An act to amend Sections 18661 and 22458.1 of, and to add Sections 18661.1, 18661.2, 18661.3 and 22458.2 to, the Financial Code, relating to credit disability insurance.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 18661 of the Financial Code is amended to read:

18661. An industrial loan company may provide and collect the costs for credit life insurance on the life of one or more of the borrowers and credit disability insurance to provide indemnity for payments becoming due on the indebtedness, with his or her consent, the form to be approved by the commissioner and in an amount not in excess of the amount of the indebtedness. The amount charged to the borrower for such insurance shall not exceed, in the case of credit life insurance, the amount provided in (1) or (2) following, whichever is less, or, in the case of credit disability insurance, unless a regulation has been promulgated and established pursuant to Section 18661.1, in which case the amount charged shall not exceed the amount prescribed by such regulation, the amount provided in (1) following:

(1) The premium rate filed with the Commissioner of Insurance for the coverage provided pursuant to Article 5.9 (commencing with Section 779.1), Chapter 1, Part 2, Division 1 of the Insurance Code and which has not been disapproved by him, or

(2) Fifty cents ($0.50) per year per one hundred dollars ($100) of indebtedness (and in the same proportion for longer or shorter maturities and larger or smaller amounts) or such

different maximum as is fixed by the Commissioner of Insurance by a valid and effective regulation hereafter adopted.

An industrial loan company may collect the costs for insurance of tangible personal or real property offered as security for a loan, reasonably insured against loss for a reasonable term considering the circumstances of the loan, when the policy of insurance is made payable to the borrower or any member of his family, even though the customary mortgagee clause is attached, and if the insurance is sold at standard rates through duly licensed insurance agents except that if title insurance is obtained in connection with a loan, the costs for such insurance may only be collected if: (a) the loan is in an amount of at least one thousand dollars ($1,000) and is secured by the lien of a deed of trust or mortgage on real property which is the subject of such policy of title insurance; (b) the policy of title insurance is made payable to the lender or jointly to such lender and the borrower as their interests may appear; (c) the amount of such insurance does not exceed the amount of the loan; (d) such insurance is placed at standard rates through a title insurance company authorized to do business in the State of California; and (e) the provisions of the loan require payment in not less than 12 months. A policy of title insurance may not be required in connection with the renewal or extension of a loan with an unpaid principal balance of less than one thousand dollars ($1,000). Such costs as herein authorized are not included in computing the maximum charges which may be made under this division.

If life or disability insurance is provided pursuant to this section, and if the insured borrower dies or becomes disabled during the term of the loan contract, the insurance shall be sufficient to pay the total amount due on the loan (excluding unearned charges) outstanding on the date of his death, or all amounts which become due on the loan thereafter during the period of such disability, as the case may be, without any exception, reservation or limitation, subject, however, to the provisions of Section 18661.2. Any such life or disability insurance as is provided shall be in force as soon as the loan is made. A licensee shall not require credit life or disability insurance as a condition of making a loan

SEC. 2. Section 18661 1 is added to said code, to read:

18661.1. Each two years beginning in 1967, the commissioner shall, not later than 90 days after the date when licensees are required to file annual reports pursuant to Section 18610, compile and send to the Commissioner of Insurance the total dollar amount of all death and disability claims paid on insured borrowers together with data from which the amounts at risk may be calculated, the sum of the total charges collected by such licensees for such insurance, and data as to the actual costs to such licensees for providing and servicing such insurance (excluding any sums paid to or received from insurance companies) for each of the 12 months during each of the preceding years being reported upon. The Commissioner of In-

surance shall study the data so furnished by the Commissioner of Corporations together with any trend factors established by other California credit life and credit disability insurance experience and shall promulgate and establish a general regulation fixing the maximum which may be charged for such insurance by licensees hereunder having due regard to the relation of the total amount of death and disability claims paid to the amounts at risk during the same period, and a reasonable margin for contingencies and cost and compensation to licensees for providing and servicing such insurance, plus the premium taxes payable on the probable premiums to be charged by insurers, plus the probable, but not unreasonable, markup to be added by insurers to the risk cost. Any such changed maximum rate of premium or identifiable charge shall not affect any insurance then in force on borrowers. Any regulation under this section shall be adopted after a hearing and in accordance with Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

SEC. 3. Section 18661.2 is added to said code, to read:

18661.2. Credit disability insurance written pursuant to Sections 18661 and 18661.1 shall not provide indemnity against the risk of a borrower becoming disabled for a period of less than 14 days. Such insurance may provide indemnity for any single period of continuous disability of 14 days or longer, after which the risk may become compensable. In no event shall any such credit disability insurance provide for retroactive coverage to an earlier date based upon such disability having continued for a period stated in the policy, or for any other reason. Credit disability insurance, if made available by a licensee, shall be available by the month as well as by the year, and the premium by the month shall not exceed a pro rata relationship to the annual premium. No such credit disability insurance shall be written for a period in excess of the term of the loan to which it is applicable.

SEC. 4. Section 18661.3 is added to said code, to read:

18661.3. In the event a licensee provides credit disability insurance pursuant to this division, the licensee shall also deliver an understandable written statement to the borrower detailing the conditions when the borrower will be entitled to make a claim under the insurance policy and the procedure to be followed in making such claim. This statement shall be first approved by the commissioner.

SEC. 5. Section 22458.1 of said code is amended to read:

22458.1. Credit life insurance on the life of a borrower and credit disability insurance shall not be deemed to be a collateral sale, purchase, or agreement within the terms of Sections 22004, 22456 or 22457 when such insurance is provided in accordance with the provisions of the Insurance Code and this section.

(a) A licensee may provide insurance on the life of one or more borrowers and credit disability insurance to provide indemnity for payments becoming due on the indebtedness, with

his or her consent, the form to be approved by the commissioner and in an amount not in excess of the amount of the indebtedness and may collect from the borrower an amount not in excess of that permitted by subdivision (d) of this section. If the loan is prepaid in full by cash, a new loan, refinancing or otherwise (except by said insurance) before the final installment date, the borrower shall receive a rebate of said amount computed in accordance with the method established in Section 22480 or in accordance with the formula approved by the Commissioner of Insurance pursuant to Section 779 14 of the Insurance Code, whichever would result in a greater rebate to the borrower. When charges for the loan are precomputed in accordance with Section 22480, any required rebate and any permitted deferment charge may be computed on the combined total of the precomputed charge and the life or credit disability insurance charge. Only one such amount may be collected in connection with any loan contract irrespective of the number of borrowers, and only one borrower need be insured. Such amount may be deducted from the principal of the loan. If such life or disability insurance is provided, and if the insured borrower dies or becomes disabled during the term of the loan contract, the insurance shall be sufficient to pay the total amount due on the loan (excluding unearned charges) outstanding on the date of his death, or all amounts which become due on the loan thereafter during the period of such disability, as the case may be, without any exception, reservation or limitation, subject, however, to the provisions of Section 22458.2. Any such life or disability insurance as is provided shall be in force as soon as the loan is made.

(b) No licensee shall decline new or existing insurance which meets or exceeds the standards set forth in this section, nor prevent any borrower from obtaining such insurance coverage from other sources. A licensee shall not require credit life or disability insurance as a condition of making a loan.

(c) If a borrower procures such insurance by or through a licensee, the statement required by Section 22473 shall disclose the cost thereof to the borrower, and the licensee shall deliver or cause to be delivered to the borrower a copy of the policy, certificate, or other evidence thereof, within a reasonable time. In the event a licensee provides credit disability insurance pursuant to this division, the licensee shall also deliver an understandable written statement to the borrower detailing the conditions when the borrower will be entitled to make a claim under the insurance policy and the procedure to be followed in making such claim This statement shall be first approved by the commissioner.

(d) The amount charged to the borrower for such insurance shall not exceed in the case of credit life insurance the amount provided in (1) or (2) following, whichever is less, or, in the case of credit disability insurance, unless a regulation has been promulgated and established pursuant to sub-

division (e) of this section, in which case the amount charged shall not exceed the amount prescribed by such regulation, the amount provided in (1) following:

(1) The premium rate filed with the Commissioner of Insurance for the coverage provided pursuant to Article 5.9 of Chapter 1, Part 2, Division 1 of the Insurance Code and which has not been disapproved by him, or

(2) Fifty cents ($0.50) per year per one hundred dollars ($100) of indebtedness (and in the same proportion for longer or shorter maturities and larger or smaller amounts) or such different maximum as shall have been fixed by the Commissioner of Insurance by a valid and effective regulation adopted on or after December 31, 1961 and applicable to all licensees under the Personal Property Broker Law.

(e) Each two years beginning in 1961, the commissioner shall, not later than 90 days after the date when licensees are required to file annual reports pursuant to Section 22408 compile and send to the Commissioner of Insurance the total dollar amount of all death and disability claims paid on insured borrowers together with data from which the amounts at risk may be calculated, the sum of the total charges collected by such licensees for such insurance and data as to the actual costs to such licensees for providing and servicing such insurance (excluding any sums paid to or received from insurance companies) for each of the 12 months during each of the preceding years being reported upon. The Commissioner of Insurance shall study the data so furnished by the Commissioner of Corporations together with any trend factors established by other California credit life and disability insurance experience and shall promulgate and establish a general regulation fixing the maximum which may be charged for such insurance by licensees hereunder having due regard to the relation of the total amount of death and disability claims paid to the amounts at risk during the same period, and a reasonable margin for contingencies and cost and compensation to licensees for providing and servicing such insurance, plus the premium taxes payable on the probable premiums to be charged by insurers, plus the probable, but not unreasonable, markup to be added by insurers to the risk cost. Any such changed maximum rate of premium or identifiable charge shall not affect any insurance then in force on borrowers. Any regulation under this section shall be adopted after a hearing and in accordance with Title 2, Division 3, Part 1, Chapter 4 of the Government Code.

SEC. 6. Section 22458.2 is added to said code, to read:

22458.2. Credit disability insurance written pursuant to Section 22458.1 shall not provide indemnity against the risk of a borrower becoming disabled for a period of less than 14 days. Such insurance may provide indemnity for any single period of continuous disability of 14 days or longer, after which the risk may become compensable. In no event shall any such credit disability insurance provide for retroactive cover-

age to an earlier date based upon such disability having continued for a period stated in the policy, or for any other reason. Credit disability insurance if made available by a licensee, shall be available by the month as well as by the year, and the premium by the month shall not exceed a pro rata relationship to the annual premium. No such credit disability insurance shall be written for a period in excess of the term of the loan to which it is applicable.

CHAPTER 736

An act to add Chapter 4 (commencing with Section 2740) to Part 2 of Division 1 of the Public Utilities Code, relating to the regulation of passenger air carriers.

[Approved by Governor June 17, 1965 Filed with Secretary of State June 18, 1965]

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

SECTION 1. Chapter 4 (commencing with Section 2740) is added to Part 2 of Division 1 of the Public Utilities Code, to read:

CHAPTER 4. PASSENGER AIR CARRIERS

Article 1. General Provisions

2740. Unless the context otherwise requires, the definitions in Part 1 (commencing with Section 21001) of Division 9 shall govern the construction of this chapter.

2741. As used in this chapter, "passenger air carrier" means a person or corporation owning, controlling, operating, or managing aircraft as a common carrier of passengers for compensation wholly within this state, between terminal points including intermediate points if any.

2742. As used in this chapter, "commission" means the Public Utilities Commission.

2743. The provisions of this chapter do not apply to common carriers of passengers by aircraft who operate within this state pursuant to the provisions of a current certificate of public convenience and necessity issued by the federal government.

2744. This state recognizes the authority of the federal government to regulate and control safety factors in the operation of aircraft and the use of airspace.

Article 2. Certification and Regulation

2750. No passenger air carrier shall operate aircraft except in accordance with the provisions of this chapter.

2751. The commission may:

(a) Supervise and regulate every passenger air carrier in those matters affecting ticketing, flight reservations, passenger

baggage, advertising, and passenger convenience and comfort.

(b) Fix the rates, fares, charges, classifications, and rules of each such carrier.

(c) Regulate the accounts of each such carrier, and require the filing of annual and other reports and of other data by such carriers.

(d) By general order or otherwise, prescribe rules applicable to any and all passenger air carriers. The commission, in the exercise of the jurisdiction conferred upon it by the Constitution of this state and by this part, may make orders and prescribe rules affecting passenger air carriers, notwithstanding the provisions of any ordinance or permit of any district, city, city and county, or county, and in case of conflict between any such order or rule and any such ordinance or permit, the order or rule of the commission shall prevail.

2752. No passenger air carrier shall engage in any operation in this state without first having obtained from the commission a certificate of public convenience and necessity authorizing such operation.

2753. An applicant shall submit his written verified application to the commission. The application shall be in such form and contain such information and be accompanied by proof of service upon all passenger air carriers with which the proposed service is likely to compete and such other interested parties as the commission requires.

In awarding certificates of public convenience and necessity pursuant to Section 2752, the commission shall take into consideration, among other things, the business experience of the particular passenger air carrier in the field of air operations, the financial stability of the carrier, the insurance coverage of the carrier, the type of aircraft which the carrier would employ, proposed routes and minimum schedules to be established, whether the carrier could economically give adequate service to the communities involved, the need for the service, and any other factors which may affect the public interest.

2754. Each application for a certificate of public convenience and necessity made under the provisions of this part shall be accompanied by a fee of one hundred fifty dollars ($150).

The commission may, with or without hearing, issue the certificate as prayed for, or refuse to issue it but only after a hearing is held, or issue it only after a hearing is held for the partial exercise only of the privilege sought. The commission may attach to the exercise of the rights granted by the certificate such terms and conditions as, in its judgment, the public convenience and necessity require. Minimum schedules may be received and revised by the commission at intervals of not less than one year.

2755. A fee of one hundred fifty dollars ($150) shall be paid to the commission for filing each application to sell, mortgage, lease, assign, transfer, or otherwise encumber any certificate.

The commission may, with or without a hearing, approve the application or, after a hearing, refuse to approve it, and may approve it under such terms and conditions as, in its judgment, the public convenience and necessity require.

2756. Notwithstanding any other provision in this chapter, the commission shall issue a certificate of public convenience and necessity to any passenger air carrier actually operating in good faith and doing business between major airports as of January 1, 1965, without a hearing, if such carrier meets the conditions and requirements specified in this chapter, provided the application therefor shall have been filed with the commission on or before January 2, 1966. The commission may issue a temporary certificate of public convenience and necessity pending action on the application, and the passenger air carrier may operate until its application is either granted or denied by the commission.

2757. Without the express approval of the commission, no certificate of public convenience and necessity issued to one passenger air carrier under the provisions of this chapter shall be combined, united, or consolidated with another such certificate issued to or possessed by another such carrier, so as to permit through service between any point or points served by one carrier on the one hand, and any point or points served by another such carrier, on the other hand.

2758. Unless prohibited by the terms and conditions of any certificate that may be involved, any one passenger air carrier may establish through routes and joint rates, charges, and classifications between any and all points served by it under any and all certificates or operative rights issued to or possessed by it.

2759. The commission may at any time suspend the certificate of any passenger air carrier for failure to comply with the insurance regulations established pursuant to Section 2761 of this chapter. For any other good cause, the commission may at any time upon notice to the holder of any certificate and opportunity to be heard, suspend, revoke, alter, or amend any such certificate.

2760. When a complaint has been filed with the commission alleging that any aircraft is being operated without a certificate of public convenience and necessity, as required by this chapter, or when the commission has reason to believe that this chapter is being violated, the commission shall investigate such operations and may, after a hearing, make its order requiring the owner or operator of the aircraft to cease and desist from any operation in violation of this chapter. The commission shall enforce compliance with such order under the powers vested in the commission by law, including, but not limited to, the provisions of Chapter 2 (commencing with Section 301) of Part 1 of Division 1 of this code.

2761 The commission may, upon its own motion, or upon application of any interested party, and after hearing, require any passenger air carrier to procure and maintain insurance

in such amounts and upon such terms as the commission may determine.

2762 The commission shall have the power to suspend and enforce the suspension of certificates of public convenience and necessity, issued by the commission, upon a finding by any agency of the federal government that an air passenger carrier is operating in violation of any federal safety law or regulation.

2763. No passenger air carrier shall discontinue operations between any two or more terminals without authority of the commission, unless such operations are unprofitable. Unprofitable operations may be discontinued upon 30 days' notice to the commission, and to such other persons as the commission may require, unless within such 30-day period the commission, after hearing, makes a finding that such operation is not unprofitable and orders its continuance.

2764. Nothing contained in this chapter shall be construed as giving the commission authority to require the establishment of service from or to terminal or to intermediate points not specified in the passenger air carrier's certificate of public convenience and necessity unless the carrier makes application to establish such additional service.

2765. Nothing contained in this chapter is to be construed as affecting in any way the constitutional regulatory authority of the commission over the intrastate rates and charges of air carriers.

CHAPTER 737

An act to amend Section 1182 of the Code of Civil Procedure, relating to liens.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 1182 of the Code of Civil Procedure is amended to read:

1182. (a) For the purposes of this chapter, "work of improvement" includes, but is not restricted to, the construction, alteration, addition to, or repair, in whole or in part, of any building, wharf, bridge, ditch, flume, aqueduct, well, tunnel, fence, machinery, railroad, or wagon road, the seeding, sodding, or planting of any lot or tract of land for landscaping purposes, the filling, leveling, or grading of any lot or tract of land, the demolition of buildings, and the removal of buildings.

(b) For the purposes of this chapter, except as otherwise provided herein, "work of improvement" and "improvement" mean the entire structure or scheme of improvement as a whole.

(c) For the purposes of this chapter, every contractor, subcontractor, architect, builder, or other person having charge of the construction, alteration, addition to, or repair, in whole or in part, of any building or other work of improvement shall be held to be the agent of the owner.

(d) For the purposes of this chapter, an express trust fund established pursuant to collective bargaining agreement to which payments are required to be made on account of fringe benefits supplemental to a wage agreement for the benefit of one entitled to a lien on particular real property pursuant to this chapter shall have a lien on such property in the amount of the supplemental fringe benefit payments owing to it pursuant to the collective bargaining agreement.

CHAPTER 738

An act to add Section 31664.5 to the Government Code, relating to County Employees' Retirement Law.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 31664.5 is added to the Government Code, to read:

31664.5. Notwithstanding any other provisions of this chapter, a safety member may exercise the option of retiring upon completion of 25 years of service, and if such option is exercised, the safety member shall receive a retirement allowance equal to no less than 30 percent of his final compensation.

CHAPTER 739

An act to amend Section 2804 of the Streets and Highways Code, relating to county sanitation district assessments.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 2804 of the Streets and Highways Code is amended to read:

2804. This division shall not apply to irrigation districts, irrigation district improvement districts, fire districts, fire protection districts or to public cemetery districts, or to any proceeding otherwise subject hereto when one or more of the following situations exist: (1) when the proceedings are undertaken by a district or public corporation within one year of its incorporation, and the proposed improvements are substan-

tially described in an investigation proceeding had under the District Investigation Act of 1933 for the incorporation of said district or public corporation; or (2) when said improvement proceedings are by a charter city, charter county or a county sanitation district which is governed ex officio by the board of supervisors of a charter county, and said city, county, or district has complied with the provisions of Section 17 of Article XIII of the Constitution; or (3) when all of the owners of more than 60 percent in area of the property subject to assessment for said proposed improvements have signed and filed with the clerk or secretary of the legislative body undertaking said proceedings a written petition for said improvements and waiver of said investigation proceedings. The words "substantially described" as used herein shall be deemed to mean that additional improvements of the same or similar nature may not be provided unless the estimated cost thereof shall not exceed 10 percent of the estimated cost of the improvements provided in said former report. Owners of land within the meaning of this section are those, and those only, who, at the time that said petition is filed with the clerk or secretary of said legislative body, appear to be such upon the assessor's roll or, in the case of transfers of land, or parts thereof, subsequent to the date upon which the last assessor's roll was prepared, appear to be such on the records in the county assessor's office which the county assessor will use to prepare the next ensuing assessor's roll If any person signing said petition appears on said roll or such records as an owner of property as a joint tenant or tenant in common, or as a husband or wife, said property shall be counted as if all such persons had duly signed.

CHAPTER 740

An act to amend Section 24353 of the Government Code, relating to county fiscal affairs.

[Approved by Governor June 17, 1965. Filed with Secretary of State June 18, 1965.]

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

SECTION 1. Section 24353 of the Government Code is amended to read:

24353. Each officer of a county or judicial district authorized to collect money shall pay into the county treasury at the time required by law, but in any event on or before the fifth day of each month, all money collected by him or under his control during the preceding month that is payable into the treasury and file with the county auditor, on or before the fifth day of each month, a cash statement, in such form as the auditor requires, of all money handled by him in his official capacity during the preceding month, showing cash on hand at the beginning of the month, collections and payments during

the month, and cash on hand at the end of the month. Each item shall be properly classified as to funds and accounts affected and as to whether or not it is payable into the county treasury.

Whenever the business of a court requires, any officer of a judicial district authorized to collect money, with prior approval of the county auditor, shall pay into the county treasury all money collected by him or under his control during the preceding month that is payable into the treasury, and file the cash statement required herein, on or before the 15th day of each month.

CHAPTER 741

An act to repeal Section 31035 of the Water Code, relating to the extension of facilities by a county water district.

[Approved by Governor June 17, 1965 Filed with Secretary of State June 18, 1965]

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

SECTION 1. Section 31035 of the Water Code is repealed.

CHAPTER 742

An act to add Section 24755.1 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor June 17,1965 Filed with Secretary of State June 18, 1965]

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

SECTION 1. Section 24755.1 is added to the Business and Professions Code, to read:

24755.1. No criminal penalties shall be imposed on any licensee for a violation of the provisions of Section 24755 nor shall the license of a licensee be suspended or revoked for a violation of such section.

The penalties imposed by the department for violations of such section shall be confined solely to monetary penalties for each violation committed during 36 consecutive months and shall be in the following amounts:

For the first violation, two hundred fifty dollars ($250); for the second and subsequent violations, one thousand dollars ($1,000). The penalties herein provided shall be due and payable by the licensee to the General Fund not later than 30 days from the date the department rendered its decision imposing the penalty. Should the licensee appeal the decision of the department, he shall either pay the amount of the penalty under protest or execute a surety bond in the amount of the penalty.

The surety bond shall be executed by the licensee as principal and a corporation such as is mentioned in Section 1056 of the Code of Civil Procedure in this state as surety, payable to the General Fund at such time as the final decision is rendered affirming the department's decision. If the final decision should reverse the decision of the department, the penalty paid by the licensee under protest shall be returned to him with interest at the rate of 6 percent per annum or the surety bond executed by the licensee terminated. The license of a licensee against whom the department has imposed the monetary penalty and who has refused to pay the penalty for each violation under protest or execute a surety bond as herein provided shall be automatically suspended and shall remain suspended until such time as the licensee either pays the penalty under protest or executes the surety bond as herein provided.

Each sale in violation of Section 24755 shall constitute a separate violation.

CHAPTER 743

An act to amend Section 69584 of the Government Code, relating to superior courts.

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

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

SECTION 1. Section 69584 of the Government Code is amended to read:

69584. In the County of Humboldt there shall be three judges of the superior court.

CHAPTER 744

An act to amend Section 2231 of the Corporations Code, relating to stock voting trusts.

[Approved by Governor June 24, 1965. Filed with Secretary of State June 24, 1965.]

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

SECTION 1. Section 2231 of the Corporations Code is amended to read:

2231. Any trust, heretofore or hereafter created, the sole or principal purpose of which is the voting or representing of shares, may be terminated at any time by the holders of a majority in interest of the beneficial interests therein. No such voting trust shall be made irrevocable for a period of more than 21 years.

CHAPTER 745

An act to add Section 1113.1 to, and to amend Sections 940, 984, 985, 1088, 1110, 1129, 1176, 2653, 2655, and 3260 of, to repeal Section 2655.5 of, the Unemployment Insurance Code, and to amend Section 2 of Chapter 1547 of the Statutes of 1963, relating to unemployment disability insurance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 24, 1965. Filed with Secretary of State June 24, 1965]

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

SECTION 1. Section 940 of the Unemployment Insurance Code is amended to read:

940. For the purposes of this section and Sections 1026, 1088, 1280, 1281, 1282, 2652, 2654, 2655, and 2657, "wages" means taxable wages as well as wages which would be taxable except for the limitations on taxable wages provided under Sections 930 and 985, except that if an employer so elects, for such purposes "wages" for particular employees, or for a class of employees, or for all of his employees, may exclude amounts for an individual worker for any calendar quarter in excess of the amount specified as the limitation on taxable wages for the calendar year under Section 985.

SEC. 1.3. Section 984 of said code is amended to read:

984. (a) Each worker shall pay worker contributions, at the rate specified in subdivision (b) or (c), of this section, with respect to the wages paid to him by each employer for employment after his employer has satisfied the conditions set forth in this part with respect to becoming an employer. Contributions required under Sections 708 and 708.5 shall be at the rate of 1.25 percent of the remuneration deemed to have been received under said sections.

(b) The contribution rate shall be 1.1 percent with respect to the wages paid after July 31, 1965 and prior to January 1, 1966.

(c) The contribution rate shall be 1 percent with respect to the wages paid after December 31, 1965.

SEC. 1.5. Section 985 of said code is amended to read:

985. Section 984 shall not apply to that part of the remuneration which, after remuneration with respect to employment equal to seven thousand four hundred dollars ($7,400) per calendar year has been paid to an individual by an employer, is paid to such individual by such employer.

SEC. 2. Section 1088 of said code is amended to read:

1088. (a) Each employer shall file with the director within the time required for payment of employer contributions, a return and a report of wages of his workers in such form and containing such information as the director prescribes.

(b) Each employer shall file with the director within the time required by subdivision (b) of Section 1110 for payment

of worker contributions for each first and second calendar month of each calendar quarter, a return containing the employer's business name, address, and account number, the total amount of worker contributions due, and such other information as the director shall prescribe. The director shall prescribe the form for the return.

SEC. 3. Section 1110 of said code is amended to read:

1110. (a) Employer contributions required under Section 976 and 976.5 and, except as provided by subdivision (b) of this section, worker contributions required under Section 984 are due and payable on the first day of the calendar month following the close of each calendar quarter and shall become delinquent if not paid on or before the last day of such month.

(b) Worker contributions required under Section 984 are due and payable on the first day of the calendar month following the close of each first and second calendar month of each calendar quarter and shall become delinquent if not paid on or before the 15th day of such month. This subdivision shall not apply to an employer for any calendar month with respect to which the total amount of worker contributions required to be withheld by that employer does not exceed fifty dollars ($50).

SEC. 3.5. Section 1113.1 is added to said code, to read:

1113.1. An employer who through an error caused by excusable neglect makes an underpayment of the amount due on a monthly return pursuant to subdivision (b) of Section 1088 shall not be liable for penalty or interest under Sections 1112, 1113, 1127 or 1129 if proper adjustment is made at the time of the filing of the quarterly return under subdivision (a) of Section 1088 and an explanation of the error is attached to such return.

SEC 4. Section 1129 of said code is amended to read:

1129. The amount of each assessment, exclusive of penalty, shall bear interest at the rate of one-half percent per month or fraction thereof from and after the last day of the month following the close of the calendar quarter, or from and after the 15th day of the month following the close of the calendar month, for which the contributions should have been returned until the date of payment.

SEC. 5. Section 1176 of said code is amended to read:

1176. (a) If, by reason of an employee receiving wages from more than one employer during any calendar year after December 31, 1964, the wages received by him during such year exceed the remuneration upon which contributions are payable under Section 985, and the sum of the amount of tax imposed by Section 984 plus the amount of contributions under Section 3260 deducted from such wages exceeds the amount required under this division, the employee is entitled to a refund of the amount of the excess.

(b) Refunds under this section shall be made by the director from the Disability Fund if, within six months after the calendar year in which the wages in excess of the applicable

limitation are received, the employee makes a claim establishing his right to the refund. No interest shall be allowed or paid with respect to such refund. The director shall in accordance with authorized regulations determine the portion of the aggregate amount of such refunds made during any calendar year which is applicable to voluntary plans for which deductions were made under Section 3260, such determination to be based upon the relation during the preceding calendar year of the amount of wages subject to contributions to the Disability Fund to the amount of wages exempt from contributions to the Disability Fund under Section 3252. The director shall in accordance with authorized regulations prorate such aggregate amount among the applicable voluntary plans and shall assess and recover from the employer, or the insurer if the insurer has indemnified the employer with respect thereto, the amount so prorated. The provisions of Section 3265 in respect to assessment and recovery of amounts paid by the Disability Fund shall apply to the assessments under this section.

SEC. 6. Section 2653 of said code is amended to read:

2653. The maximum amount of benefits payable to an individual during any one disability benefit period shall be 26 times his weekly benefit amount, but in no case shall the total amount of such benefits payable be more than one-half the total wages paid to the individual during his base period. If the benefit is not a multiple of one dollar ($1) it shall be computed to the next higher multiple of one dollar ($1).

SEC. 7. Section 2655 of said code is amended to read:

2655. An individual's "weekly benefit amount" shall be the amount appearing in column B in the table set forth in this subdivision on the line of which in column A of such table there appears the wage bracket containing the amount of wages paid to such individual for employment by employers during the quarter of his disability base period in which such wages were the highest.

A Amount of wages in highest quarter		B Weekly benefit amount
$75–	$524.99	$25
525–	549.99	26
550–	574.99	27
575–	599.99	28
600–	624.99	29
625–	649.99	30
650–	674.99	31
675–	699.99	32
700–	724.99	33
725–	749.99	34
750–	774.99	35
775–	799.99	36
800–	824.99	37
825–	849.99	38

A Amount of wages in highest quarter	B Weekly benefit amount
$850– $874.99	$39
875– 899.99	40
900– 924.99	41
925– 949.99	42
950– 974.99	43
975– 999.99	44
1,000– 1,024.99	45
1,025– 1,049.99	46
1,050– 1,074.99	47
1,075– 1,099.99	48
1,100– 1,124.99	49
1,125– 1,149.99	50
1,150– 1,174.99	51
1,175– 1,199.99	52
1,200– 1,224.99	53
1,225– 1,249.99	54
1,250– 1,274.99	55
1,275– 1,299.99	56
1,300– 1,324.99	57
1,325– 1,349.99	58
1,350– 1,374.99	59
1,375– 1,399.99	60
1,400– 1,424.99	61
1,425– 1,449.99	62
1,450– 1,474.99	63
1,475– 1,499.99	64
1,500– 1,524.99	65
1,525– 1,549.99	66
1,550– 1,574.99	67
1,575– 1,599.99	68
1,600– 1,624.99	69
1,625– 1,649.99	70
1,650– 1,674.99	71
1,675– 1,699.99	72
1,700– 1,724.99	73
1,725– 1,749.99	74
1,750– 1,774.99	75
1,775– 1,799.99	76
1,800– 1,824.99	77
1,825– 1,849.99	78
1,850– 1,874.99	79
1,875 and over	80

SEC. 8. Section 3260 of said code is amended to read:

3260. An employer may, but need not, assume all or part of the cost of the plan, and may deduct from the wages of an employee covered by the plan for the purpose of providing the disability benefits specified in this part an amount not in excess of that which would be required by Section 984 if the employee were not covered by the plan. Any such deductions

from the wages of an employee remaining in the possession of the employer upon termination of the plan, as a result of plan contributions being in excess of plan costs, which are not disposed of in conformity with authorized regulations, shall be remitted to the Disability Fund. If an employer fails to remit any such deductions to the Disability Fund, the director shall assess the amount thereof against the employer. The provisions of Part 1 of this division with respect to the assessment and collection of contributions shall apply to assessments provided by this section, except that interest shall not accrue until 30 days after notice of assessment.

With respect to individuals covered by a voluntary plan on August 1st of the calendar year 1965, or on January 1st of any succeeding calendar year for which the limitation on taxable wages under Section 985 is increased or the tax rate under Section 984 is increased, the amount of the deduction on or after that date may be increased to a maximum of 1 percent or 1.1 percent, whichever percentage is in effect, of the limitation on taxable wages without any further consent of the individual or approval of the director, but only if such increase in the amount of the deduction is made immediately effective as of August 1, 1965 and, with respect to any calendar year after December 31, 1965, is made immediately effective as of January 1st of that particular year.

SEC. 9. Section 2 of Chapter 1547 of the Statutes of 1963 is amended to read:

2. The provisions of Section 3007 added to the Unemployment Insurance Code by Chapter 1547 of the Statutes of 1963 shall become inoperative on December 31, 1967.

SEC. 10. Section 2655 5 of said code is repealed.

SEC. 11. The provisions of Sections 940, 984, 985, 1088, 1110, 1129, and 1176 of the Unemployment Insurance Code as amended by Sections 1, 1.3, 1.5, 2, 3, 4, and 5 of this act shall be operative with respect to wages paid on and after August 1, 1965. The provisions of Sections 940, 984, 985, 1088, 1110, 1129, and 1176 of said code as in effect prior to the amendments made by this act shall continue to be applicable to wages paid prior to August 1, 1965.

SEC. 12. The provisions of Sections 2653 and 2655 of the Unemployment Insurance Code as amended by Sections 6 and 7 of this act shall be operative with respect to periods of disability commencing on and after August 1, 1965. The provisions of Sections 2653 and 2655 of said code as in effect prior to the amendments made by this act shall continue to be applicable with respect to periods of disability commencing prior to August 1, 1965.

SEC. 13. The repeal of Section 2655.5 of the Unemployment Insurance Code by Section 10 of this act shall become operative with respect to periods of disability commencing on and after August 1, 1965. The provisions of Section 2655.5 of said code as in effect prior to the repeal by this act shall

continue to be applicable with respect to periods of disability commencing prior to August 1, 1965.

SEC. 14. No right or cause of action founded upon any provision of law amended or repealed by this act as the provision existed prior to such amendment or repeal shall be abolished or impaired by this act.

SEC. 15. 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 reduction or the cessation of the payment of disability and additional benefits and in order to provide for the cost of administering the disability insurance program, immediate steps must be taken to increase the cash inflow of funds into the Disability Fund. It is therefore essential that this act take effect immediately.

CHAPTER 746

An act to add Part 8.1 (commencing with Section 37800) to Division 13 of the Water Code, relating to the merger of the Westlands Water District and West Plains Water Storage District, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1965. Filed with Secretary of State June 29, 1965.]

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

SECTION 1. Part 8.1 (commencing with Section 37800) is added to Division 13 of the Water Code, to read:

PART 8.1. WESTLANDS WATER DISTRICT MERGER

CHAPTER 1. GENERAL PROVISIONS

37800. This part shall be known and may be cited as the Westlands Water District Merger Law.

37801. The state and the people thereof have a primary and supreme interest in securing to the inhabitants and property owners within and adjacent to the federal service area of the San Luis unit of the Central Valley project now under construction by the United States the greatest possible use and conservation of the waters to be made available from said unit and the greatest use thereof to the area, thereby assuring that the greatest productivity of the largest possible area may be accomplished and safely carried on within reasonable limits of economy.

37802. Investigation having shown that conditions in and surrounding the federal service area of the San Luis unit of the Central Valley project are peculiar to that area, it is hereby declared that a general law cannot be made applicable thereto and that this part is therefore necessary for the proper distribution, use, and control of the natural supplies of water now available for said area and of the water to be made available from the San Luis unit of the Central Valley project, and for elimination of duplication of governmental authority, the securing of greater economy of administration, and the more efficient and effective utilization of ground water and imported water supplies.

37803. The Westlands Water District, situated in Fresno and Kings Counties, was formed, prior to the enactment of this part, and is operating under this division, primarily for irrigation purposes.

The West Plains Water Storage District, situated in Fresno and Kings Counties, was formed, prior to the enactment of this part, and is operating under the California Water Storage District Law, primarily for irrigation purposes.

37804. This part is enacted in part under the authority expressly granted in Section 13 of Article XI of the Constitution of the state.

37805. This part shall be given a liberal construction for the purpose of sustaining any and all proceedings taken hereunder.

37806. Nothing in this part shall impair or adversely affect any right of any bondholder or creditor of the water storage district or the California water district.

CHAPTER 2. THE MERGER

37820. The West Plains Water Storage District is, on the effective date of this section, hereby merged into the Westlands Water District.

37821. The surviving district comprises all land in the water district immediately following the merger plus inclusion, and less exclusions, of land thereafter made pursuant to law.

37822. The name of the surviving district is Westlands Water District.

37823. The surviving district is a public agency of the state.

37824. Upon the merger of the two districts, the water storage district for all purposes ceases to exist, and the offices of its directors and officers are terminated.

37825. Upon the merger, the directors and officers of the California water district then in office constitute the directors and officers of the surviving district.

37826. Upon the merger, the surviving district succeeds to all properties, rights, and contracts of each of the two districts and any funds to which it succeeds may be expended

and properly disposed of as provided by law for California water districts generally.

CHAPTER 3. OPERATION OF SURVIVING DISTRICT

37850. Except as in this part expressly provided, the surviving district shall in all respects be operated, managed, and governed, its directors and officers shall be elected or appointed, and its revenues shall be raised and expended as provided by law for California water districts generally.

37851. All actions and proceedings pending by or against the water storage district at the time of the merger may be prosecuted to final judgment for or against the water storage district or the surviving district may be substituted as a party.

37852. After the merger, no action or proceeding shall be brought for or against the water storage district or its directors or officers.

37853. All actions and proceedings commenced after the merger, either on account of the affairs of the water storage district or affairs of the California water district, shall be prosecuted by or against the surviving district.

37854. All outstanding bonded and other indebtedness of the water storage district and of the California water district at the time of the merger is hereby assumed by the surviving district, and all bondholders and creditors of the two districts may enforce their rights against the surviving district in like manner as might have been done against the water storage district or the California water district if the two districts had not been merged.

37855 The board of directors and officers of the surviving district shall perform all duties and functions of the board of directors and corresponding officers of the water storage district relating to the assessment, levy, and collection of assessments with respect to assessments levied but uncollected as of the date of the merger in the same manner and at the same times as is provided in the California Water Storage District Law, and all county officers and boards of supervisors shall likewise perform their functions and duties with relation to the assessment, levy, and collection of such assessments as is provided in the California Water Storage District Law.

37856. Lands which were within the Westlands Water District immediately prior to the merger shall, so long as said lands remain in the said district, have a prior right with respect to water to which said district was entitled under any contract with the United States in effect on the date of said merger over (1) lands added to the Westlands Water District as a result of the merger and (2) lands annexed to the said district subsequent to the merger.

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 the merger of the Westlands Water District and the West Plains Water Storage District may be effected at the earliest possible date, thereby enabling the proper and efficient distribution of urgently needed water supplies in the area affected, it is essential that this act go into immediate effect.

CHAPTER 747

An act to add Section 8651.5 to the Revenue and Taxation Code and to amend Sections 186.1, 186.3, 186.5, 186.7, 186.8, and 2156 of the Streets and Highways Code, relating to highways, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1965 Filed with Secretary of State June 29, 1965]

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

SECTION 1. Section 186.1 of the Streets and Highways Code is amended to read:

186.1. Out of the money received in the State Highway Fund each month during the 1963–1964 fiscal year, commencing with the month of January, 1964, an amount equal to the net revenue derived in the preceding calendar month from one and four one-hundredths cent ($0.0104) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be allocated by the commission for the period commencing January 1, 1964, and ending June 30, 1964, to be apportioned monthly by the department among counties and cities for use exclusively for county road and city street purposes, as provided in this section.

Out of the money available each year, commencing with the 1964–1965 fiscal year, in the State Highway Fund, an amount equal to the net revenue derived from one and four one-hundredths cent ($0.0104) per gallon tax under the Motor Vehicle Fuel License Tax Law shall be allocated by the commission, to be apportioned monthly by the department among counties and cities for use exclusively for county road and city street purposes, as provided in this section.

The amounts available under this section shall be allocated and apportioned, as follows:

(a) Four hundred dollars ($400) per month shall be allocated and apportioned to each city and city and county and eight hundred dollars ($800) per month shall be allocated and apportioned to each county and city and county.

(b) The balance shall be allocated and apportioned, as follows:

(1) A base sum shall be computed for each county by using the same proportions of fee-paid and exempt vehicles as are

established for purposes of apportionment of funds under subdivision (c) of Section 2104.

(2) For each county the percentage of the total assessed valuation of tangible property subject to local tax levies within the county which is represented by the assessed valuation of tangible property outside the incorporated cities of the county shall be applied to its base sum, and the resulting amount shall be apportioned to the county. The assessed valuation of taxable tangible property for purposes of this computation shall be that most recently used for countywide tax levies as reported to the department by the State Board of Equalization.

(3) The difference between the base sum for each county and the amount apportioned to the county shall be allocated to the cities of that county in the proportion that the population of each city bears to the total population of all cities in the county. Populations used for determining expenditure of moneys under Section 194 are to be used for purposes of this section.

No apportionments shall be made to any city or county pursuant to this section unless it has adopted a resolution stating that it approves the imposition of the additional highway users taxes and fees pursuant to the act enacted at the 1963 Regular Session adding this section to provide revenues for such apportionments and that it desires such apportionments to be made to it and has transmitted a copy of such resolution to the department, nor shall any apportionment be made to any city or county which does not have a select system established in accordance with the provisions of Section 186 3. If all or a portion of the select system of a city or county shall by a change in the physical limits of such city or county be included within the boundaries of another city or county, such portion shall be considered to be a part of the select system of such other city or county. Any amounts which would otherwise have been apportioned to a city which does not so qualify for an apportionment shall be reapportioned to the remaining cities in the county in which such city is located or, if there are no eligible cities in the county, to the county. Any amounts which would otherwise have been apportioned to a county which does not so qualify for an apportionment shall be reapportioned to the eligible cities in such county or, if there are no eligible cities in the county, to other counties and cities pursuant to this section.

SEC. 2. Section 186.3 of said code is amended to read:

186 3. Funds allocated and apportioned pursuant to Section 186.1 shall be expended exclusively for acquisition of rights-of-way for and construction of routes on the select system of county roads and city streets for such county or city established as provided in this section.

Until modified as provided in the following paragraph, the select system for each county shall consist of the roads designated as primary roads or secondary collector roads, and for each city shall consist of the streets designated as major ar-

terials and collector streets, in the audited findings of the department as used in the preparation of the report made pursuant to Resolution Chapter No. 208 (Senate Concurrent Resolution No. 62) of the Statutes of 1959.

On or before October 1, 1964, each county and city eligible for allocation and apportionment of funds pursuant to Section 186.1 shall file a report and map or maps with the department indicating its select system of county roads or city streets, and thereafter each county and city may submit a supplemental report with map or maps recommending proposed additions or deletions to the system where such additions or deletions are warranted by changes brought about by annexations or changes in traffic or land-use patterns or by other causes acceptable to the California Highway Commission. Such submittals shall be reviewed and approved or modified by the commission and shall constitute the select system upon which funds may thereafter be expended.

Notwithstanding prior law, all modifications or revisions heretofore approved by the commission shall be effective upon the date of such approval.

SEC. 3. Section 186.5 of said code is amended to read:

186.5. During each fiscal year for which apportionments are expended pursuant to Section 186.3, the recipient of apportioned funds shall expend for construction and rights-of-way on its select system an additional amount, which additional amount shall be derived from sources other than federal highway funds or the State Highway Users Tax Fund or the State Highway Fund (the additional amounts hereby required shall hereinafter be referred to as "matching funds"), as follows:

(a) For the fiscal years 1963–64, 1964–65, 1965–66 and 1966–67, an amount equal to 50 percent of the apportionment expended pursuant to Section 186.3.

(b) For the fiscal year 1967–68, an amount equal to 66⅔ percent of such apportionment so expended.

(c) For the fiscal year 1968–69, an amount equal to 80 percent of such apportionment so expended.

(d) For the fiscal year 1969–70 and each fiscal year thereafter, an amount equal to such apportionment so expended.

Notwithstanding the above provisions, no matching funds shall be required with respect to apportionments received by the recipient pursuant to subdivision (a) of Section 186.1.

The recipient of apportioned funds shall report and certify to the department pursuant to Section 186.8 the amount of matching funds it has expended during the preceding fiscal year.

If the recipient of funds apportioned pursuant to Section 186.1 expends in any fiscal year more than the amount of matching funds required by this section, the excess matching fund expenditures may be carried forward as a credit toward matching funds required in the following 10 years.

Notwithstanding prior law, expenditures by a city or county made on or after September 20, 1963, pursuant to contracts

awarded prior to that date shall be eligible for matching credit to the extent that such expenditures meet the other criteria for matching funds prescribed in this section and Section 186.8.

In the event that any such recipient fails in any fiscal year to expend such matching funds as required by this section, the commission and the department shall withhold from future allocations and apportionments to such recipient the difference between the amount apportioned during said fiscal year and the amount which was properly matched from matching funds as required by this section. Amounts so withheld shall be available for allocation and apportionment among the counties and cities pursuant to Section 186.1.

When funds apportioned pursuant to Section 186.1 are utilized on joint or cooperative projects between cities or between a city or cities and a county, the agreement or resolution authorizing the use of such funds on such joint or cooperative projects shall designate the agency or agencies which shall provide the matching funds required by this section.

If an agreement authorized by Section 186.2 is in effect, the ultimate recipient of apportioned funds pursuant to such agreement shall provide the matching funds required by this section.

SEC. 4. Section 186.7 of said code is amended to read:

186.7. On or after September 20, 1963, the value of work performed, the value of right-of-way, and the funds expended on the select system of a county or city by public agencies other than counties and cities or by persons, as defined in this code, shall to the extent that the other criteria for matching funds prescribed in Sections 186.5 and 186.8 are met, be deemed to be expenditures made by the county or city.

SEC. 5. Section 186.8 of said code is amended to read:

186.8. Except as otherwise provided herein, projects on the select system utilizing funds allocated and apportioned under Section 186.1 and utilizing funds for matching as set forth in Section 186.5 shall be designed and constructed in accordance with the Engineering Standards and Instructions for County Roads and City Streets included in the report of the department on the California county road and city street deficiencies made pursuant to Senate Concurrent Resolution No. 62 (1959), Resolutions Chapter 208, Statutes of 1959. These standards may be revised by the department with concurrence of a majority of the advisory committee of city, county and other officials appointed by the Legislature in accordance with Section 2156. Upon a showing by a city, county, or city and county of adequate cause for deviating from the aforementioned standards on a particular project the department may authorize such deviation.

On or before the 1st day of October of each year each county, city, or city and county shall file with the department a report in a form prescribed by the department showing its expenditures of funds during the preceding fiscal year pursu-

ant to Sections 186.1 through 186.7 and Section 2105. Each report shall contain such detail concerning individual projects and sources of other funds that have been expended for construction or rights-of-way on the select system as may be prescribed by the department. Reports submitted by each city shall be certified by the city's fiscal officer, and reports submitted by each county shall be certified in accordance with provisions of Section 2151. The department may make such audits and such inspections of completed work or work in progress as it deems necessary to verify that the requirements of Sections 186.2 through 186.7, Section 195, Section 2105 and this section have been met. The department shall withhold funds from future apportionments under Section 186.1 in an amount equivalent to the value of any work which is found to be not in conformance with the requirements of said sections. Such funds withheld shall be released to the city or county upon a showing to the satisfaction of the department that the reasons for the withholding have been corrected. Upon the expiration of two years following a withholding of funds the amount withheld shall be returned to the fund from which it came, for reapportionment among the cities and counties in accordance with the statutes; provided, that through appeal to and approval of the California Highway Commission for good cause the aforementioned two-year period may be extended for an additional period of not to exceed two years. The department shall summarize the reports of the local agencies and the results of its audits and inspections in an annual report to the Legislature.

SEC. 6. Section 2156 of said code is amended to read:

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

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

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

(3) A projected estimate of its road or street needs for the next 10 years.

(b) The department shall review and audit the information and estimates contained in the reports submitted by the counties and cities. The department shall combine all of such information and estimates in a report which shall be submitted to the Legislature at or prior to the 1965 regular session and each four years thereafter, through such interim committee or committees as may be designated by legislative resolution.

(c) At the 1963 Regular Session of the Legislature and each four years thereafter, the Speaker of the Assembly and the President pro Tempore of the Senate are requested jointly to appoint a committee of 14 members, to consist of officials of cities and counties and others interested in street, road and highway problems, to act in an advisory capacity to the depart-

ment, and the department is directed to cooperate and confer with the advisory committee so appointed. Each committee so appointed shall remain in existence until such time as a new advisory committee is appointed.

SEC. 7. Section 8651.5 is added to the Revenue and Taxation Code, to read:

8651.5. Notwithstanding the provisions of Section 8651, on or after January 1, 1966 the excise tax imposed upon liquefied petroleum gas shall be at the rate of six cents ($0.06) for each gallon of fuel used. All references in this code to Section 8651 shall be deemed, with respect to the rate imposed upon liquefied petroleum gas on or after January 1, 1966, to also refer to this section.

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:

Reports that are now required by cities and counties are due within 60 days following the close of each fiscal year. The Legislature has determined that this due date should be extended until October 1 of each year. In order that this extension of time may be effective for this year, it is necessary that this act take immediate effect.

CHAPTER 748

An act to amend Sections 221 and 462 of, and to repeal Section 251 of, and to add Article 3 (commencing with Section 260) to Chapter 2, Division 1 of, the Fish and Game Code, relating to fish and game, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1965. Filed with Secretary of State June 29, 1965.]

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

SECTION 1. Section 221 of the Fish and Game Code is amended to read:

221. The provisions of this article are effective until the 91st day after the final adjournment of the 1969 Regular Session of the Legislature and thereafter shall have no force or effect. Such provisions, except as to manner and means of taking, shall not apply as to deer in District 1¾ until January 1, 1967.

SEC. 2. Section 251 of said code is repealed.

SEC. 3. Article 3 (commencing with Section 260) is added to Chapter 2, Division 1 of said code, to read:

Article 3. Deer in District 1¾

260. (a) This article governs the taking or possession of deer in District 1¾, and except as otherwise specifically provided by law, the commission shall have none of the powers specified by Section 203, with respect to deer in District 1¾, other than to prescribe the manner and means of taking deer.

The general deer hunting season in District 1¾ in 1965 and 1966 shall commence on the same day that is fixed for the opening of the general deer hunting season in District 4½ if such day is a Saturday. If the opening day of the general deer hunting season in District 4½ is not a Saturday, then the general deer hunting season in District 1¾ shall commence on the first Saturday following the date of the commencement of the season in District 4½. Such season shall continue for 23 days, and shall end on the fourth succeeding Sunday.

(b) Notwithstanding any provision of law or regulation to the contrary, in 1965 and 1966 there shall be an archery season for the taking of deer with bow and arrow in District 1¾. The season shall commence on the third Saturday preceding the commencement of the general deer hunting season in District 1¾, as is provided in subdivision (a), and shall end on the Sunday preceding the commencement of the general deer hunting season in District 1¾. The archery season in District 1¾ is subject to the provisions of this code and regulations governing the use of bows and arrows elsewhere in this state, except that the season shall be as specified in this subdivision and except as provided in subdivision (c).

(c) Notwithstanding any provision of law or regulation to the contrary, the bag and possession limit as to deer in District 1¾, regardless of the manner in which taken, shall be one male deer in each year, with such male deer to have a branched antler on either side with the branches in the upper two-thirds of the antler bearing three points or more. Eye guards or other bony projections on the lower one-third of the antler shall not be considered as points or branches.

The provisions of this article shall be applicable throughout Fish and Game District 1¾ as that district is described in Section 11004 of this code.

The provisions of this article shall be effective until December 31, 1966, and thereafter shall have no force or effect.

SEC. 4. Section 462 of said code is amended to read:

462. The provisions of this article shall have no force or effect in District 1¾ until after January 1, 1967, and shall have no force or effect anywhere in the state in the event the provisions of Article 1 (commencing with Section 200) of Chapter 2 of Division 1 cease to be effective.

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and

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

In order for the archery season in District 1¾ provided for by this act to be effective in 1965 this act must be in effect immediately.

CHAPTER 749

An act to amend Section 25508.5 of the Education Code, relating to junior colleges, declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1965. Filed with Secretary of State June 29, 1965]

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

SECTION 1. Section 25508.5 of the Education Code is amended to read:

25508.5. The governing board of any district, maintaining a junior college, may establish courses outside the district primarily for students who are nonresidents of the district, providing the following conditions are fulfilled:

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

(b) The district, maintaining the junior college, requests and receives annually the prior written approval of the State Board of Education before establishing or continuing such classes outside its district.

This section shall be in effect until June 30, 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:

In order that the junior college and high school districts affected by the provisions of this act may, as early in the 1965–1966 fiscal year as possible, undertake the necessary administrative steps required to establish or continue the maintenance of the special courses and classes authorized, it is necessary that this act take effect immediately.

CHAPTER 750

An act to add Section 54927 to the Government Code, relating to junior colleges, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1965. Filed with Secretary of State June 29, 1965.]

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

SECTION 1. Section 54927 is added to the Government Code, to read:

54927. Notwithstanding the provisions of Sections 54902, 54903 and 54903.1 of this code and Sections 1703 and 1704 of the Education Code, any annexation of a unified school district to a contiguous junior college district effected pursuant to the provisions of Article 9 (commencing with Section 25470) of Chapter 2 of Division 18.5 of the Education Code which was completed prior to February 1, 1965, shall be effective for assessment and taxation purposes if the statement and map or plat required by Sections 54900 and 54901 is filed by the district on or before the effective date of this section.

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

This act will permit junior college districts which annexed a unified school district prior to February 1, 1965, to levy taxes for fiscal year commencing on July 1, 1965. In order that this act may take effect in time for such districts to assess and levy taxes by July 1, 1965, it is essential that it go into effect immediately.

CHAPTER 751

An act to amend Section 815.1 of the Agricultural Code, relating to melons, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1965. Filed with Secretary of State June 29, 1965.]

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

SECTION 1. Section 815.1 of the Agricultural Code is amended to read:

815.1. All melons, except cantaloupes, casabas shipped intrastate, 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 con-

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

In order to avoid unnecessary waste of casaba melons and their containers during the 1965 marketing season it is necessary that this act be in effect immediately.

CHAPTER 752

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 June 29, 1965. Filed with Secretary of State June 29, 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 bor-

rowing 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 or merger 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 or merger 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 neces-

sary 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 or merger 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 Second 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 753

An act to add Chapter 11 to Part 1, Division 2, Title 5 of the Government Code, relating to the antipoverty program, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1965. Filed with Secretary of State June 29, 1965.]

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

SECTION 1. Chapter 11, consisting of Section 54965, is hereby added to Part 1, Division 2, Title 5 of the Government Code, to read:

CHAPTER 11. ANTIPOVERTY PROGRAM, PARTICIPATION

54965. The legislative body may, within the powers otherwise conferred by law upon the special district, do and perform

all acts necessary to enable the special district to participate in the "Economic Opportunity Act of 1964" (P.L. 88-452; 78 Stat. 508), including the authorization of the expenditure by the special district 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 special districts will be empowered as soon as possible to participate in the "Economic Opportunity Act of 1964," it is necessary that this provision authorizing them to so participate take immediate effect.

CHAPTER 754

An act to add Section 54925 to the Government Code and to amend Section 37201 of the Water Code, relating to water districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1965. Filed with Secretary of State June 29, 1965.]

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

SECTION 1. Section 54925 is added to the Government Code, to read:

54925. Notwithstanding the provisions of Sections 54902 and 54903 of this code, any creation of a California water district organized pursuant to the California Water District Law (Division 13 (commencing with Section 34000) of the Water Code) or a county water district organized pursuant to the County Water District Law (Division 12 (commencing with Section 30000) of the Water Code) which was completed between February 16, 1965, and March 10, 1965, both dates inclusive, shall be effective for assessment and taxation purposes if the statement and map or plat required by Section 54900 were filed by the district on or before April 1, 1965.

SEC. 2. Section 37201 of the Water Code is amended to read:

37201. Notwithstanding the provisions of Section 37206, any California water district organized pursuant to this division, which organization was completed prior to the effective date of the act amending this section enacted at the 1965 Regu-

lar Session of the Legislature, shall have until the first day of May, 1965, in which to adopt a resolution and file with the auditor, assessor, tax collector and treasurer of the county within which the district is located the resolution provided for by Section 37203 of this code.

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:

Recent unforeseen developments in the efforts to solve the problems of the importation of sufficient waters to the southern San Joaquin Valley have made the formation of certain water districts imperative. The proponents of these districts have used all reasonable diligence to complete the formation thereof prior to January 1, 1965, but the various time limits imposed upon the formation proceedings by the provisions of the California Water District Law, the County Water District Law and the local agency formation commission law have prevented them from so doing until a short time after said date. Tax revenue is essential to the proper functioning of the districts and it is therefore necessary to extend the date prescribed by Section 54902 in order to allow these districts to obtain such revenue for the tax year 1965–66. This urgency is further emphasized by the fact that these water districts have been formed at this time in order to enable them to contract for water from the Feather River project prior to the deadline date for such contracts, to wit: July 1, 1965.

CHAPTER 755

An act to amend Sections 45556, 45700, 48227, 48230, and 48250 of, and to add Article 5 (commencing with Section 42290) to Chapter 1, Part 5, Division 14 of, the Water Code, relating to water storage districts and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1965. Filed with Secretary of State June 29, 1965.]

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

SECTION 1. Article 5 (commencing with Section 42290) is added to Chapter 1, Part 5, Division 14 of the Water Code, to read:

Article 5. Improvement Districts

42290. At any time before the board shall have filed its report with the commission with respect to a project, or, if the board has divided the project into units of construction pursuant to Section 42225, at any time before the board has trans-

mitted to the commission its resolution determining upon the construction of a unit pursuant to Section 42226, the board may by resolution determine that it is likely that such project or unit will benefit only a portion of the district. If the board so determines, the board shall provide for a hearing on the questions whether the project or unit will benefit only a portion of the district and whether an improvement district consisting of that portion should be established.

42291. The board shall fix the time and place for any such hearing, and shall cause notice of such hearing, setting forth the purpose, time and place thereof, to be given by publication once a week for two successive weeks. Such publication shall be made in a newspaper of general circulation, printed and published in each affected county, and, if in any such county there is no such newspaper, in a newspaper printed and published in an adjoining county.

42292. At the time and place fixed for the hearing, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. Any person interested, including any person owning land within the district, may appear at the hearing and present any matters material to the questions which are the subject of the hearing.

42293. At the conclusion of the hearing, the board shall by resolution determine whether the whole or only a portion of the district will be benefited by the project or unit. If the board determines that only a portion of the district will be benefited by the project or unit, the board may by resolution establish an improvement district consisting of that portion of the district. The resolution shall describe the territory within the improvement district in a manner sufficient for identification, and shall designate the improvement district by a distinctive name or number. In accordance with the resolution, said portion of the district shall thereupon constitute and be known as "_____ Improvement District of _____ Water Storage District" or as "Improvement District No. _____ of _____ Water Storage District."

42294. The determination of the board establishing an improvement district shall be final and conclusive.

42295. After the establishment of an improvement district within a district pursuant to this article:

(a) All proceedings with respect to the project or unit for which the improvement district was established shall apply only to the improvement district.

(b) Any election with respect to such project or unit or bonds therefor or warrants relating thereto, held pursuant to Chapter 2 (commencing with Section 42300) of this part, Chapter 3 (commencing with Section 42500) of this part, Part 7 (commencing with Section 44400) of this division or Part 8 (commencing with Section 45100) of this division, shall be held only within the improvement district.

(c) Any assessment with respect to such project or unit shall be levied only upon the land within the improvement district.

(d) Any bonds or warrants issued with respect to such project or unit shall be bonds or warrants of the improvement district, secured by an assessment levied upon the land within the improvement district only, and that fact shall be indicated on the face of each such bond or warrant.

42296. Any improvement district shall be governed, and its business shall be conducted, by the board and the officers of the district. An improvement district shall not have its own officers or employees.

SEC. 2. Section 45556 of said code is amended to read:

45556. The bonds shall be payable within 40 years from their date, and not less than 10 percent of the aggregate face value of the bonds issued shall be payable within 15 years from their date.

SEC. 3. Section 45700 of said code is amended to read:

45700. If any district having authorized the issuance of a series of bonds shall issue an additional series of bonds based on another assessment, the dates of maturity of the additional series of bonds shall be such that the latest maturity thereof shall not exceed 50 years from their date.

SEC. 4. Section 48227 of said code is amended to read:

48227. The board shall order the boundaries of the district changed so as to include the land described in the inclusion petition, or such portion thereof as the board has found it feasible to serve by the system of works of the district and for the best interests of the district to include, only if:

(a) No protest against such change is made to the board in writing by the board, or a protest has been made and withdrawn.

(b) No protest against such change is made by holders of title to land pursuant to Section 48250, or such protest has been made and enough signatures withdrawn to render it insufficient.

SEC. 5. Section 48230 of said code is amended to read:

48230. If the board determines that it is not feasible and practicable to serve any of the land described in the petition or that it is not for the best interest of the district that any of the land be included, it shall make an order denying the petition.

SEC. 6. Section 48250 of said code is amended to read:

48250. If upon the inclusion hearing the board concludes that it is feasible to serve the land, or a portion thereof, described in the inclusion petition, and that it is for the best interest of the district to include the land, or a portion thereof, within the district, it shall make a finding in writing describing the boundaries of the land which it proposes to include, if a protest signed by not less than 3 percent of the holders of title to not less than 3 percent in value of the land within the district according to the last equalized county tax assess-

ment roll has been presented to the board, and after deducting all withdrawals is still signed by 3 percent of the holders of title to land within the district.

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:

Many agricultural areas are depressed because of lack of water, causing unemployment with resulting burdens on welfare facilities of the state and affecting the health and safety of such unemployed persons. In order to facilitate the financing of projects of water storage districts and to accelerate the completion of such projects and thereby make provision for needed water for agriculture in such districts, it is essential that this act go into immediate effect.

CHAPTER 756

An act to amend Section 39033 of the Water Code, relating to water storage districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 29, 1965. Filed with Secretary of State June 29, 1965.]

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

SECTION 1. Section 39033 of the Water Code is amended to read:

39033. "Other district" means any district or other public agency formed under any law of the state.

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:

Several California water storage districts contemplate entering into water supply contracts with certain public agencies which must be negotiated, executed and validated at the earliest possible date in order that final engineering, planning and construction of projects may be commenced in such time as will enable such districts to accept water when the same is first available. In order to avoid legal obstacles arising from the present ambiguity of the law, it is necessary to clarify the authority of such districts to enter into contracts providing for the supply of water. It is, therefore, essential that the act go into immediate effect in order that such contracts may be negotiated, executed and validated in the immediate future.

CHAPTER 757

An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 34 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

I object to the following appropriations in Assembly Bill No 500:

Item 22—For support of District Court of Appeal, Fourth Appellate District. I reduce this item from $449,355 to $281,957.

Item 48—For support of Department of Agriculture and State Livestock Health Committee. I reduce this item from $12,000,010 to $11,972,940 by reducing paragraph (a) Personal Services from $17,106,923 to $17,086,423 and paragraph (b) Operating Expenses and Equipment from $5,111,807 to $5,105,237.

Item 48.5—For support of Department of Agriculture. I eliminate this item.

Item 60—For support of California Conservation Center, Department of Corrections. I reduce this item from $5,648,932 to $5,598,932 by reducing paragraph (a) Personal Services from $3,573,464 to $3,541,788 and paragraph (b) Operating Expenses and Equipment from $2,286,333 to $2,268,009.

Item 61—For support of Sierra Conservation Center, Department of Corrections. I reduce this appropriation from $3,356,649 to $3,218,923 by reducing paragraph (a) Personal Services from $2,162,633 to $2,024,907.

Item 88—For support of Department of Education. I reduce this item from $3,799,713 to $3,772,813 by reducing paragraph (a) Personal Services from $4,745,559 to $4,722,895 and paragraph (b) Operating Expenses and Equipment from $1,325,040 to $1,320,804

Item 103—For support of University of California. I reduce this item from $192,503,616 to $192,463,616.

Item 103.1—For research in dermatology, University of California. I reduce this item from $200,000 to $100,000.

Item 115—For support of Humboldt State College I reduce this item from $4,204,359 to $4,165,359 by reducing paragraph (b) Operating Expenses and Equipment from $707,251 to $668,251.

Item 119—For support of Sacramento State College I reduce this item from $7,311,964 to $7,301,964 by reducing paragraph (b) Operating Expenses and Equipment from $1,164,757 to $1,154,757.

Item 129—For support of State Scholarship Commission. I reduce this item from $4,166,406 to $4,141,406 by reducing paragraph (a) Personal Services from $122,704 to $113,628 and (b) Operating Expenses and Equipment from $4,043,702 to $4,027,778.

Item 152—For support of Citizens' Advisory Committee on Aging I reduce this item from $110,123 to $77,973 by reducing paragraph (a) Personal Services from $74,672 to $51,005 and paragraph (b) Operating Expenses and Equipment from $35,451 to $26,968.

Item 165.1—For expenditure for a pilot program of rehabilitation of narcotics addicts residing in a resident facility, Department of Rehabilitation. I eliminate this item.

Item 184—For support of Military Department. I reduce this item from $3,189,084 to $3,094,620 by reducing paragraph (a) Personal Services from $2,597,334 to $2,568,449 and paragraph (b) Operating Expenses and Equipment from $1,205,741 to $1,140,162

Item 236—For support of Department of Conservation I reduce this item from $28,434,980 to $28,220,565 by reducing paragraph (a) Personal Services from $26,823,727 to $26,719,895, paragraph (b) Operating Expenses and Equipment from $8,640,054 to $8,525,549, and paragraph (c) Estimated reimbursements from $6,185,907 to $6,181,985.

Item 247.5—For support of Department of Fish and Game. I eliminate this item

Item 256—For expenditure by Department of Water Resources I reduce this item from $55,906,830 to $55,857,072 by increasing Estimated Reimbursements from $1,374,869 to $1,424,627

Item 257—For transfer to the Water Resources Revolving Fund. I reduce this item from $10,272,626 to $10,222,868 by reducing paragraph (e) Operations from $2,038,771 to $1,989,013

Item 278.1—For expenditures by state agencies as a result of storm or flood conditions occurring between December 1, 1964, and June 30, 1965. I reduce this item from $2,923,234 to $2,723,234.

Item 290—For transfer to Teachers' Retirement Fund. I reduce this item from $60,500,000 to $59,750,000.

Item 294—For assistance to local agencies in the establishment and operation of mental health services in accordance with the provisions of Division 8 of the Welfare and Institutions Code I reduce this item from $15,711,727 to $14,811,727

Item 312—For grants to soil conservation districts, Department of Conservation. I reduce this item from $162,410 to $103,160

Item 313—For state's share of salaries of judges of superior courts I reduce this item from $5 909,538 to $5,791,118

Item 317 5—For capital outlay, Governor's Office, Office of Economic Opportunity I eliminate this item.

Item 318—For capital outlay, Department of General Services I reduce this item from $1,074,320 to $849,740 by eliminating paragraphs (b) Land acquisition of mountain tops, (e) Alterations to State Office Building—Oakland, (f) Replace elevator—Los Angeles State Building, (g) Minor projects, and (h) Equip office building—San Bernardino

Item 318 1—For capital outlay, Department of General Services I reduce this item from $481,200 to $50,000 by reducing paragraph (a) Alterations—State Capitol from $481,200 to $50,000

Item 319 5—For capital outlay, Governor's Mansion Building and Planning Commission I reduce this item from $750,000 to $100,000 by reducing paragraph (a) Construct Governor's Mansion from $750,000 to $100,000

Item 320 1—For capital outlay, Department of Agriculture. I eliminate this item.

Item 322—For capital outlay, Department of Corrections I reduce this item from $1,021,771 to $702,491 by eliminating paragraph (a) California Institution for Men—remodel inmate dining room, and by reducing paragraph (b) California State Prison at San Quentin—convert water service lines to fresh water system from $315,000 to $210,000

Item 325 1—For capital outlay, California School for the Deaf, Riverside I eliminate this item

Item 336—For capital outlay, Department of Conservation I reduce this item from $1,746,850 to $1,496,540 by eliminating paragraphs (m) Construct Sunshine Forest Fire Station, (n) Equip Sunshine Forest Fire Station, (o) Construct Alturas Forest Fire Station, and (p) Equip Alturas Forest Fire Station.

Item 338—For capital outlay, Department of Parks and Recreation, I reduce this item from $8,074,674 to $7,569,674 by eliminating paragraph (hh) Grizzly Valley Reservoir State Recreation Area Access Road to Lake Davis

Item 338 1—For capital outlay, Department of Parks and Recreation I eliminate this item

Item 338 5—For capital outlay, Department of Parks and Recreation. I eliminate this item.

Item 347 5—For capital outlay, Department of Corrections, payable from the State Construction Program Fund I eliminate this item

Section 10 8—For reappropriation of funds to construct armories at Newark and Benicia I eliminate this item.

With these reductions and eliminations, I approve the bill

EDMUND G BROWN,
Governor

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

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

SECTION 1. This act shall be known and may be cited as the "Budget Act of 1965."

SEC. 2. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1965–66 fiscal year beginning July 1, 1965, and ending June 30, 1966. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures

shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006 of the Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby.

LEGISLATIVE

Item	Amount
1—For salaries of Senators	240,000
2—For mileage of Lieutenant Governor, Senators and statutory officers of the Senate	3,700
3—For expenses of Members of the Senate	25,200
4—For contingent expenses of the Senate, including personal services for officers, clerks and all other employees, and legislative committees thereof composed in whole or in part of Members of the Senate to be transferred by the State Controller to the Senate Contingent Fund.	2,755,500
5—For salaries of Assemblymen	480,000
6—For mileage of Assemblymen and statutory officers of the Assembly	6,400
7—For expenses of Members of the Assembly	55,000
8—For contingent expenses of the Assembly including personal services for officers, clerks and all other employees, and legislative committees thereof composed in whole or in part of Members of the Assembly to be transferred by the State Controller to the Assembly Contingent Fund.	6,465,000
8.5—For support of Joint Legislative Committee for the revision of the Penal Code, in augmentation of the appropriation in Section 5, Chapter 1797, Statutes of 1963	26,000
9—For payment of the state's proportionate share of the expenses of the National Conference of Legislative Leaders to be transferred by the State Controller in equal amounts to the Senate and Assembly Contingent Funds.	1,000
10—For legislative printing, binding, mailing and other necessary expenses and in addition thereto, any amounts received from the sale of legislative publications.	750,000
11—For support of Legislative Counsel Bureau, in accordance with the following schedule	767,118
Schedule:	
(a) Personal Services	738,997

Item		Amount
(b) Operating Expenses and Equipment	48,121	
Total of schedule	787,118	
Less estimated reimbursements	20,000	
Net appropriation	767,118	
12—For support of California Law Revision Commission, in accordance with the following schedule		121,869
Schedule:		
(a) Personal Services	85,493	
(b) Operating Expenses and Equipment	36,376	
Total of schedule	121,869	
13—For support of California Commission on Uniform State Laws		10,050
14—For state's contribution to the Legislators' Retirement Fund, in accordance with Section 9358 of the Government Code		360,000
JUDICIAL		
15—For support of Supreme Court of California		1,175,177
15.1—For allocation by executive order of the Department of Finance to the Supreme Court and the several district courts of appeal in augmentation of their respective appropriations for support, Budget Act of 1965, for the purpose of increased expenditures for criminal appeal fees		57,500
16—For support of Judicial Council		420,411
17—For additional support of Judicial Council, to be expended for extra compensation and traveling expenses of judges assigned by the Judicial Council		120,000
In addition, funds appropriated by this act for salaries of judges of any court which are unexpended, may be transferred by the Director of Finance for expenditure for salaries of judges assigned by the Chairman of the Judicial Council during the 1965–66 fiscal year, in such amounts as may be deemed necessary by the Director of Finance.		
18—For support of Commission on Judicial Qualifications		36,238
19—For support of District Court of Appeal, First Appellate District		622,452
20—For support of District Court of Appeal, Second Appellate District		868,174

Item	Amount
21—For support of District Court of Appeal, Third Appellate District	233,102
22—For support of District Court of Appeal, Fourth Appellate District	449,355
23—For support of District Court of Appeal, Fifth Appellate District	219,206

EXECUTIVE

24—For support of Governor and of Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)	989,007
25—For support of Governor's residence (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)	17,400
26—For special contingent expenses, Governor's office (exempt from the provisions of Sections 925.6, 12410 and 13320 of the Government Code)	15,000
27—For support of Office of Consumer Counsel including the expenses of advisory committees appointed under Section 12057 of the Government Code	89,998
28—For support of California Office of Economic Opportunity and in addition thereto, any amounts received from federal grants or other sources.	62,431
28.5—For allocation by the Department of Finance to the various state agencies as required for cooperation with the federal government in programs resulting from the Economic Opportunity Act of 1964, Public Law 88-452, in augmentation of their respective appropriations for support, Budget Act of 1965, in accordance with the following schedule	385,749
Schedule:	
(a) Economic Opportunity Act projects 3,857,490	
Total of schedule 3,857,490	
Less estimated amounts available from other sources:	
(b) Estimated grants from the federal government or other sources 3,471,741	
Net appropriation 385,749	
28.6—For support of Office of Tourism and Visitor Service	100,000

Item		Amount
29—For support of California Disaster Office, California State Disaster Council and advisory committees, in accordance with the following schedule		1,090,685
and in addition, any amounts received from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.		
Schedule:		
(a) Personal Services	1,105,981	
(b) Operating Expenses and Equipment	752,780	
Total of schedule	1,858,761	
Less estimated grants from the federal government	768,076	
Net appropriation	1,090,685	
provided, that no positions established with funds available under provisions of Public Law 85-606, shall be continued past the date that such funds cease to be available.		
Provided further, that all or any portion of this appropriation may be transferred to Item 184 of this act, for support of Military Department, upon order of the Department of Finance.		
30—For support of Co-ordinating Council on Urban Policy, as provided by Sections 34200 through 34212 of the Government Code		50,000
31—For support of Lieutenant Governor, in accordance with the following schedule		132,100
Schedule:		
(a) Personal Services	95,511	
(b) Operating Expenses and Equipment	36,589	
Total of schedule	132,100	

GENERAL ADMINISTRATION

32—For support of Board of Administration of the State Employees' Retirement System, payable from the State Employees' Retirement Fund, pursuant to Section 20202.5 of the Government Code, in accordance with the following schedule		2,084,596
Schedule:		
(a) Personal Services	1,906,490	

(b) Operating Expenses and Equipment	947,616	
Total of schedule	2,854,106	
Less estimated amounts available from other sources:		
(c) Reimbursements	534,148	
(d) Amount payable from State Employees' Contingency Reserve Fund (Item 33)	215,362	
(e) Amount payable from General Fund (Item 34)	20,000	
Net appropriation	2,084,596	
33—For support of Board of Administration of the State Employees' Retirement System, payable from the State Employees' Contingency Reserve Fund, in accordance with the provisions of Section 22840 of the Government Code		215,362
34—For support of Board of Administration of the State Employees' Retirement System		20,000
35—For support of Department of General Services, in accordance with the following schedule		6,203,813
Schedule:		
(a) Personal Services	13,499,212	
(b) Operating Expenses and Equipment	3,444,161	
Less required program savings, building maintenance and protection	392,560	
Total of schedule	16,550,813	
Less estimated amounts available from other sources:		
(c) Reimbursements	9,367,357	
(d) Amount payable from the State School Building Aid Fund (Item 36)	979,643	
Net appropriation	6,203,813	
35.1—For support of Commission on California State Government Organization and Economy		55,751
35.5—For allocation by executive order of the Department of Finance to: (a) Department of General Services for unmet program savings; and (b) state agencies which derive their support from sources other than the General Fund for the proportionate share of the pro-		

gram savings amount accomplished by the Department of General Services, Building Maintenance and Protection 392,560

36—For support of Department of General Services, payable from the State School Building Aid Fund 979,643

37—For payment of automobile liability claims and salaries and expenses incident to investigation, adjustment and defense thereof, or for premiums for automobile liability insurance, Department of General Services, in accordance with the following schedule 202,769

Schedule:

(a) Expenses	886,444	
Total of schedule	886,444	
Less estimated reimbursements	683,675	
Net appropriation	202,769	

38—For operation of state-owned airplanes, to be allocated by the Department of Finance 255,162

39—For augmentation of Service Revolving Fund, to be transferred by the State Controller in such amounts and for such periods as the Department of Finance may authorize 731,456
provided, that any portion of this item may be used for purchase of equipment for the Office of State Printing.

40—For augmentation of the Service Revolving Fund, to be transferred by the State Controller in such amounts and at such times as funds are made available. Upon approval of the State Board of Control, the State Controller shall transfer to this item from any appropriation made from the General Fund by the provisions of this act that part of such appropriation which is intended to be used and is available for the purchase or replacement of automobiles.

41—For expenditure by Office of State Printing, Department of General Services, payable from the Service Revolving Fund, in accordance with the following schedule 10,363,538

Schedule:

(a) Personal Services	5,337,789	
(b) Operating Expense and Equipment	5,025,749	
Total of schedule		10,363,538

provided, that any balances in the Service Revolving Fund are subject to Sections 16420,

Item		Amount
16421 and 16422 of the Government Code, and are available for augmentation of this appropriation by executive order of the Department of Finance.		
41.1—For expenditure by the Department of General Services for activities financed from the Service Revolving Fund, other than the Office of State Printing, in accordance with the following schedule		16,747,096
Schedule:		
(a) Personal Services	3,146,916	
(b) Operating Expenses and Equipment	13,858,478	
Less required program savings, Transportation Services	258,298	
Total of schedule	16,747,096	
provided, that any balances in the Service Revolving Fund are subject to Sections 16420, 16421 and 16422 of the Government Code, and are available for augmentation of this appropriation by executive order of the Department of Finance.		
41.5—For allocation by executive order of the Department of Finance to: (a) Department of General Services for unmet program savings; and (b) state agencies which derive their support from sources other than the General Fund for the proportionate share of the program savings amount accomplished by the Department of General Services, Transportation Services, payable from the Service Revolving Fund; and (c) Department of General Services for costs of audit and study of the Transportation Services function		258,298
42—For expenditure by Office of Architecture and Construction, Department of General Services, payable from the Division of Architecture Revolving Fund, for the purposes specified in Section 14030 of the Government Code, in accordance with the following schedule		9,300,501
Schedule:		
(a) Personal Services	9,598,021	
(b) Operating Expenses and Equipment	1,480,524	
Total of schedule	11,078,545	
Less estimated amounts available from other sources:		

Item		Amount
(c) Reimbursements	373,524	
(d) Amount payable from the Division of Architecture Public Building Fund (Item 43)	1,404,520	
Net appropriation	9,300,501	

provided, that any balances in the Division of Architecture Revolving Fund continue to be appropriated by and subject to Section 14030 of the Government Code, and are available for construction and for augmentation of this appropriation.

43—For support of Office of Architecture and Construction, Department of General Services, payable from the Division of Architecture Public Building Fund		1,404,520
44—For support of Capitol Building and Planning Commission		2,500
45—For support of California Commission on Interstate Cooperation		68,535
46—For support of State Personnel Board, in accordance with the following schedule		4,023,648
Schedule:		
(a) Personal Services	3,735,284	
(b) Operating Expenses and Equipment	794,663	
Total of schedule	4,529,947	
Less estimated reimbursements	506,299	
Net appropriation	4,023,648	
47—For support of Secretary of State, in accordance with the following schedule		1,014,829
Schedule:		
(a) Personal Services	697,910	
(b) Operating Expenses and Equipment	323,074	
Total of schedule	1,020,984	
Less estimated reimbursements	6,155	
Net appropriation	1,014,829	

AGRICULTURE

48—For support of Department of Agriculture and State Livestock Health Committee, in accordance with the following schedule	12,000,010

Item		Amount
Schedule:		
(a) Personal Services	17,106,923	
(b) Operating Expenses and Equipment	5,111,807	
Total of schedule	22,218,730	
Less estimated amounts available from other sources:		
(c) Reimbursements	818,463	
(d) Amount payable from the Department of Agriculture Fund (Item 50)	9,223,693	
(e) Amount payable from the Fair and Exposition Fund (Item 51)	176,564	
Net appropriation	12,000,010	
48.5—For support of Department of Agriculture, for purposes of cotton pest control, pursuant to Section 290 of the Agriculture Code		90,000
49—For cooperation with the federal government in marketing research under the provisions of Public Law 733, 79th Congress and Section 1286 of the Agricultural Code, Department of Agriculture		90,745
50—For support of Department of Agriculture, payable from the Department of Agriculture Fund		9,223,693
51—For support of Department of Agriculture, payable from the Fair and Exposition Fund		176,564
52—For support of California Museum of Science and Industry, Department of Agriculture, payable from the California Museum of Science and Industry Fund		850,800
53—For augmentation of the California Museum of Science and Industry Fund to be transferred to the California Museum of Science and Industry Fund by the State Controller.		372,905
54—For support of Poultry Improvement Commission, payable from the Poultry Testing Project Fund, in accordance with the following schedule		133,908
Schedule:		
(a) Personal Services	73,630	

Item		Amount
(b) Operating Expenses and Equipment	63,026	
Total of schedule	136,656	
Less estimated reimbursements	2,748	
Net appropriation	133,908	
54.5—For augmentation of the Poultry Testing Project Fund to be transferred to the Poultry Testing Project Fund by the State Controller.		75,086

CORRECTIONS

55—For support of Youth and Adult Corrections Agency, in accordance with the following schedule		78,162
Schedule:		
(a) Personal Services	61,072	
(b) Operating Expenses and Equipment	17,090	
Total of schedule	78,162	
56—For support of Departmental Administration, Adult Authority, Board of Trustees, California Institution for Women and Board of Corrections, Department of Corrections, in accordance with the following schedule		9,805,554
Schedule:		
(a) Personal Services	7,601,564	
(b) Operating Expenses and Equipment	2,294,678	
Total of schedule	9,896,242	
Less estimated reimbursements	90,688	
Net appropriation	9,805,554	
57—For transportation of prisoners to and between state prisons, including the return of parole violators to prison and for the conveying of persons under provisions of Sections 6400 et seq. and 11190 et seq. of the Penal Code and Sections 3295 and 3297 of the Health and Safety Code, in accordance with the provisions of Section 26749 of the Government Code		100,000
58—For expenses of returning fugitives from justice from outside the state, in accordance with the provisions of Sections 1549 and 1557 of the Penal Code		350,000

Item		Amount
59—For court costs and county charges, payable under Sections 4700 and 4700.5 of the Penal Code, in connection with coroners' services and trials of inmates charged with commission of a crime or crimes while incarcerated in a state institution or prison under the Department of Corrections, Department of Corrections		100,000
60—For support of California Conservation Center, Department of Corrections, in accordance with the following schedule		5,648,932
Schedule:		
(a) Personal Services	3,573,464	
(b) Operating Expenses and Equipment	2,286,333	
(c) Inmate Pay—Work Projects	330,642	
Total of schedule	6,190,439	
Less estimated reimbursements	541,507	
Net appropriation	5,648,932	
61—For support of Sierra Conservation Center, Department of Corrections, in accordance with the following schedule		3,356,649
Schedule:		
(a) Personal Services	2,162,633	
(b) Operating Expenses and Equipment	1,217,259	
(c) Inmate Pay—Work Projects	102,775	
Total of schedule	3,482,667	
Less estimated reimbursements	126,018	
Net appropriation	3,356,649	
62—For support of Southern Conservation Center, Department of Corrections, in accordance with the following schedule		2,516,667
Schedule:		
(a) Personal Services	1,678,023	
(b) Operating Expenses and Equipment	845,417	
(c) Inmate Pay—Work Projects	161,760	
Total of schedule	2,685,200	
Less estimated reimbursements	168,533	
Net appropriation	2,516,667	
63—For support of Correctional Institution at Tehachapi, Department of Corrections, in accordance with the following schedule		1,606,602

Item		Amount
Schedule:		
(a) Personal Services	1,090,905	
(b) Operating Expenses and Equipment	526,168	
(c) Inmate Pay—Work Projects	5,500	
Total of schedule	1,622,573	
Less estimated reimbursements	15,971	
Net appropriation	1,606,602	
64—For support of Correctional Training Facility, Department of Corrections, in accordance with the following schedule		6,894,296
Schedule:		
(a) Personal Services	4,706,846	
(b) Operating Expenses and Equipment	2,238,325	
(c) Inmate Pay—Work Projects	25,480	
Total of schedule	6,970,651	
Less estimated reimbursements	76,355	
Net appropriation	6,894,296	
65—For support of Deuel Vocational Institution, Department of Corrections, in accordance with the following schedule		4,792,369
Schedule:		
(a) Personal Services	3,597,272	
(b) Operating Expenses and Equipment	1,234,760	
(c) Inmate Pay—Work Projects	12,047	
Total of schedule	4,844,079	
Less estimated reimbursements	51,710	
Net appropriation	4,792,369	
66—For support of California State Prison at Folsom, Department of Corrections, in accordance with the following schedule		4,450,468
Schedule:		
(a) Personal Services	3,187,110	
(b) Operating Expenses and Equipment	1,345,111	
(c) Inmate Pay—Work Projects	16,970	
Total of schedule	4,549,191	
Less estimated reimbursements	98,723	
Net appropriation	4,450,468	

Item		Amount
67—For support of California Institution for Men, Department of Corrections, in accordance with the following schedule		4,715,142
Schedule:		
(a) Personal Services	3,339,315	
(b) Operating Expenses and Equipment	1,523,276	
(c) Inmate Pay—Work Projects	16,940	
Total of schedule	4,879,531	
Less estimated reimbursements	164,389	
Net appropriation	4,715,142	
68—For support of Medical Facility, Department of Corrections, in accordance with the following schedule		5,918,795
Schedule:		
(a) Personal Services	4,683,610	
(b) Operating Expenses and Equipment	1,325,060	
(c) Inmate Pay—Work Projects	17,900	
Total of schedule	6,026,570	
Less estimated reimbursements	107,775	
Net appropriation	5,918,795	
69—For support of California Men's Colony—East Facility, Department of Corrections, in accordance with the following schedule		5,167,438
Schedule:		
(a) Personal Services	3,502,900	
(b) Operating Expenses and Equipment	1,769,041	
(c) Inmate Pay—Work Projects	25,376	
Total of schedule	5,297,317	
Less estimated reimbursements	129,879	
Net appropriation	5,167,438	
70—For support of California Men's Colony—West Facility, Department of Corrections, in accordance with the following schedule		2,568,809
Schedule:		
(a) Personal Services	1,720,643	
(b) Operating Expenses and Equipment	845,705	
(c) Inmate Pay—Work Projects	32,652	
Total of schedule	2,599,000	

Item		Amount
Less estimated reimbursements	30,191	
Net appropriation	2,568,809	
71—For support of Rehabilitation Center, Department of Corrections, in accordance with the following schedule		5,811,617
Schedule:		
(a) Personal Services	4,307,181	
(b) Operating Expenses and Equipment	1,509,368	
(c) Inmate Pay—Work Projects	17,347	
Total of schedule	5,833,896	
Less estimated reimbursements	22,279	
Net appropriation	5,811,617	
72—For support of California State Prison at San Quentin, Department of Corrections, in accordance with the following schedule		6,747,355
Schedule:		
(a) Personal Services	4,475,053	
(b) Operating Expenses and Equipment	2,418,776	
(c) Inmate Pay—Work Projects	34,236	
Total of schedule	6,928,065	
Less estimated reimbursements	180,710	
Net appropriation	6,747,355	
73—For support of California Institution for Women, Department of Corrections, in accordance with the following schedule		2,489,132
Schedule:		
(a) Personal Services	1,820,510	
(b) Operating Expenses and Equipment	700,063	
(c) Inmate Pay—Work Projects	11,890	
Total of schedule	2,532,463	
Less estimated reimbursements	43,331	
Net appropriation	2,489,132	
74—For support of Departmental Administration, Department of the Youth Authority, in accordance with the following schedule		8,392,338
Schedule:		
(a) Personal Services	5,874,210	
(b) Operating Expenses and Equipment	2,675,400	
Total of schedule	8,549,610	

Item		Amount
Less estimated reimbursements	157,272	
Net appropriation	8,392,338	
75—For deportation of nonresidents committed to Department of the Youth Authority and expenses in connection with the Interstate Compact on Juveniles		63,570
76—For transportation of persons committed to Department of the Youth Authority to or between its facilities, including the return of parole violators		68,040
77—For support of Northern California Reception Center and Clinic, Department of the Youth Authority, in accordance with the following schedule		1,848,900
Schedule:		
(a) Personal Services	1,549,418	
(b) Operating Expenses and Equipment	340,762	
Total of Schedule	1,890,180	
Less estimated reimbursements	41,280	
Net appropriation	1,848,900	
78—For support of Southern California Reception Center and Clinic, Department of the Youth Authority, in accordance with the following schedule		2,038,277
Schedule:		
(a) Personal Services	1,685,087	
(b) Operating Expenses and Equipment	371,740	
Total of schedule	2,056,827	
Less estimated reimbursements	18,550	
Net appropriation	2,038,277	
79—For support of Youth Authority Conservation Camps, Department of the Youth Authority, in accordance with the following schedule		1,119,393
Schedule:		
(a) Personal Services	686,109	
(b) Operating Expenses and Equipment	391,239	
(c) Inmate Pay—Work Projects	50,345	
Total of schedule	1,127,693	
Less estimated reimbursements	8,300	
Net appropriation	1,119,393	

Item		Amount
80—For support of Fricot Ranch School for Boys, Department of the Youth Authority, in accordance with the following schedule		1,206,537
Schedule:		
(a) Personal Services	957,623	
(b) Operating Expenses and Equipment	274,504	
Total of schedule	1,232,127	
Less estimated reimbursements	25,590	
Net appropriation	1,206,537	
81—For support of Fred C. Nelles School for Boys, Department of the Youth Authority, in accordance with the following schedule		2,565,564
Schedule:		
(a) Personal Services	2,097,214	
(b) Operating Expenses and Equipment	480,370	
Total of schedule	2,577,584	
Less estimated reimbursements	12,020	
Net appropriation	2,565,564	
82—For support of Northern California Youth Center, Department of the Youth Authority, in accordance with the following schedule		492,532
Schedule:		
(a) Personal Services	326,182	
(b) Operating Expenses and Equipment	166,400	
Total of schedule	492,582	
Less estimated reimbursements	50	
Net appropriation	492,532	
83—For support of Paso Robles School for Boys, Department of the Youth Authority, in accordance with the following schedule		2,190,031
Schedule:		
(a) Personal Services	1,780,047	
(b) Operating Expenses and Equipment	431,804	
Total of schedule	2,211,851	
Less estimated reimbursements	21,820	
Net appropriation	2,190,031	
84—For support of Preston School of Industry, Department of the Youth Authority, in accordance with the following schedule		3,902,107

Item		Amount
Schedule:		
(a) Personal Services	3,249,006	
(b) Operating Expenses and Equipment	769,281	
Total of schedule	4,018,287	
Less estimated reimbursements	116,180	
Net appropriation	3,902,107	
85—For support of Youth Training School, Department of the Youth Authority, in accordance with the following schedule		4,270,477
Schedule:		
(a) Personal Services	3,344,691	
(b) Operating Expenses and Equipment	961,856	
Total of schedule	4,306,547	
Less estimated reimbursements	36,070	
Net appropriation	4,270,477	
86—For support of Los Guilucos School for Girls, Department of the Youth Authority, in accordance with the following schedule		1,451,330
Schedule:		
(a) Personal Services	1,227,350	
(b) Operating Expenses and Equipment	245,730	
Total of schedule	1,473,080	
Less estimated reimbursements	21,750	
Net appropriation	1,451,330	
87—For support of Ventura School for Girls, Department of the Youth Authority, in accordance with the following schedule		2,302,366
Schedule:		
(a) Personal Services	1,858,802	
(b) Operating Expenses and Equipment	457,334	
Total of schedule	2,316,136	
Less estimated reimbursements	13,770	
Net appropriation	2,302,366	

EDUCATION

88—For support of Department of Education, Superintendent of Public Instruction and		

Item		Amount
State Board of Education, in accordance with the following schedule		3,799,713
Schedule:		
(a) Personal Services	4,745,559	
(b) Operating Expenses and Equipment	1,325,040	
Total of schedule	6,070,599	
Less estimated amounts available from other sources:		
(c) Reimbursements	1,856,686	
(d) Amount payable from State School Building Aid Fund (Item 89)	135,000	
(e) Federal funds	279,200	
Net appropriation	3,799,713	
88.5—For curriculum and course of study development for instruction of mentally retarded children for allocation by the Department of Finance		50,000
89—For support of the Department of Education, payable from the State School Building Aid Fund		135,000
90—For cooperation with the federal government for the improvement of instruction under the provisions of Title 3 of the National Defense Education Act of 1958, Department of Education		286,230
91—For cooperation with the federal government for the improvement of statistical services under the provisions of Title 10 of the National Defense Education Act of 1958, Department of Education		49,924
92—For support of California School for the Blind, in accordance with the following schedule		809,461
Schedule:		
(a) Personal Services	685,587	
(b) Operating Expenses and Equipment	175,098	
Total of schedule	860,685	
Less estimated reimbursements	51,224	
Net appropriation	809,461	
93—For support of School for Cerebral Palsied Children, Northern California, in accordance with the following schedule		552,756

Item		Amount
Schedule:		
(a) Personal Services	502,200	
(b) Operating Expenses and Equipment	66,536	
Total of schedule	568,736	
Less estimated reimbursements	15,980	
Net appropriation	552,756	
94—For support of School for Cerebral Palsied Children, Southern California, in accordance with the following schedule		522,859
Schedule:		
(a) Personal Services	468,184	
(b) Operating Expenses and Equipment	65,839	
Total of schedule	534,023	
Less estimated reimbursements	11,164	
Net appropriation	522,859	
95—For support of California School for the Deaf, Berkeley, in accordance with the following schedule		1,959,947
Schedule:		
(a) Personal Services	1,748,168	
(b) Operating Expenses and Equipment	277,952	
Total of schedule	2,026,120	
Less estimated reimbursements	66,173	
Net appropriation	1,959,947	
96—For support of California School for the Deaf, Riverside, in accordance with the following schedule		2,066,320
Schedule:		
(a) Personal Services	1,857,640	
(b) Operating Expenses and Equipment	234,649	
Total of schedule	2,092,289	
Less estimated reimbursements	25,969	
Net appropriation	2,066,320	
97—For support of Vocational Education, Department of Education, in accordance with the following schedule		723,541
Schedule:		
(a) Personal Services	1,343,167	

Item		Amount
(b) Operating Expenses and Equipment	831,120	
Total of schedule	2,174,287	
Less estimated amounts available from other sources:		
(c) Reimbursements	78,001	
(d) Federal grants	1,372,745	
Net appropriation	723,541	
98—For support of Division of Libraries, Department of Education, Public Library Development Board and Board of Library Examiners, in accordance with the following schedule		1,247,475
Schedule:		
(a) Personal Services	1,090,245	
(b) Operating Expenses and Equipment	4,876,177	
Total of schedule	5,966,422	
Less estimated amounts available from other sources:		
(c) Reimbursements	91,650	
(d) Federal funds	4,627,297	
Net appropriation	1,247,475	
99—For support of State Teachers' Retirement System, in accordance with the following schedule		448,481
Schedule:		
(a) Personal Services	700,621	
(b) Operating Expenses and Equipment	196,341	
Total of schedule	896,962	
Less estimated amounts available from other sources:		
(c) Amount payable from State Teachers' Retirement Fund (Item 100)	448,481	
Net appropriation	448,481	
100—For support of State Teachers' Retirement System, payable from the State Teachers' Retirement Fund		448,481

Item		Amount
HIGHER EDUCATION		
101—For support of Co-ordinating Council for Higher Education, in accordance with the following schedule		352,505
Schedule:		
(a) Personal Services	342,742	
(b) Operating Expenses and Equipment	127,384	
Total of schedule	470,126	
Less estimated amounts available from other sources:		
(c) Federal funds	117,621	
Net appropriation	352,505	
102—For payment of the state's share of the operating costs of the Western Interstate Commission for Higher Education, Co-ordinating Council for Higher Education		15,000
103—For support of University of California, exempt from Section 31 of this act		192,503,616
It is the intent that nonresident tuition be increased to $980 for the 1966–67 fiscal year.		
103.1—For research in dermatology, University of California, exempt from Section 31 of this act		200,000
104—For research in the conversion of sea water and brackish water to fresh water, University of California, exempt from Section 31 of this act		334,900
105—For support of University of California, to be allocated to the California College of Medicine, in accordance with the following schedule		1,366,887
Schedule:		
(a) Personal Services	1,911,316	
(b) Operating Expenses and Equipment	433,804	
Total of schedule	2,345,120	
Less estimated amounts available from other sources:		
(c) Reimbursements	408,000	
(d) Private grants	450,000	
(e) Federal funds	120,233	
Net appropriation	1,366,887	
It is the intent of the Legislature in making this appropriation to facilitate the continued operation of the California College of Medicine pursuant to an affiliation agreement be-		

Item			Amount
	tween the Regents of the University of California and the Trustees of the California College of Medicine, and that in the event that a mutually satisfactory affiliation agreement shall not be effected, any property transferred to the Regents of the University of California by the Trustees of the California College of Medicine shall revert to the Trustees of the California College of Medicine.		
106	For support of Hastings College of Law, in accordance with the following schedule		521,724
	Schedule:		
	(a) Personal Services	685,107	
	(b) Operating Expenses and Equipment	151,402	
	Total of schedule	836,509	
	Less estimated reimbursements	314,785	
	Net appropriation	521,724	
107	For support, continuing costs of full-year operation, Trustees of the California State Colleges, to be allocated by executive order of the Director of Finance to the Trustees of the California State Colleges for transfer to and in augmentation of the support appropriations, Budget Act of 1965, of the various state colleges		600,000
	provided, that a portion of the amount made available for year-round operation study may be transferred to the support appropriation for the Trustees of the California State Colleges.		
107.5	For work study programs of California State Colleges, undertaken pursuant to the provisions of Title I, Part C, of the Federal Economic Opportunity Act of 1964, to be allocated by the Department of Finance to the Trustees of the California State Colleges, for transfer to, and in augmentation of, the support appropriations, Budget Act of 1965, of the various state colleges, in accordance with the following schedule		148,266
	Schedule:		
	(a) Work study projects	1,482,660	
	Total of schedule	1,482,660	
	Less estimated amounts available from other sources:		

Item		Amount
(b) Estimated grants from the federal government or other sources	1,334,394	
Net appropriation	148,266	

provided, that the state colleges will use at least $100,000 of the state funds and the related federal funds made available for on-campus projects for direct assistance to faculty members.

107.6—For support of California State Colleges, to be transferred to, and in augmentation of, their support appropriations, Budget Act of 1965, of the various state colleges, upon order of the Trustees of the California State Colleges, in accordance with the following schedule ---------- 1,909,918

Schedule:

(a) Distinguished teaching awards—awards and publications	100,000	
(b) Faculty recruitment moving allowance	100,000	
(c) Faculty out-of-state travel and special recruiting allowance	96,000	
(d) Faculty recruitment on-campus interview allowance	12,500	
(e) Library book augmentation	1,000,000	
(f) Special lectures augmentation	17,000	
(g) Faculty sabbatical leave augmentation	250,000	
(h) For replacement of faculty granted selective leaves for specific research or creative activity in the arts	200,000	
(m) Operation of educational television program — San Diego State College	134,418	
Total of schedule	1,909,918	

provided, that a portion of the amount made available under (a) may be transferred to Item 108, Budget Act of 1965, for support of the Trustees of the California State Colleges.

107.7—For management improvement in the California State Colleges, to be allocated by the Department of Finance to the Trustees of the California State Colleges for transfer to and

Item		Amount
in augmentation of the support appropriations, Budget Act of 1965, of the various state colleges		50,000
108—For support of Trustees of the California State Colleges, in accordance with the following schedule		1,622,626
Schedule:		
(a) Personal Services	1,223,643	
(b) Operating Expenses and Equipment	458,000	
Total of schedule	1,681,643	
Less estimated amounts available from other sources:		
(c) Reimbursements	55,552	
(d) Unfunded academic salary increase	3,465	
Net appropriation	1,622,626	
Funds for the position of director of governmental affairs are available for expenditure only if the position is headquartered in Sacramento.		
109—For support of the international program of Trustees of the California State Colleges, in accordance with the following schedule		274,496
Schedule:		
(a) Personal Services	48,861	
(b) Operating Expenses and Equipment	247,675	
Total of schedule	296,536	
Less estimated reimbursements	22,040	
Net appropriation	247,496	
110—For student loan funds authorized by Section 24001 of the Education Code, for the purpose of making part of the payments pursuant to agreements entered into under Title II of the Act of Congress, cited as the National Defense Education Act of 1958, on behalf of the several state colleges. This appropriation is to be allocated by the Trustees of the California State Colleges to the several state colleges		488,351
110.5—For the purpose of making part of the payments for the student nursing loan fund pursuant to agreements entered into under Part B, Title VIII, of the Public Health Service Act, as amended by the Nurse Training Act of 1964, on behalf of the several state colleges.		

Item		Amount
This appropriation is to be allocated by the Trustees of the California State College to the several state colleges		17,444
111—For support of Chico State College, in accordance with the following schedule and in addition thereto, any amounts collected for fees for parking facilities.		5,634,593
Schedule:		
(a) Personal Services	5,500,153	
(b) Operating Expense and Equipment	912,796	
Total of schedule	6,412,949	
Less estimated amounts available from other sources:		
(c) Reimbursements	774,043	
(d) Unfunded academic salary increase	4,313	
Net appropriation	5,634,593	
112—For support of Fresno State College, in accordance with the following schedule and in addition thereto, any amounts collected for fees for parking facilities.		8,133,453
Schedule:		
(a) Personal Services	8,390,227	
(b) Operating Expenses and Equipment	1,214,585	
Total of schedule	9,604,812	
Less estimated amounts available from other sources:		
(c) Reimbursements	1,463,589	
(d) Unfunded academic salary increase	7,770	
Net appropriation	8,133,453	
113—For support of State College at Fullerton, in accordance with the following schedule and in addition thereto, any amounts collected for fees for parking facilities.		4,454,850
Schedule:		
(a) Personal Services	4,286,919	
(b) Operating Expenses and Equipment	885,350	
Total of schedule	5,172,269	
Less estimated amounts available from other sources:		
(c) Reimbursements	705,119	

Item		Amount
	(d) Unfunded academic salary increase ---------- 12,300	
	Net appropriation ------ 4,454,850	
114—For support of State College at Hayward, in accordance with the following schedule----- and in addition thereto, any amounts collected for fees for parking facilities.		4,285,148
	Schedule:	
	(a) Personal Services ---------- 4,055,439	
	(b) Operating Expenses and Equipment ---------- 813,451	
	Total of schedule-------- 4,868,890	
	Less estimated amounts available from other sources:	
	(c) Reimbursements ---------- 568,502	
	(d) Unfunded academic salary increase ---------- 15,240	
	Net appropriation ------ 4,285,148	
115—For support of Humboldt State College, in accordance with the following schedule----- and in addition thereto, any amounts collected for fees for parking facilities.		4,204,359
	Schedule:	
	(a) Personal Services ---------- 3,896,320	
	(b) Operating Expenses and Equipment ---------- 707,251	
	Total of schedule-------- 4,603,571	
	Less estimated amounts available from other sources:	
	(c) Reimbursements ---------- 398,162	
	(d) Unfunded academic salary increase ---------- 1,050	
	Net appropriation ------ 4,204,359	
116—For support of State College at Long Beach, in accordance with the following schedule--- and in addition thereto, any amounts collected for fees for parking facilities.		11,867,453
	Schedule:	
	(a) Personal Services ----------12,415,712	
	(b) Operating Expenses and Equipment ---------- 1,787,021	
	Total of schedule--------14,202,733	
	Less estimated amounts available from other sources:	
	(c) Reimbursements ---------- 2,297,495	

Item		Amount
(d) Unfunded academic salary increase	37,785	
Net appropriation	11,867,453	
117—For support of State College at Los Angeles, in accordance with the following schedule		12,058,363
and in addition thereto, any amounts collected for fees for parking facilities.		
Schedule:		
(a) Personal Services	12,759,750	
(b) Operating Expenses and Equipment	1,840,209	
Total of schedule	14,599,959	
Less estimated amounts available from other sources:		
(c) Reimbursements	2,528,596	
(d) Unfunded academic salary increase	13,000	
Net appropriation	12,058,363	
118—For support of State College at Palos Verdes, in accordance with the following schedule		457,997
Schedule:		
(a) Personal Services	352,892	
(b) Operating Expenses and Equipment	107,370	
Total of schedule	460,262	
Less estimated amounts available from other sources:		
(c) Reimbursements	2,025	
(d) Unfunded academic salary increase	240	
Net appropriation	457,997	
119—For support of Sacramento State College, in accordance with the following schedule		7,311,964
and in addition thereto, any amounts collected for fees for parking facilities.		
Schedule:		
(a) Personal Services	7,506,199	
(b) Operating Expenses and Equipment	1,164,757	
Total of schedule	8,670,956	
Less estimated amounts available from other sources:		
(c) Reimbursements	1,337,102	

Item		Amount
(d) Unfunded academic salary increase	21,890	
Net appropriation	7,311,964	
120—For support of State College at San Bernardino, in accordance with the following schedule		1,056,720
and in addition thereto, any amounts collected for fees for parking facilities.		
Schedule:		
(a) Personal Services	910,739	
(b) Operating Expenses and Equipment	197,365	
Total of schedule	1,108,104	
Less estimated amounts available from other sources:		
(c) Reimbursements	51,164	
(d) Unfunded academic salary increase	220	
Net appropriation	1,056,720	
121—For support of San Diego State College, in accordance with the following schedule		12,999,823
and in addition thereto, any amounts collected for fees for parking facilities.		
Schedule:		
(a) Personal Services	13,329,013	
(b) Operating Expenses and Equipment	1,908,723	
Total of schedule	15,237,736	
Less estimated amounts available from other sources:		
(c) Reimbursements	2,196,609	
(d) Unfunded academic salary increase	41,304	
Net appropriation	12,999,823	
122—For support of San Fernando Valley State College, in accordance with the following schedule		9,573,597
and in addition thereto, any amounts collected for fees for parking facilities.		
Schedule:		
(a) Personal Services	9,640,730	
(b) Operating Expenses and Equipment	1,685,782	
Total of schedule	11,326,512	

Item		Amount
Less estimated amounts available from other sources:		
(c) Reimbursements	1,740,595	
(d) Unfunded academic salary increase	12,320	
Net appropriation	9,573,597	
123—For support of San Francisco State College, in accordance with the following schedule and in addition thereto, any amounts collected for fees for parking facilities.		12,317,104
Schedule:		
(a) Personal Services	12,957,152	
(b) Operating Expenses and Equipment	1,843,633	
Total of schedule	14,800,785	
Less estimated amounts available from other sources:		
(c) Reimbursements	2,456,129	
(d) Unfunded academic salary increase	27,552	
Net appropriation	12,317,104	
124—For support of San Jose State College, in accordance with the following schedule and in addition thereto, any amounts collected for fees for parking facilities.		16,556,146
Schedule:		
(a) Personal Services	17,227,601	
(b) Operating Expenses and Equipment	2,305,188	
Total of schedule	19,532,789	
Less estimated amounts available from other sources:		
(c) Reimbursements	2,926,872	
(d) Unfunded academic salary increase	49,771	
Net appropriation	16,556,146	
125—For support of Sonoma State College, in accordance with the following schedule and in addition thereto, any amounts collected for fees for parking facilities.		1,606,379
Schedule:		
(a) Personal Services	1,461,547	
(b) Operating Expenses and Equipment	342,527	
Total of schedule	1,804,074	

Item		Amount
Less estimated amounts available from other sources:		
(c) Reimbursements	196,520	
(d) Unfunded academic salary increase	1,175	
Net appropriation	1,606,379	
126—For support of Stanislaus State College, in accordance with the following schedule and in addition thereto, any amounts collected for fees for parking facilities.		1,250,493
Schedule:		
(a) Personal Services	1,120,822	
(b) Operating Expenses and Equipment	255,723	
Total of schedule	1,376,545	
Less estimated amounts available from other sources:		
(c) Reimbursements	124,666	
(d) Unfunded academic salary increase	1,386	
Net appropriation	1,250,493	
127—For support of California State Polytechnic College, in accordance with the following schedule and in addition thereto, any amounts collected for fees for parking facilities.		12,928,707
Schedule:		
(a) Personal Services	12,461,851	
(b) Operating Expenses and Equipment	2,351,961	
Total of schedule	14,813,812	
Less estimated amounts available from other sources:		
(c) Reimbursements	1,838,585	
(d) Unfunded academic salary increase	46,520	
Net appropriation	12,928,707	
128—For support of California Maritime Academy, in accordance with the following schedule		541,636
Schedule:		
(a) Personal Services	636,734	
(b) Operating Expenses and Equipment	224,740	
Total of schedule	861,474	

Item		Amount
Less estimated reimbursements	319,838	
Net appropriation	541,636	

It is the intent that resident tuition fees for 1966–67 be increased from $600 to $750 per year and that the additional nonresident fees for 1966–67 be increased from $270 to $300 per year.

129—For support of State Scholarship Commission, in accordance with the following schedule ---------- 4,166,406

Schedule:

(a) Personal Services	122,704	
(b) Operating Expenses and Equipment	4,043,702	
Total of schedule	4,166,406	

provided, that $26,426 of the appropriation in this item will not be available for expenditure unless Assembly Bill 1115 is enacted by the 1965 Legislature and further provided, that $25,000 of the appropriation in this item will not be available for expenditure unless Assembly Bill 1986 is enacted by the 1965 Legislature.

EMPLOYMENT

130—For administration of unemployment compensation disability benefits, Department of Employment, payable from the Unemployment Compensation Disability Fund, in accordance with the following schedule ------ 10,520,758

Schedule:

(a) Personal Services	8,078,617	
(b) Operating Expenses and Equipment	2,442,141	
Total of schedule	10,520,758	

131—For payment of interest, on order of the Director of Finance, on transfers of money from any other fund to the Unemployment Compensation Disability Fund under Section 3007 of the Unemployment Insurance Code, computed at a rate determined by the Department of Finance to be the rate of interest prescribed by Section 16310.5 of the Government Code, payable from the Unemployment Compensation Disability Fund---------- 1,306,800

132—For additional support of Department of Employment, payable from the Department of Employment Contingent Fund, and in addi-

Item		Amount
	tion thereto any grants made available by the federal government; provided, that all or any portion of this appropriation may be transferred to the Unemployment Administration Fund upon executive order of the Department of Finance	346,557
133	For additional support of Department of Employment, for the payment of expenses incurred by the Department of Finance in examining and experting the books of the Department of Employment, pursuant to Section 13294 of the Government Code, payable from moneys credited to this state's account in the Unemployment Trust Fund and made available to this state under Section 903 of the Social Security Act, as amended	25,149
	provided that:	
	(a) Such money is requisitioned from the Unemployment Trust Fund pursuant to Section 1528.5 of the Unemployment Insurance Code.	
	(b) The period within which such money may be obligated is specifically limited to the period beginning on the 91st day after the adjournment of the 1965 Regular Session of the Legislature and ending June 30, 1966.	
	(c) The total amount obligated pursuant to this item and Item 329 of this act during the 1965–66 fiscal year shall not exceed the amount by which	
	(1) The aggregate of the amounts credited to the account of this state pursuant to Section 903 of the Social Security Act during such fiscal year and the nine preceding fiscal years, exceeds	
	(2) The aggregate of the amounts obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such 10 fiscal years.	

FISCAL AFFAIRS

135	For support of State Board of Control, in accordance with the following schedule	27,899

Item		Amount
Schedule:		
(a) Personal Services	22,774	
(b) Operating Expenses and Equipment	5,125	
Total of schedule	27,899	
136—For support of State Controller, in accordance with the following schedule		4,762,890
Schedule:		
(a) Personal Services	4,602,922	
(b) Operating Expenses and Equipment	1,394,208	
Total of schedule	5,997,130	
Less estimated amounts available from other sources:		
(c) Reimbursements	116,001	
(d) Amount payable from the Motor Vehicle Transportation Tax Fund (Item 137)	140,923	
(e) Amount payable from the Motor Vehicle Fuel Fund (Item 138)	804,326	
(f) Amount payable from the State School Building Aid Fund (Item 139)	172,990	
Net appropriation	4,762,890	
137—For support of State Controller, payable from the Motor Vehicle Transportation Tax Fund		140,923
138—For support of State Controller, payable from the Motor Vehicle Fuel Fund		804,326
139—For support of State Controller, payable from the State School Building Aid Fund		172,990
140—For support of State Board of Equalization, in accordance with the following schedule		16,881,913
Schedule:		
(a) Personal Services	19,521,415	
(b) Operating Expenses and Equipment	4,094,511	
Total of schedule	23,615,926	
Less estimated amounts available from other sources:		
(c) Reimbursements	4,695,470	
(d) Amount payable from the Motor Vehicle Transportation Tax Fund (Item 141)	1,040,914	

Item		Amount
(e) Amount payable from the Motor Vehicle Fuel Fund (Item 142)	997,629	
Net appropriation	16,881,913	
141—For support of State Board of Equalization, payable from the Motor Vehicle Transportation Tax Fund		1,040,914
142—For support of State Board of Equalization, payable from the Motor Vehicle Fuel Fund		997,629
143—For support of Department of Finance, in accordance with the following schedule		3,008,454
Schedule:		
(a) Personal Services	2,884,341	
(b) Operating Expenses and Equipment	997,557	
Total of schedule	3,881,898	
Less estimated amounts available from other sources:		
(c) Reimbursements	127,500	
(d) Amount payable from the Fair and Exposition Fund (Item 144)	115,000	
(e) Estimated grants from the federal government or agencies thereof	630,944	
Net appropriation	3,008,454	
144—For support of Department of Finance, payable from the Fair and Exposition Fund		115,000
145—For support of California State Fair and Exposition, Department of Finance, payable from the State Fair Fund		2,922,796
146—For augmentation of the State Fair Fund to be transferred to the State Fair Fund by the State Controller.		373,951
And in addition, there is appropriated from the General Fund, not to exceed $250,000, to be made available upon order of the Department of Finance upon such terms and conditions for repayment as may be prescribed by the Department of Finance, for temporary loans to the State Fair Fund to meet cash needs.		
147—For support of State Lands Division, State Lands Commission, Department of Finance in accordance with the following schedule		1,006,955

Item		Amount
Schedule:		
(a) Personal Services	1,420,027	
(b) Operating Expenses and Equipment	309,144	
Total of schedule	1,729,171	
Less estimated amounts available from other sources:		
(c) Reimbursements	85,612	
(d) Amounts payable from the City of Long Beach under the provisions of Chapter 1398, Statutes of 1963	386,604	
(e) Amounts payable under the provisions of Chapter 138, Statutes of 1964	250,000	
Net appropriation	1,006,955	
148—For support of State Lands Division, State Lands Commission, Department of Finance, in defense of the United States Supreme Court Case Number 5, United States of America vs. State of California		215,972
149—For support of Franchise Tax Board, in accordance with the following schedule		11,316,563
Schedule:		
(a) Personal Services	9,457,392	
(b) Operating Expenses and Equipment	1,859,171	
Total of schedule	11,316,563	
150—For support of State Treasurer, in accordance with the following schedule		456,825
Schedule:		
(a) Personal Services	422,836	
(b) Operating Expenses and Equipment	160,904	
Total of schedule	583,740	
Less estimated reimbursements	126,915	
Net appropriation	456,825	
HEALTH AND WELFARE		
151—For support of Health and Welfare Agency, in accordance with the following schedule		73,082

Item		Amount
Schedule:		
(a) Personal Services	60,792	
(b) Operating Expenses and Equipment	12,290	
Total of schedule	73,082	
152—For support of Citizens' Advisory Committee on Aging, in accordance with the following schedule		110,123
Schedule:		
(a) Personal Services	74,672	
(b) Operating Expenses and Equipment	35,451	
Total of schedule	110,123	
153—For support of Office of Atomic Energy Development and Radiation Protection, Departmental Coordinating Committee on Atomic Energy Development and Radiation Protection and the Advisory Council on Atomic Energy Development and Radiation Protection		50,110
154—For support of Department of Mental Hygiene, in accordance with the following schedule		12,509,250
Schedule:		
(a) Personal Services	9,878,690	
(b) Operating Expenses and Equipment	3,262,020	
Total of schedule	13,140,710	
Less estimated amounts available from other sources:		
(c) Reimbursements	26,500	
(d) Estimated grants from the federal government or agencies thereof	604,960	
Net appropriation	12,509,250	
The unexpended fund appropriated for support of the Department of Mental Hygiene outpatient clinics may be transferred to Item 294 of this act upon consummation of similar local mental health contractual services		
154.1—For support of Department of Mental Hygiene and agencies under the jurisdiction of the department, to be transferred to and in augmentation of the support appropriations, Budget Act of 1965, of the department and		

Item		Amount
	its agencies upon order of the Department of Finance	1,326,351
155—For family care of patients paroled or on leave of absence from state institutions of the Department of Mental Hygiene, pursuant to Section 6726 of the Welfare and Institutions Code, Department of Mental Hygiene		4,135,450
156—For care and treatment of mentally retarded persons in private medical facilities, Department of Mental Hygiene		500,000
157—For research projects, Department of Mental Hygiene, to be expended only on allocations to agencies of the Department of Mental Hygiene authorized by the Department of Finance		1,201,000
	And in addition, any amounts received for research projects from federal grants or other sources shall be available for expenditure in accordance with the provisions of this item.	
158—For support of Langley Porter Neuropsychiatric Institute and Neuropsychiatric Institute at University of California at Los Angeles, Department of Mental Hygiene, in accordance with the following schedule		7,758,316
Schedule:		
	(a) Personal Services	6,296,317
	(b) Operating Expenses and Equipment	1,461,999
	Total of schedule	7,758,316
159—For support of the hospitals for the mentally ill, Department of Mental Hygiene, in accordance with the following schedule		111,165,073
Schedule:		
	(a) Personal Services	93,840,908
	(b) Operating Expenses and Equipment	18,069,484
	Total of schedule	111,910,392
	Less estimated reimbursements	745,319
	Net appropriation	111,165,073
	The unexpended funds appropriated for Modesto State Hospital may be transferred to the Department of Social Welfare, Item 168 of this act, for the purposes of converting the hospital to a nursing home for geriatrics. If the transfer is not accomplished, the Department of Mental Hygiene shall, not later	

Item		Amount
than January 1, 1966, convert the hospital into a nursing home.		
160—For support of the hospitals for the mentally retarded, Department of Mental Hygiene, in accordance with the following schedule		46,112,821
Schedule:		
(a) Personal Services	39,428,051	
(b) Operating Expenses and Equipment	6,919,410	
Total of schedule	46,347,461	
Less estimated reimbursements	234,640	
Net appropriation	46,112,821	
160.1—For support of the Department of Mental Hygiene, hospitals for the mentally ill, Item 159, upon order of the Department of Finance		1,352,409
161—For support of Department of Public Health, in accordance with the following schedule		10,681,377
Schedule:		
(a) Personal Services	10,367,444	
(b) Operating Expenses and Equipment	4,128,170	
(c) Unallocated reduction	370,000	
Total of schedule	14,125,614	
Less estimated amounts available from other sources:		
(d) Reimbursements	928,225	
(e) Estimated grants from the federal government or agencies thereof	2,516,012	
Net appropriation	10,681,377	
provided, that the first moneys available under the provisions of Title III, Section 314c of the Public Health Service Act (Federal General Health Funds) up to $206,050 shall be used in lieu of General Fund expenditures. Any additional amounts received from this source up to $300,000 may be used to extend the departmental program is outlined in the Governor's Budget document.		
164—For support of Motor Vehicle Pollution Control Board, Department of Public Health, in accordance with the following schedule		461,737

Item		Amount
Schedule:		
(a) Personal Services	185,811	
(b) Operating Expenses and Equipment	295,926	
Total of schedule	481,737	
Less estimated reimbursements	20,000	
Net appropriation	461,737	
165—For support of Department of Rehabilitation, in accordance with the following schedule		5,123,329
Schedule:		
(a) Personal Services	4,754,756	
(b) Operating Expenses and Equipment	6,025,835	
(c) Cooperative Rehabilitation Services	8,697,000	
Total of schedule	19,477,591	
Less estimated amounts available from other sources:		
(d) Reimbursements	228,841	
(e) Federal grants	5,428,421	
(f) Grants from the federal government or agencies thereof for Cooperative Rehabilitation Services	8,697,000	
Net appropriation	5,123,329	
provided, that expenditures made from (c) in the above schedule shall be subject to allocation by the Department of Finance.		
165.1—For a pilot program of rehabilitation of narcotics addicts residing in a resident facility, Department of Rehabilitation, in accordance with the following schedule		50,000
Schedule:		
(a) Pilot program of rehabilitation of narcotics addicts	100,000	
Total of schedule	100,000	
Less estimated amounts available from other sources:		
(b) Federal grants	50,000	
Net appropriation	50,000	
166—For support of California Industries for the Blind, Department of Rehabilitation, in accordance with the following schedule		372,278

Item		Amount
Schedule:		
(a) Personal Services	237,278	
(b) Operating Expenses and Equipment	149,494	
Total of schedule	386,772	
Less estimated reimbursements	14,494	
Net appropriation	372,278	
167—For support of Orientation Center for the Blind, Department of Rehabilitation, in accordance with the following schedule		155,820
Schedule:		
(a) Personal Services	261,981	
(b) Operating Expenses and Equipment	59,916	
Total of schedule	321,897	
Less estimated amounts available from other sources:		
(c) Reimbursements	2,660	
(d) Federal grants	163,417	
Net appropriation	155,820	
168—For support of Department of Social Welfare. Such appropriation, together with any grants made available by the federal government for support of the Department of Social Welfare during the 1965–66 fiscal year, shall be expended in accordance with the following schedule		5,702,910
Schedule:		
(a) Personal Services	7,428,440	
(b) Operating Expenses and Equipment	2,080,361	
Total of schedule	9,508,801	
Less estimated amounts available from other sources:		
(c) Reimbursements	432,422	
(d) Estimated grants from the federal government	3,373,469	
Net appropriation	5,702,910	

provided, that any rule or regulation adopted by the Director of the State Department of Social Welfare during the 1965–66 fiscal year which adds to the cost of any public assistance program shall only be effective from and after the date upon which it is approved as to availability of funds by the Department

Item		Amount
of Finance. All such additional costs shall be reported by the Department of Finance to the Joint Legislative Budget Committee quarterly.		
HIGHWAY TRANSPORTATION		
169—For support of Highway Transportation Agency, payable from the Motor Vehicle Fund, in accordance with the following schedule		75,701
Schedule:		
(a) Personal Services	58,784	
(b) Operating Expenses and Equipment	16,917	
Total of schedule	75,701	
170—For support of Vehicle Equipment Safety Commission, payable from the Motor Vehicle Transportation Tax Fund		7,335
171—For support of Department of the California Highway Patrol, payable from the Motor Vehicle Fund, in accordance with the following schedule		54,157,165
Schedule:		
(a) Personal Services	40,326,561	
(b) Operating Expenses and Equipment	14,967,367	
Total of schedule	55,293,928	
Less estimated reimbursements	1,136,763	
Net appropriation	54,157,165	
provided, that no part of this appropriation shall be expended to establish or to reclassify additional uniformed supervisorial positions in addition to those provided for in the 1965–66 Budget; provided further, that no part of this appropriation shall be expended in payment for services of personnel assigned to enforce the provisions of the ordinances of any city or county; provided further, however, that this restriction shall not limit the authority of members of the California Highway Patrol to enforce any city or county ordinance as an incident to their assigned duties with respect to traffic law enforcement; provided further, that no expenditure shall be made from the appropriation made by this item in connection with the activities of the California Highway Patrol Auxiliary; provided		

Item	Amount

further, that no expenditure from this appropriation shall be made for or relating to: (a) the temporary transfer for any duration of uniformed personnel from field commands to the Sacramento headquarters, (b) increasing the number of uniformed personnel at the Sacramento headquarters from the strength shown in the 1965–66 Budget, (c) the holding of senior staff or zone conferences at more than quarterly intervals, (d) uniformed personnel in the grade of lieutenant on the staff of zone commanders in zones II, III, IV, and V, and (e) the in-service training of uniformed personnel at any place other than their normal duty station more frequently than once every four years, provided further, that the amount available to pay members of the California Highway Patrol in the classification of state traffic sergeant and state traffic officer for overtime working hours of duty performed in addition to those hours spent in the regular duty status shall be used to increase the available man-hours for road patrol and to prohibit state traffic sergeants and state traffic officers in the accumulation and use of compensatory time off in excess of 24 hours in any three-month period, during the fiscal year 1965–66.

These funds shall not be used to pay individuals, nor shall compensatory time off be accumulated and used for overtime in the performance of any of the following duties:

1. When in travel status.
2. When in a training status.
3. When assigned to desk or office duties.
4. When attending or participating in competitive pistol matches.
5. When participating in monthly pistol qualifications.
6. When attending monthly unit organizational meetings.

The above limitations shall not preclude or be construed as preventing the State Personnel Board or the Department of the California Highway Patrol imposing any additional limitations which they may deem necessary for the proper administration of payment of overtime.

172—For payment of deficiencies in appropriations for the Department of the California Highway Patrol which may be authorized by the

Item		Amount
	Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $250,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund; provided, that amounts authorized from this item shall be made for purchase or operation of motor vehicles or purchase of required automobile accessories upon showing that such amounts are in excess of the amounts provided for in the appropriations to be augmented.	
173—For support of Department of Motor Vehicles, payable from the Motor Vehicle Fund, in accordance with the following schedule		38,005,332
Schedule:		
(a) Personal Services	36,854,610	
(b) Operating Expenses and Equipment	9,839,151	
Total of schedule	46,693,761	
Less estimated amounts available from other sources:		
(c) Reimbursements	2,815,922	
(d) Amount payable from Motor Vehicle License Fee Fund (Item 174)	5,872,507	
Net appropriation	38,005,332	
174—For support, Department of Motor Vehicles, payable from the Motor Vehicle License Fee Fund to be transferred to the Motor Vehicle Fund in augmentation of Item 173 of this act, as provided by Section 11003 of the Revenue and Taxation Code.		5,872,507
175—For payment of deficiencies in appropriations for the Department of Motor Vehicles which may be authorized by the Director of Finance, with the consent of the Governor, pursuant to Section 11006 of the Government Code, the sum of $350,000, or so much thereof as may be necessary, payable from the Motor Vehicle Fund.		
176—For transfer by the State Controller to the State Highway Fund from the Motor Vehicle Transportation Tax Fund and for expenditure by Department of Public Works for research on highway safety and in addition, any amounts received for research projects from federal grants or other sources shall be available for expenditure in		255,000

Item		Amount
accordance with the provisions of this item; provided, such research is to be conducted jointly by Division of Highways, Department of Public Works, the Department of Motor Vehicles and the Department of the California Highway Patrol.		
177—For support of Division of Aeronautics, Department of Public Works, in accordance with the following schedule		161,905
Schedule:		
(a) Personal Services	99,120	
(b) Operating Expenses and Equipment	80,285	
Total of schedule	179,405	
Less estimated amounts available from other sources:		
(c) Reimbursements	2,500	
(d) Amount payable from the Airport Assistance Fund (Item 177.5)	15,000	
Net appropriation	161,905	
177.5—For support of Division of Aeronautics, Department of Public Works, payable from the Airport Assistance Fund		15,000
INDUSTRIAL RELATIONS		
178—For support of Department of Industrial Relations, in accordance with the following schedule		19,301,970
Schedule:		
(a) Personal Services	15,628,251	
(b) Operating Expenses and Equipment	3,785,397	
Total of schedule	19,413,648	
Less estimated amounts available from other sources:		
(c) Reimbursements	63,171	
(d) Amount payable from the Department of Employment Contingent Fund (Item 179)	48,507	
Net appropriation	19,301,970	
179—For support of Department of Industrial Relations, payable from the Department of Employment Contingent Fund provided, that funds appropriated by this item shall be expended only for support of		48,507

Item		Amount
seven apprenticeship information centers presently operated by the Division of Apprenticeship Standards.		
180—For support of State Fire Marshal, in accordance with the following schedule		702,855
Schedule:		
(a) Personal Services	809,373	
(b) Operating Expenses and Equipment	171,532	
Total of schedule	980,905	
Less estimated amounts available from other sources:		
(c) Reimbursements	142,635	
(d) Amount payable from Dry Cleaners' Fund (Item 181)	135,415	
Net appropriation	702,855	
181—For support of State Fire Marshal, payable from the Dry Cleaners' Fund		135,415

JUSTICE

182—For support of Department of Justice, in accordance with the following schedule		12,620,694
Schedule:		
(a) Personal Services	11,071,940	
(b) Operating Expenses and Equipment	3,352,259	
Total of schedule	14,424,199	
Less estimated reimbursements	1,803,505	
Net appropriation	12,620,694	
183—For support of Commission on Peace Officers' Standards and Training, payable from the Peace Officers' Training Fund, in accordance with the following schedule		78,042
Schedule:		
(a) Personal Services	53,852	
(b) Operating Expenses and Equipment	24,190	
Total of schedule	78,042	

MILITARY AFFAIRS

184—For support of Military Department, in accordance with the following schedule		3,189,084
Schedule:		
(a) Personal Services	2,597,334	

Item		Amount
	(b) Operating Expenses and Equipment	1,205,741
	Total of schedule	3,803,075
	Less estimated amounts from other sources:	
	(c) Reimbursements	74,406
	(d) Estimated grants from the federal government	539,585
	Net appropriation	3,189,084

provided, that no expenditures shall be made from this appropriation as a substitution for personnel, equipment, facilities, or other assistance, or for any portion thereof, which in the absence of such expenditure, or of this appropriation, would be available to the Adjutant General, the California National Guard or the California National Guard Reserve from the federal government. Provided further, that all or any portion of this appropriation may be transferred to Item 29 of this act, for support of California Disaster Office, California State Disaster Council and advisory committees, upon order of the Department of Finance.

184.5—For allocation by executive order of the Department of Finance to state agencies, in augmentation of their support appropriations, for maintenance of Camp San Luis Obispo ... 139,788

185—For payment of military retirements in accordance with the provisions of Section 228 and 256 of the Military and Veterans Code, Military Department ... 64,321

REGULATION AND LICENSING

186—For support of Department of Alcoholic Beverage Control, in accordance with the following schedule ... 4,709,531

Schedule:

	(a) Personal Services	3,690,746
	(b) Operating Expenses and Equipment	1,022,785
	Total of schedule	4,713,531
	Less estimated reimbursements	4,000
	Net appropriation	4,709,531

Item		Amount
187—For support of Alcoholic Beverage Control Appeals Board, in accordance with the following schedule		124,368
Schedule:		
(a) Personal Services	96,164	
(b) Operating Expenses and Equipment	28,204	
Total of schedule	124,368	
188—For support of California Districts Securities Commission, in accordance with the following schedule		133,471
Schedule:		
(a) Personal Services	107,110	
(b) Operating Expenses and Equipment	26,361	
Total of schedule	133,471	
189—For support of California Horse Racing Board, payable from the Fair and Exposition Fund, in accordance with the following schedule		219,802
Schedule:		
(a) Personal Services	146,881	
(b) Operating Expenses and Equipment	72,921	
Total of schedule	219,802	
190—For support of State Banking Department, Department of Investment, payable from the State Banking Fund, in accordance with the following schedule		1,121,552
Schedule:		
(a) Personal Services	892,108	
(b) Operating Expenses and Equipment	229,444	
Total of schedule	1,121,552	
191—For support of Division of Corporations, Department of Investment, in accordance with the following schedule		3,252,472
Schedule:		
(a) Personal Services	3,543,697	
(b) Operating Expenses and Equipment	578,025	
Total of schedule	4,121,722	
Less estimated reimbursements	869,250	
Net appropriation	3,252,472	

Item		Amount
192—For support of Department of Insurance, payable from the Insurance Fund, in accordance with the following schedule		3,249,300
Schedule:		
(a) Personal Services	2,641,227	
(b) Operating Expenses and Equipment	660,173	
Total of schedule	3,301,400	
Less estimated reimbursements	52,100	
Net appropriation	3,249,300	
193—For augmentation of the Insurance Fund to be transferred to the Insurance Fund by the State Controller.		110,000
194—For support of Division of Real Estate, Department of Investment, payable from the Real Estate Fund, in accordance with the following schedule		2,942,086
Schedule:		
(a) Personal Services	2,209,148	
(b) Operating Expenses and Equipment	1,077,975	
Total of schedule	3,287,123	
Less estimated amount available from other sources:		
(c) Amount payable from the Real Estate Education, Research and Recovery Fund (Item 195)	345,037	
Net appropriation	2,942,086	
195—For educational and research needs of the real estate industry in California, payable from the Real Estate Education, Research and Recovery Fund to be allocated by the Department of Finance in amounts as it finds necessary to the University of California, exempt from Section 31 of this act and to the Division of Real Estate, Department of Investment, to carry out the provisions of Section 10451.5 of the Business and Professions Code.		605,037
196—For support of Division of Savings and Loan, Department of Investment, payable from the Savings and Loan Inspection Fund, in accordance with the following schedule		2,199,217

Item		Amount
Schedule:		
(a) Personal Services	1,836,985	
(b) Operating Expenses and Equipment	592,232	
Total of schedule	2,429,217	
Less estimated reimbursements	230,000	
Net appropriation	2,199,217	
197—For support of Board of Pilot Commissioners for the Harbor of San Diego		1,375
198—For support of Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, payable from the Board of Pilot Commissioners' Special Fund, in accordance with the following schedule		26,226
Schedule:		
(a) Personal Services	17,950	
(b) Operating Expenses and Equipment	8,276	
Total of schedule	26,226	
199—For support of Department of Professional and Vocational Standards, payable from the Professional and Vocational Standards' Fund, pursuant to the provisions of Sections 203 and 405 of the Business and Professions Code, in accordance with the following schedule		2,974,690
Schedule:		
(a) Personal Services	1,928,862	
(b) Operating Expenses and Equipment	1,067,128	
Total of schedule	2,995,990	
Less estimated reimbursements	21,300	
Net appropriation	2,974,690	
provided, that the amount of $150,000 shall not be available for expenditure in 1965–66 unless Senate Bill 401 is enacted at the 1965 session of the Legislature.		
200—For support of State Board of Accountancy, payable from the Accountancy Fund, in accordance with the following schedule		341,096
Schedule:		
(a) Personal Services	109,390	
(b) Operating Expenses and Equipment	231,706	
Total of schedule	341,096	

Item		Amount
201—For support of California State Board of Architectural Examiners, payable from the California State Board of Architectural Examiners' Fund, in accordance with the following schedule		135,827
Schedule:		
(a) Personal Services	83,005	
(b) Operating Expenses and Equipment	52,822	
Total of schedule	135,827	
202—For support of State Athletic Commission, in accordance with the following schedule		186,095
Schedule:		
(a) Personal Services	131,433	
(b) Operating Expenses and Equipment	54,662	
Total of schedule	186,095	
203—For support of State Board of Barber Examiners, payable from the State Board of Barber Examiners' Fund, in accordance with the following schedule		306,282
Schedule:		
(a) Personal Services	89,920	
(b) Operating Expenses and Equipment	216,362	
Total of schedule	306,282	
204—For support of Cemetery Board, payable from the Cemetery Fund, in accordance with the following schedule		73,700
Schedule:		
(a) Personal Services	40,810	
(b) Operating Expenses and Equipment	32,890	
Total of schedule	73,700	
205—For support of Board of Chiropractic Examiners, payable from the State Board of Chiropractic Examiners' Fund, in accordance with the following schedule		111,247
Schedule:		
(a) Personal Services	41,103	
(b) Operating Expenses and Equipment	70,344	
Total of schedule	111,447	
Less estimated reimbursements	200	
Net appropriation	111,247	

Item		Amount
206—For support of State Board of Registration for Civil and Professional Engineers, payable from the Professional Engineers' Fund, in accordance with the following schedule		502,054
Schedule:		
(a) Personal Services	318,671	
(b) Operating Expenses and Equipment	183,383	
Total of schedule	502,054	
provided, that the amount of $5,500 shall not be available for expenditure in 1965–66 unless Senate Bill 45 is enacted at the 1965 session of the Legislature.		
207—For support of Collection Agency Licensing Bureau, Department of Professional and Vocational Standards, payable from the Collection Agency Fund, in accordance with the following schedule		178,598
Schedule:		
(a) Personal Services	83,565	
(b) Operating Expenses and Equipment	95,033	
Total of schedule	178,598	
208—For support of Contractors' State License Board, payable from the Contractors' License Fund, in accordance with the following schedule		1,983,119
Schedule:		
(a) Personal Services	1,243,561	
(b) Operating Expenses and Equipment	739,558	
Total of schedule	1,983,119	
209—For support of State Board of Cosmetology, payable from the Board of Cosmetology's Contingent Fund, in accordance with the following schedule		573,716
Schedule:		
(a) Personal Services	177,330	
(b) Operating Expenses and Equipment	396,386	
Total of schedule	573,716	
210—For support of Board of Dental Examiners of California, payable from the State Dentistry Fund, in accordance with the following schedule		182,819

Item		Amount
Schedule:		
(a) Personal Services	109,519	
(b) Operating Expenses and Equipment	73,300	
Total of schedule	182,819	
211—For support of State Board of Dry Cleaners, payable from the Dry Cleaners' Fund, in accordance with the following schedule		323,171
Schedule:		
(a) Personal Services	94,650	
(b) Operating Expenses and Equipment	228,521	
Total of schedule	323,171	
provided, that the amount of $6,200 shall not be available for expenditure in 1965–66 unless Senate Bill 225 is enacted at the 1965 session of the Legislature.		
211.5—For additional support of State Board of Dry Cleaners, to be expended during the 1965–66 and 1966–67 fiscal years at the rate of not more than fifteen thousand dollars ($15,000) during one such fiscal year, the total amount not to exceed thirty thousand dollars ($30,000), for the purpose of contracting with any college or university supported, in whole or in part, by the State of California, or other research organization approved by the board, for conducting research and to disseminate to the drycleaning industry and the general public information on the factors involved in the cleaning and maintenance of fabrics, including those made from or containing synthetic fibers as well as natural fibers, such as wool, cotton, or other such fibers and the effect of cleaning procedures on the properties, life, and wearing qualities of fabrics, payable from the Dry Cleaners' Fund		30,000
212—For support of Bureau of Electronic Repair Dealer Registration, Department of Professional and Vocational Standards, payable from the Electronic Repair Dealer Registration Fund, in accordance with the following schedule		265,622
Schedule:		
(a) Personal Services	96,343	
(b) Operating Expenses and Equipment	169,279	
Total of schedule	265,622	

Item		Amount
213—For support of State Board of Funeral Directors and Embalmers, payable from the State Funeral Directors and Embalmers' Fund, in accordance with the following schedule		92,297
Schedule:		
(a) Personal Services	54,846	
(b) Operating Expenses and Equipment	37,451	
Total of schedule	92,297	
214—For support of Bureau of Furniture and Bedding Inspection, Department of Professional and Vocational Standards, payable from the Bureau of Furniture and Bedding Inspection Fund, in accordance with the following schedule		587,079
Schedule:		
(a) Personal Services	154,984	
(b) Operating Expenses and Equipment	432,095	
Total of schedule	587,079	
provided, that the amount of $5,000 shall not be available for expenditure in 1965–66 unless Senate Bill 1494 is enacted at the 1965 session of the Legislature.		
214.5—For support of State Board of Registration for Geologists, Department of Professional and Vocational Standards, payable from the Geology Fund, in accordance with the following schedule		73,900
Schedule:		
(a) Personal Services	35,700	
(b) Operating Expenses and Equipment	38,200	
Total of schedule	73,900	
provided, that none of the moneys appropriated by this item shall be available for expenditure in 1965–66 unless Senate Bill 871 is enacted at the 1965 session of the Legislature.		
215—For support of State Board of Guide Dogs for the Blind		2,426
216—For support of California State Board of Landscape Architects, payable from the State Board of Landscape Architects' Fund, in accordance with the following schedule		25,766

Item		Amount
Schedule:		
(a) Personal Services	9,709	
(b) Operating Expenses and Equipment	16,057	
Total of schedule	25,766	
217—For support of Bureau of Marriage Counselors, Department of Professional and Vocational Standards, payable from the Marriage Counselors Fund		2,898
218—For support of Board of Medical Examiners of the State of California, payable from the Contingent Fund of the Board of Medical Examiners, in accordance with the following schedule		946,144
Schedule:		
(a) Personal Services	251,378	
(b) Operating Expenses and Equipment	700,464	
Total of schedule	951,842	
Less estimated reimbursements	5,698	
Net appropriation	946,144	
provided, that the amount of $318,267 shall not be available for expenditure in 1965–66 unless Senate Bill 401 is enacted at the 1965 session of the Legislature.		
219—For support of Board of Medical Examiners of the State of California, payable from the Contingent Fund of the Board of Medical Examiners from those moneys deposited under the provisions of Section 2614 of the Business and Professions Code, in accordance with the following schedule		18,607
Schedule:		
(a) Personal Services	1,168	
(b) Operating Expenses and Equipment	17,439	
Total of schedule	18,607	
220—For support of Board of Medical Examiners of the State of California, payable from the Physical Therapy Fund, in accordance with the following schedule		16,946
Schedule:		
(a) Personal Services	1,258	
(b) Operating Expenses and Equipment	15,688	
Total of schedule	16,946	

Item			Amount
221—For support of California Board of Nursing Education and Nurse Registration, payable from the California Board of Nursing Education and Nurse Registration Fund, in accordance with the following schedule			597,191
Schedule:			
(a) Personal Services		261,501	
(b) Operating Expenses and Equipment		335,690	
Total of schedule		597,191	
222—For support of State Board of Optometry, payable from the State Optometry Fund, in accordance with the following schedule			68,644
Schedule:			
(a) Personal Services		28,900	
(b) Operating Expenses and Equipment		39,744	
Total of schedule		68,644	
223—For support of Board of Osteopathic Examiners of the State of California, payable from the Contingent Fund of the Board of Osteopathic Examiners, in accordance with the following schedule			21,525
Schedule:			
(a) Personal Services		9,745	
(b) Operating Expenses and Equipment		11,780	
Total of schedule		21,525	
224—For support of California State Board of Pharmacy, payable from the Pharmacy Board Contingent Fund, in accordance with the following schedule			470,467
Schedule:			
(a) Personal Services		249,353	
(b) Operating Expenses and Equipment		221,114	
Total of schedule		470,467	
225—For support of Bureau of Private Investigators and Adjusters, Department of Professional and Vocational Standards, payable from the Private Investigator and Adjuster Fund, in accordance with the following schedule			135,979

Item		Amount
Schedule:		
(a) Personal Services	26,920	
(b) Operating Expenses and Equipment	109,059	
Total of schedule	135,979	
provided, that the amount of $5,100 shall not be available for expenditure in 1965–66 unless Senate Bill 255 is enacted at the 1965 session of the Legislature.		
226—For support of Certified Shorthand Reporters Board, payable from the Shorthand Reporters' Fund, in accordance with the following schedule		30,687
Schedule:		
(a) Personal Services	8,910	
(b) Operating Expenses and Equipment	21,777	
Total of schedule	30,687	
227—For support of Board of Social Work Examiners of the State of California, payable from the Registered Social Workers' Fund, in accordance with the following schedule		32,660
Schedule:		
(a) Personal Services	22,506	
(b) Operating Expenses and Equipment	11,654	
Total of schedule	34,160	
Less estimated reimbursements	1,500	
Net appropriation	32,660	
228—For support of Structural Pest Control Board, payable from the Structural Pest Control Fund, in accordance with the following schedule		470,547
Schedule:		
(a) Personal Services	147,818	
(b) Operating Expenses and Equipment	322,729	
Total of schedule	470,547	
229—For support of Board of Examiners in Veterinary Medicine, payable from the Board of Veterinary Examiners' Contingent Fund, in accordance with the following schedule		44,787

Item		Amount
Schedule:		
(a) Personal Services	4,927	
(b) Operating Expenses and Equipment	39,860	
Total of schedule	44,787	
230—For support of Board of Vocational Nurse Examiners of the State of California, payable from the Vocational Nurse Examiners' Fund, in accordance with the following schedule		162,365
Schedule:		
(a) Personal Services	84,666	
(b) Operating Expenses and Equipment	77,699	
Total of schedule	162,365	
231—For support of Yacht and Ship Brokers Commission, payable from the Yacht and Ship Brokers' Fund, in accordance with the following schedule		24,492
Schedule:		
(a) Personal Services	23,184	
(b) Operating Expenses and Equipment	14,681	
Total of schedule	37,865	
Less estimated reimbursements	13,373	
Net appropriation	24,492	
232—For support of Public Utilities Commission, in accordance with the following schedule		4,788,526
Schedule:		
(a) Personal Services	7,670,765	
(b) Operating Expenses and Equipment	1,654,363	
Total of schedule	9,325,128	
Less estimated amounts available from other sources:		
(c) Reimbursements	90,000	
(d) Amount payable from the Transportation Rate Fund (Item 233)	4,446,602	
Net appropriation	4,788,526	
233—For support of Public Utilities Commission, payable from the Transportation Rate Fund		4,446,602

Item		Amount
RESOURCES		
234—For support of Resources Agency, in accordance with the following schedule		122,511
Schedule:		
(a) Personal Services	80,843	
(b) Operating Expenses and Equipment	41,668	
Total of schedule	122,511	
235—For a study for purposes of developing a comprehensive master recreation plan for the Sacramento-San Joaquin Delta and along the Sacramento River, Resources Agency		36,000
235.5—For support of any advisory committee appointed pursuant to Article 4 (commencing with Section 190), Chapter 2, Division 1, of the Water Code, to be expended only upon authorization of the chairman of the advisory committee		3,000
236—For support of Department of Conservation, in accordance with the following schedule		28,434,980
Schedule:		
(a) Personal Services	26,823,727	
(b) Operating Expenses and Equipment	8,640,054	
(c) Emergency Fire Suppression and Detection	200,000	
Total of schedule	35,663,781	
Less estimated amounts available from other sources:		
(d) Estimated reimbursements	6,185,907	
(e) Amount payable from Petroleum and Gas Fund (Item 237)	940,391	
(f) Amount payable from Subsidence Abatement Fund (Item 238)	102,503	
Net appropriation	28,434,980	
237—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Petroleum and Gas Fund		940,391
238—For support of Department of Conservation, in carrying out the functions of the Division of Oil and Gas, payable from the Subsidence Abatement Fund		102,503

Item		Amount
239—For allotment, pursuant to Section 4006 of the Public Resources Code, for the prevention and suppression of forest fires on state responsibility lands within the counties shown below, Department of Conservation, in accordance with the following schedule		2,096,298
Schedule:		
(a) Kern County	532,968	
(b) Los Angeles County	809,280	
(c) Marin County	170,640	
(d) Santa Barbara County	283,944	
(e) Ventura County	299,466	
Total of schedule	2,096,298	
240—For direct allotment to the United States Forest Service, for prevention and suppression of forest fires on private and state-owned lands located within and adjacent to the boundaries of United States national forests within this state, Department of Conservation		1,329,258
241—For white pine blister rust control on state and private lands, Department of Conservation; provided, that any amount expended from this item for the control of white pine blister rust on private lands must be matched by an expenditure of an equal amount from sources other than the appropriation made by this item. Control to be effected in accordance with Sections 4451 through 4459 of the Public Resources Code, and may be pursuant to an agreement which may provide for the advance of the state's contribution or any part thereof to the federal government		75,000
242—For wild land vegetation and soil mapping project in cooperation with the California Forest and Range Experiment Station of the United States Department of Agriculture and the University of California, Department of Conservation		121,455
243—For watershed research at the San Dimas Experimental Forest in cooperation with the California Forest and Range Experiment Station of the United States Department of Agriculture, Department of Conservation		23,472
244—For forest and fire research, Department of Conservation		181,603
245—For geological exploration in cooperation with United States Geological Survey, Department of Conservation		30,000
provided, that any amount withdrawn from this item must be matched by an expenditure		

Item		Amount
of a like amount by the federal government in this state for this purpose		
246—For publication of portions of a state geologic map, Department of Conservation, and in addition, any amounts received from sale of state geologic maps, in accordance with the following schedule		15,754
Schedule:		
(a) Operating Expenses	23,599	
Total of schedule	23,599	
Less estimated reimbursements	7,845	
Net appropriation	15,754	
247—For support of Department of Fish and Game, and for the maintenance and construction of fish screens and other stream improvements, payable from moneys in the Fish and Game Preservation Fund including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item. The appropriation made by this item shall be expended in accordance with the following schedule		11,491,116
Schedule:		
(a) Personal Services	8,287,504	
(b) Operating Expenses and Equipment	4,568,729	
Total of schedule	12,856,233	
Less estimated reimbursements	1,365,117	
Net appropriation	11,491,116	
The appropriation made by this item may be used as matching funds required for participation with the federal government in Public Law 88-309 (Bartlett Bill) with the understanding that the level of participation shall not be construed as a commitment by the Legislature to increased levels of state expenditure for this program.		
247.5—For support of Department of Fish and Game for the fish planting program provided for in Section 6402 of the Fish and Game Code		2,000
248—To pay the state's share of cooperation with the federal government in the purchase of land for game production, improvement of waterfowl areas and research in game man-		

Item		Amount
agement under the provisions of the Pittman-Robertson Act, and in fish restoration and management projects under the provisions of the Dingell-Johnson Act, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenue subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item, in accordance with the following schedule		350,836
Schedule:		
(a) Pittman-Robertson Program	951,044	
(b) Dingell-Johnson Program	452,300	
Total of schedule	1,403,344	
Less estimated amounts received from other sources:		
(c) Pittman-Robertson Act	713,283	
(d) Dingell-Johnson Act	339,225	
Net appropriation	350,836	
249—For state's share of the expenses of the Pacific Marine Fisheries Commission, in accordance with the Pacific Marine Fisheries Compact, Department of Fish and Game, payable from moneys in the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item		26,600
250—For research in the development of commercial fisheries of the Pacific Ocean and of marine products, Marine Research Committee, payable from the Fish and Game Preservation Fund from revenues derived under the provisions of Section 8046 of the Fish and Game Code		94,811
251—For support of Wildlife Conservation Board, payable from the Wildlife Restoration Fund, in accordance with the following schedule		89,601
Schedule:		
(a) Personal Services	59,821	
(b) Operating Expenses and Equipment	29,780	
Total of schedule	89,601	
provided, that any money in the Wildlife Restoration Fund in excess of the appropriation		

Item		Amount
made by this item shall continue to be available pursuant to Section 1352 of the Fish and Game Code.		
252—For support of Department of Parks and Recreation, in accordance with the following schedule		13,226,906
Schedule:		
(a) Personal Services	11,055,405	
(b) Operating Expenses and Equipment	3,988,712	
Total of schedule	15,044,117	
Less estimated amounts available from other sources:		
(c) Reimbursements	988,791	
(d) Amount payable from Small Craft Harbor Revolving Fund (Item 253)	828,420	
Net appropriation	13,226,906	
253—For support of Department of Parks and Recreation, in carrying out the functions of the Division of Small Craft Harbors, and in addition thereto, any amounts received from sale of registration lists, payable from the Small Craft Harbor Revolving Fund		828,420
254—For support of Department of Parks and Recreation, in carrying out the functions of the Division of Small Craft Harbors, payable from the Small Craft Harbor Revolving Fund, in augmentation of Item 259, Budget Act of 1963		17,468
Notwithstanding other provisions of this section, the appropriation made by this item is available for reimbursement to the General Fund of money made available in the 1963–64 fiscal year for expenditures properly chargeable to the Small Craft Harbor Revolving Fund.		
256—For expenditure by Department of Water Resources, from moneys transferred to the Water Resources Revolving Fund, in accordance with the following schedule, payable from the Water Resources Revolving Fund		55,906,830
Schedule:		
(a) Personal Services	37,630,724	
(b) Operating Expenses and Equipment	19,400,975	
(c) Unallocated	250,000	
Total of Schedule	57,281,699	

Item		Amount
	Less estimated reimbursements	1,374,869
	Net appropriation	55,906,830

provided, that any remaining balances in the Water Resources Revolving Fund continue to be appropriated by and subject to Section 135 of the Water Code.

257—For transfer to the Water Resources Revolving Fund, to be transferred by the State Controller in such amounts as the Department of Finance may authorize, for support of Department of Water Resources, including cooperative work with other agencies, in accordance with the following schedule 10,272,626

Schedule:

(a) General management	3,893,494
(b) General investigations	3,131,629
(c) Basic data	2,781,018
(d) Project planning	612,408
(e) Operations	2,038,771
(f) Other activities	1,439,690
(g) Services	19,110
(h) Unallocated	250,000
Total of schedule	14,166,120
Less estimated reimbursements from programs:	
1. General Fund	726,160
2. Other	3,167,334
Net appropriation	10,272,626

provided, that the money so transferred be placed in a special account in that fund and shall not be available for expenditure after June 30, 1966, and any unencumbered balances shall be returned to the General Fund as of June 30, 1966; and provided further, that any amount withdrawn from this item and expended for work in the federal cooperative program must be matched by an expenditure of like amount by the federal government in this state for this purpose; provided further, that the unallocated amount in item (h) above shall be available for transfer to the Water Resources Revolving Fund for expenditure only with the approval of the Joint Legislative Budget Committee.

257.5—For transfer to the Water Resources Revolving Fund to be transferred by the State Controller in such amounts as the Department of Finance may authorize for support of the De-

Item		Amount
partment of Water Resources for conducting additional sea water intrusion studies		310,000
258—For support of State Water Rights Board, and in addition, any amounts received from filing fees for recordation of wells shall be expended in accordance with the following schedule		1,076,406
Schedule:		
(a) Personal Services	931,881	
(b) Operating Expenses and Equipment	196,525	
Total of schedule	1,128,406	
Less estimated reimbursements	52,000	
Net appropriation	1,076,406	
259—For support of Reclamation Board, in accordance with the following schedule		130,616
Schedule:		
(a) Personal Services	777,200	
(b) Operating Expenses and Equipment	234,506	
Total of schedule	1,011,706	
Less estimated reimbursements	881,090	
Net appropriation	130,616	
260—For support of Colorado River Board of California, in accordance with the following schedule		248,332
Schedule:		
(a) Personal Services	196,608	
(b) Operating Expenses and Equipment	51,724	
Total of schedule	248,332	
261—For support of Colorado River Boundary Commission		7,783
262—For support of State Water Quality Control Board and the regional water pollution control boards, in accordance with the following schedule		1,017,253
Schedule:		
(a) Personal Services	749,600	
(b) Operating Expenses and Equipment	548,253	
Total of schedule	1,297,853	
Less estimated amounts available from other sources:		

Item		Amount
(c) Estimated grants from the federal government or agencies thereof	280,600	
Net appropriation	1,017,253	
263—For support of California-Nevada Interstate Compact Commission		29,082

VETERANS AFFAIRS

264—For support of Department of Veterans Affairs, in accordance with the following schedule		681,617
Schedule:		
(a) Personal Services	675,815	
(b) Operating Expenses and Equipment	162,529	
Total of schedule	838,344	
Less estimated amounts available from other sources:		
(c) From Veterans' Farm and Home Building Fund of 1943 (Item 265)	156,727	
Net appropriation	681,617	
265—For support of Department of Veterans Affairs, payable from the Veterans' Farm and Home Building Fund of 1943 to be transferred to the General Fund in augmentation of Item 264 of this act.		156,727
266—For educational assistance to veterans' dependents, Department of Veterans Affairs, to be expended under the provisions of Sections 890 through 899 of the Military and Veterans Code		1,900,000
267—For support of Veterans' Home of California, in accordance with the following schedule		4,022,431
Schedule:		
(a) Personal Services	4,568,119	
(b) Operating Expenses and Equipment	1,093,592	
Total of schedule	5,661,711	
Less estimated amounts available from other sources:		
(c) Reimbursements	61,700	

Item		Amount
(d) Estimated grants from the federal government	1,577,580	
Net appropriation	4,022,431	
provided, that none of the funds herein appropriated shall be expended for the payment of sick leave pay for member employees.		
268—For hospitalization and care of members, to be expended pursuant to Sections 1086.1 and 1086.2 of the Military and Veterans Code, Woman's Relief Corps Home		3,900
269—For support of United Spanish War Veterans Commission		3,400
MISCELLANEOUS		
270—For support of State Advisory Commission on Indian Affairs, including the expenses of the advisory committee		32,272
271—For support of California Arts Commission		152,197
271.5—For support of the Commission of the Californias		10,000
272—For support of Board of Harbor Commissioners for Humboldt Bay		2,800
273—For the state's contribution for the cost of a basic health benefits plan, for annuitants and other employees, in accordance with Sections 22828 and 22829 of the Government Code, which is not chargeable to any other appropriation		1,013,700
274—For refunding of payments of taxes, licenses, fees and other receipts which have been erroneously collected and deposited in the General Fund for the refund of which no other provision is made by law and for payment of prior judgments, liens or encumbrances pursuant to Section 12516 of the Government Code		20,000
275—For support of Los Angeles World Trade Center Authority		44,617
276—For support of San Francisco World Trade Center Authority, in accordance with the following schedule		74,486
Schedule:		
(a) Personal Services	46,892	
(b) Operating Expenses and Equipment	27,594	
Total of schedule	74,486	

Item			Amount
276.1—For support of California World Trade Authorities Coordinating Council, in accordance with the following schedule			139,833
Schedule:			
(a) Personal Services		30,444	
(b) Operating Expenses and Equipment		109,389	
Total of schedule		139,833	

DEBT SERVICE

277—For payment of interest, on order of the Director of Finance, on transfers of money from any special fund, which is subject to investment, to the General Fund under Section 16310 of the Government Code, computed at a rate determined by the Department of Finance to be a rate of interest prescribed by Section 16310.5 of the Government Code	1,883,336
277.1—For Salary Increase Fund, to be allocated by the Department of Finance to the several state offices, departments, boards, bureaus, commissions, and other state agencies, in augmentation of their respective appropriations for support or for other purposes, in such amounts as will make sufficient money available to be paid each state officer or employee in the state service whose compensation, or portion thereof, is chargeable to the General Fund, the increase in compensation provided for in any increased salary range or rate including staff benefits established on or after July 1, 1965, by the State Personnel Board or other salary-fixing authority, exclusive of the Regents of the University of California and the Trustees of the California State Colleges	19,355,000
For state officers and employees whose compensation, including staff benefits, or portion thereof, is payable from special funds, there is hereby appropriated from each special fund from which such officers and employees are paid an amount sufficient to provide increases in compensation, including staff benefits, for each such officer or employee, in accordance with this item, which amount is to be made available by executive order of the Director of Finance in augmentation of their respective appropriations for support or for other purposes.	

Item		Amount
	Before any increased salary range or rate established for any position for the 1965–66 fiscal year shall become effective, a certification shall be obtained from the Director of Finance that sufficient money either is available in funds authorized for the agencies or may be made available from the appropriation in this item, to meet the cost of such increases.	
277.2	—For university salary increases, to be allocated by the Department of Finance to the Regents of the University, in augmentation of its appropriation for support or for other purposes, in such amounts as will defray the cost, including staff benefits, of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1965, for the 1965–66 fiscal year by the regents in accordance with the following schedule ----------	10,871,149
	Schedule:	
	(a) Academic salaries ---------- 7,448,322	
	(b) Nonacademic salaries ---------- 3,422,827	
	Total of schedule ----------10,871,149	
	provided, that increase in compensation provided by increased salary ranges established for the 1965–66 fiscal year shall not result in total annual salary increases including staff benefits of more than $10,871,149, less any amount not needed to provide salary ranges equal to those established by the State Personnel Board (from funds made available in Item 277.1) for comparable classifications.	
277.3	– For California State Colleges' salary increases, to be allocated by the Department of Finance to the Trustees of the California State Colleges, in augmentation of appropriations for support or for other purposes, in such amounts as will defray the cost, including staff benefits of increases in compensation provided for in any increased salary range or rate established on or after July 1, 1965, for the 1965–66 fiscal year by the Trustees of the California State Colleges in accordance with the following schedule ----------	9,948,621
	Schedule:	
	(a) For instructional and instructional related positions ---------- 8,086,973	

Item		Amount
	(b) For administrative and noninstructional positions	1,861,648
	Total of schedule	9,948,621

provided, that increases in compensation provided by increased salary ranges established for the 1965–66 fiscal year shall not result in total annual salary increases including staff benefits of more than $9,948,621 less any amount not needed to provide salary ranges equal to those established by the State Personnel Board (from funds made available in Item 277.1) for comparable administrative and noninstructional classifications.

Before the Trustees of the California State Colleges establish any increased salary range or rate for the 1965–66 fiscal year, a certification shall be obtained from the Department of Finance that sufficient money either is available in funds authorized for the California State Colleges or may be made available from the appropriation in this item, to meet the cost of such increases.

Provided further, that the following amounts which are included within the above schedule are available only for the costs of staff benefits and for no other purpose (a) instructional and instructional related positions $612,798; and (b) administrative and noninstructional positions $141,087.

UNALLOCATED

278—For Emergency Fund, to be expended only on written authorization of the Department of Finance for emergencies 1,000,000

and in addition, $500,000 is appropriated for loans that may be made from the Emergency Fund to state agencies which derive their support from the General Fund or from sources other than the General Fund, upon such terms and conditions for repayment as may be prescribed by the Department of Finance and any sum so loaned shall, if ordered by the Department of Finance, be transferred by the State Controller to the fund from which the support of the agency is derived. Emergencies within the meaning of this provision are hereby defined as contingencies for which no appropriation, or insufficient appropriation, has been made by law and which in the judg-

Item		Amount
	ment of the Director of Finance constitute cases of actual necessity.	
	It is contemplated that future augmentations to the Emergency Fund shall be made only for specified uses.	
278.1	—For expenditures by state agencies as a result of storm or flood conditions occurring between December 1, 1964 and June 30, 1965, to be expended upon written authorization of the Department of Finance	2,923,234
	Notwithstanding other provisions of this section, the appropriation made by this item is available for payment of expenditures incurred during the 1964–65 fiscal year.	
279	—For allocation by executive order of the Department of Finance to state agencies, in augmentation of their support appropriations for purchase of data processing equipment	108,617
280	—For the administration, investigation, adjustment, defense and payment of tort liability claims, settlements, compromises and judgments against the state, its officers, servants and employees, for expenditure by the Department of Finance in its discretion in respect to, or for allocation by the Department of Finance in its discretion to, state agencies, departments, boards, bureaus or commissions supported from the General Fund; or for the purchase of insurance protecting the state, its officers, servants and employees against such tort liability claims, including the defense of such claims whether or not liability exists, Department of Finance	7,050,000
	and in addition thereto, there is hereby appropriated from each fund, other than the General Fund, an amount sufficient to pay the cost of administration, investigation, adjustment, defense, and payment of tort liability claims, settlements, compromises and judgments against the state or the state agency supported from such fund, arising from activities of such state agency, or for the purchase of insurance protecting the state, its officers, servants and employees of such state agency against tort liability claims and for the defense of such claims whether or not liability exists; provided, that no expenditures from any such appropriation from a fund other than the General Fund for payment of tort liability claims shall be made unless approved by the Department of Fi-	

Item		Amount
	nance in its discretion; and provided further, that any funds appropriated herein may be expended for either, or any combination, of the purposes specified herein as may be approved by the Department of Finance.	
281	For claim of the Secretary of the State Board of Control, to be paid from the several funds, in accordance with the following schedule	115,608
	Schedule:	
	(a) General Fund	82,966
	(b) Fish and Game Preservation Fund	968
	(c) State Highway Fund	4,160
	(d) Motor Vehicle Fund	6,039
	(e) Motor Vehicle Fuel Fund	1,845
	(f) California Water Fund	833
	(g) Real Estate Fund	150
	(h) Insurance Fund	11
	(i) Motor Vehicle License Fee Fund	4,157
	(j) Contractors' License Fund	36
	(k) Division of Architecture Revolving Fund	125
	(*l*) Water Resources Revolving Fund	5,852
	(m) Professional and Vocational Standards Fund	6,110
	(n) Inmate Welfare Fund	12
	(o) Unemployment Compensation Disability Fund	10
	(p) Unemployment Administration Fund	812
	(q) San Francisco Harbor Improvement Fund	331
	(r) State Compensation Insurance Fund	409
	(s) State Construction Program Fund	782
	Total of schedule	115,608
282	For the payment of workmen's compensation benefits in conformance with the provisions of Sections 3201 through 6002 and Sections 6100 through 6149 of the Labor Code and Public Law 108, Chapter 225, 81st Congress, First Session, as adopted by Section 340 of the Military and Veterans Code, to state officers and employees whose salaries or wages at time of compensable injury or death were payable in whole or in part from the General Fund	3,010,000

Item		Amount
283	For payment of the additional compensation for subsequent injury provided for by Sections 4750 through 4755 of the Labor Code, Department of Industrial Relations	775,000
284	For temporary transfers to the General Fund, in accordance with Section 16310 of the Government Code, payable from the California Water Fund; provided, that this item does not authorize any transfer which will interfere with the object for which said California Water Fund was created.	

LOCAL ASSISTANCE SECTION

SEC. 2.1. The following sums of money, or so much thereof as may be necessary unless otherwise provided herein, are hereby appropriated for the use and support of the State of California for the 1965–66 fiscal year beginning July 1, 1965, and ending June 30, 1966. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

Whenever by constitutional or statutory provision the revenues or receipts of any institution, department, board, bureau, commission, officer, employee, or other agency, or any moneys in any special fund created by law therefor, are to be used for salaries, support or any proper purpose, expenditures shall be made therefrom for any such purposes to the extent only of the amount herein appropriated, unless otherwise stated herein, or authorized pursuant to Section 11006 of the Government Code.

Appropriations for purposes not otherwise provided for herein which have been heretofore made by any existing constitutional or statutory provision shall continue to be governed thereby

AGRICULTURE

285	For salaries of county agricultural commissioners or compensation for services performed for county agricultural departments, Department of Agriculture, to be expended in accordance with the provisions of Section 63.5 of the Agricultural Code	171,600

CORRECTIONS

286	For reimbursements to counties for construction of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with Section 891 of the Welfare and Institutions Code	560,000

Item	Amount
Notwithstanding other provisions of this section, the amount made available by this item shall be available for expenditure until June 30, 1967; provided, that not more than $380,000 of said amount may be expended during the 1965–66 fiscal year.	
287—For reimbursements to counties for maintenance of juvenile homes and camps, Department of the Youth Authority, to be expended in accordance with the provisions of Sections 880 through 890 of the Welfare and Institutions Code	3,327,660
288—For payment of the state's share, as determined by the Department of Finance, of expenses incurred by local agencies in supervising and controlling juveniles as defined by Sections 600 through 607 of the Welfare and Institutions Code, at the international border between California and Mexico, pursuant to Section 1760(d) of said code, Department of the Youth Authority	44,555
EDUCATION	
289—For support of child care centers, Department of Education, to be apportioned by the department in the manner provided by Section 11 of the Chapter 1427, Statutes of 1953, as amended, directly to school districts maintaining child care centers pursuant to Sections 16601 through 16640 and Sections 16645.1 through 16645.28 of the Education Code, in accordance with the following schedule	7,078,948
Schedule:	
(a) Child care centers 6,954,116	
(b) Pilot centers for physically handicapped and mentally retarded children 124,832	
Total of schedule 7,078,948	
289.5—For transfer by the State Controller as of July 1, 1965, to the State School Construction Fund from the California Water Fund, to be expended in accordance with the provisions of Sections 18901 through 19153 of the Education Code	155,000
290—For transfer by State Controller to the Teachers' Retirement Fund for State Teachers' Retirement System	60,500,000

Item		Amount
291—For publishing, purchasing and shipping free textbooks, Department of Education, in accordance with the following schedule		7,793,321
Schedule:		
(a) Personal Services	102,481	
(b) Operating Expenses and Equipment	7,710,840	
Total of schedule	7,813,321	
Less estimated reimbursements	20,000	
Net appropriation	7,793,321	

provided, that none of the moneys appropriated by this item may be expended for publishing, purchasing or shipping any textbook, which has been conditionally approved or adopted by the State Board of Education subject to the condition that revisions will be made in such textbook by the publisher, unless and until such revisions have been made to the complete satisfaction of said board.

Provided, that none of this appropriation shall be available to finance contracts in respect to basic textbooks adopted by the State Board of Education during the 1964–65 or 1965–66 fiscal years in which the total price, including sales and use tax, for any textbook submitted on a finished book basis exceeds by more than 13 percent the average of the three highest total prices for a competitive textbook submitted on the basis of leasing plates to the state or in which said total price for any such textbook exceeds by more than 13 percent the sum of the manufacturing cost of such textbook as estimated by the State Department of General Services, and the average royalty cost of the three highest priced competitive textbooks, except that upon a finding by the State Board of Education that a book submitted on a finished book basis is clearly superior in quality and utility to others submitted on a leased plate basis, this appropriation shall be available to finance contracts at a cost to be agreed upon by the State Board of Education if such cost does not exceed by more than 13 percent the sum of the manufacturing cost of such textbook as estimated by the State Department of General Services and the average royalty cost of the three highest priced competitive textbooks.

Item	Amount
Provided further, that none of this appropriation shall be available to finance contracts for textbooks adopted as supplemental textbooks by the State Board of Education during the 1964–65 or 1965–66 fiscal years in which the unit price, including sales and use tax, for any textbook submitted on a finished book basis exceeds the unit manufacturing cost of such textbook as estimated by the State Department of General Services, multiplied by the average of the ratios of the total computed unit cost of each other supplementary textbook submitted to the State on a leased plate basis for the same grade level to the unit manufacturing cost of each such other textbook, plus 13 percent of the unit manufacturing cost of the textbook which is offered on a finished book basis.	
For the purposes of this item, three means all if fewer than three competitive textbooks are submitted on a leased plate basis and textbooks includes teachers' manuals or editions.	
The Department of Finance shall maintain a procedure which will indicate any cases in which the numbers and estimated costs of textbooks represented in printing or purchase orders placed during the budget year vary from the amounts contained in the budget schedule submitted by the Department of Education upon which this item of appropriation is based, and the Department of Finance shall unallot all amounts which are made available because of such differences. Upon presentation of need, the Department of Finance may reallot such funds as it finds necessary. It shall report all such actions to the Joint Legislative Budget Committee prior to August 1, 1966.	
292—For assistance to public libraries, Division of Libraries, Department of Education, to be apportioned by the Division of Libraries as provided in Chapter 1.5 (commencing with Section 27111) of Division 20 of the Education Code	800,000
293—For vocational education programs in public school districts, conducted under the provisions of Sections 6251 through 6254 of the Education Code, Department of Education, in accordance with the following schedule	230,271

Item		Amount
Schedule:		
(a) Payments to public school districts	5,903,468	
Total of schedule	5,903,468	
Less estimated amounts available from other sources:		
(b) Federal grants	5,673,197	
Net appropriation	230,271	

HEALTH AND WELFARE

294—For assistance to local agencies in the establishment and operation of mental health services, in accordance with the provisions of Division 8 of the Welfare and Institutions Code 15,711,727

295—For assistance to counties, and cities and counties, to be expended for services to physically handicapped children, including children diagnosed as suffering from phenylketonuria in accordance with provisions of Sections 249 through 271 of the Health and Safety Code, Department of Public Health 9,848,246 provided, that $1,722,420 shall be for statewide diagnoses; not to exceed $50,000 shall be for state care of physically handicapped children whose county of residence cannot be established and the balance of this appropriation shall be made available to the several counties as follows:

(a) The State Department of Public Health shall allocate to each county and city and county an amount which, when added to the amount provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, shall equal three times the amount provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, or shall equal the sum needed for the fiscal year as estimated by the State Department of Public Health and approved by the county or city and county not to exceed twenty thousand dollars ($20-000), whichever is the greater.

(b) If the amount allocated to any county or city and county pursuant to subsection (a) when added to the sum provided by the county or city and county pursuant to Section 270 of the Health and Safety Code, is less than the sum needed for the fiscal year as estimated by the State Department of Public

Item	Amount
Health and approved by the county or city and county, the State Department of Public Health shall make available to the county or city and county an additional amount not to exceed twice any amount provided by the county or city and county in addition to that required by Section 270 of the Health and Safety Code. (c) For the purpose of administration by independent counties, there shall be allocated an amount equal to two-thirds of the expenditures for the local administration of each independent county's program, made in accordance with a budget approved by the Department of Public Health; provided, however, that such amount shall not exceed 6⅔ percent of the gross total expenditures for diagnosis and treatment by that county in the preceding fiscal year. (d) No funds may be allocated to any county with a population of 200,000 or more as of the first day of the fiscal year specified in Section 2.1 of this act, unless such county is independently administering the program; provided, however, during the first six months of the first fiscal year in which any county is affected by this provision, and after notification to the Department of Public Health by a county that action is being taken to assume independent administration of the program, payments may continue to be made on behalf of such county by the state. (e) Expenditures made under this item to reimburse counties and cities and counties for the state's share of the cost of such services shall be charged to the fiscal year in which the county or city and county issues its warrant in payment of such services. Expenditures made under this item on behalf of counties or cities and counties for the cost of such services shall be charged to the year in which the warrant is issued by the State Controller.	
296—For assistance to counties, and cities and counties, for maintenance of tuberculosis sanatoria, Department of Public Health_____ including an additional amount of three dollars and four cents ($3.04) per patient-day in accordance with Sections 3300 and 3301 of the Health and Safety Code; leasing of facilities in accordance with Section 3295 of the Health and Safety Code; and reimbursement	4,435,153

Item		Amount
	of burial expenses in accordance with Section 3296 of the Health and Safety Code.	
297—	For assistance to counties by the establishment of local health services, in accordance with Section 1157 of the Health and Safety Code, Department of Public Health	477,549
298—	For assistance to cities, counties, local health agencies and local health districts for the establishment of minimum standards of personnel, organization and administration of local health departments, in accordance with the provisions of Chapter 8, Part 2, Division 1 of the Health and Safety Code, Department of Public Health	4,499,729
299—	For subsidies to local districts for research regarding the control of gnats as provided by Sections 2425 and 2426 of the Health and Safety Code, Department of Public Health— provided, that the Department of Public Health shall not allocate any of the money appropriated by this item to a local district unless and until money equal to or in excess of the amount proposed to be allocated by the department to the local district shall be made available by the local district for expenditure for the purpose for which the allocation is to be made, to the end that any sums allocated by the department shall be matched by like or greater amounts from sources other than the State Treasury or funds of any agency which is a part of the executive department of the state government.	50,000
300—	For assistance to local agencies for the treatment of physically handicapped minors by physical and occupational therapy to be provided in special schools and classes with assignment of therapists based on the number of children requiring therapy, Department of Public Health — provided, that all therapists will be employed by local agencies.	2,016,850
301—	For assistance to cities, counties, cities and counties, and local hospital districts in the construction of hospital facilities, Department of Public Health, to be expended under provisions of the California Hospital Survey and Construction Act — and in addition thereto, any amounts remaining unexpended on June 30, 1965, in the appropriation made by Item 388, Budget Act of 1964.	15,092,999

Item	Amount
302—For the state share of payments by counties under Section 2500.1 of the Welfare and Institutions Code	209,627
303—For the cost of treatment or operations to prevent blindness, to be expended in accordance with the provisions of Section 3051 of the Welfare and Institutions Code, and for the cost of providing vocational training to mentally retarded recipients of the aid to the disabled program, Department of Social Welfare	53,000
Such appropriation together with any grants made available by the federal government for this purpose shall be expended in accordance with the following schedule.	
Schedule:	
(a) Prevention of blindness	24,290
(b) Training of mentally retarded	120,000
Total of schedule	144,290
Less estimated amounts available from other sources:	
(c) Estimated grants from the federal government	91,290
Net appropriation	53,000
304—For the cost of local administration of public assistance for which federal grants-in-aid are made to the state; for in-service training and for scholarship or educational leave stipends to increase the supply of trained child welfare and public assistance personnel for county welfare departments; for grants or services to local communities for the extension of child welfare services; for the cost of local projects in the administration of public assistance and child welfare services and for grants to local public agencies pursuant to contracts with said agencies for the promotion and development of activities in behalf of aged persons, Department of Social Welfare	1,059,900
Such appropriation, together with any grants made available by the federal government for this purpose shall be expended in accordance with the following schedule.	
Schedule:	
(a) County Administration of Assistance programs	63,389,900
(b) Training	939,056

Item		Amount
	(c) Child Welfare Services ____ 1,201,204	
	(d) Special Projects _____ 2,069,259	
	Total of schedule_____ 67,599,419	
	Less estimated amounts available from other sources:	
	(e) Estimated grants from the federal government _____ 66,539,519	
	Net appropriation _____ 1,059,900	
304.1	—For expenditure by Department of Social Welfare, in accordance with the following schedule _____	90,055
	Schedule:	
	(a) Contractual services—Department of Education__ 360,219	
	Total of schedule_____ 360,219	
	Less estimated amounts available from other sources:	
	(b) Estimated grants from the federal government _____ 270,164	
	Net appropriation _____ 90,055	
	provided, that if federal funds cannot be made available for compensatory education services at child care centers, the State Controller, at the request of the Director of Finance, shall transfer not more than $90,055 of this appropriation to Item 289 of this act, Department of Education, for support of child care centers.	
305	—For reimbursement of expenses incurred by counties and cities in maintaining approved services for the licensing and inspection of agencies for child care and home finding, and agencies for the care of the aged, to be expended in accordance with the provisions of Sections 1622 and 2302 of the Welfare and Institutions Code, and for reimbursement to counties for the cost of the adoption programs and care of children, to be expended in accordance with the provisions of Sections 1640 through 1644 of the Welfare and Institutions Code, Department of Social Welfare, to be expended in accordance with the following schedule _____	7,591,652
	Schedule:	
	(a) For local inspection of homes and agencies caring for aged and children _____ 1,607,535	

Item		Amount
	(b) For reimbursement to counties for administration and cost of care of adoptions	7,003,242
	Total of schedule	8,610,777
	Less estimated amounts available from other sources:	
	(c) Estimated grants from the federal government	1,019,125
	Net appropriation	7,591,652

provided, that all or any portion of this appropriation may be transferred to Item 168 of this act, for support of Department of Social Welfare, upon order of the Department of Finance.

HIGHWAY TRANSPORTATION

306—For allocation and expenditure by the Public Utilities Commission to assist cities, counties, and cities and counties in paying their share of the cost of constructing grade crossing protection works, in augmentation of Chapter 1302 of the Statutes of 1961, payable from the State Highway Fund 600,000
The appropriation made by this item shall be available without regard to fiscal years.

RESOURCES

307—For expenditure by the Department of Water Resources, in accordance with Sections 12570 through 12875 of the Water Code, for payment of, and for reimbursement for necessary advances made for, the cost of cooperation by the state for major flood control projects adopted by the Legislature, including the Santa Barbara Streams and Redwood Creek flood control projects, for small flood control projects approved under Section 12750 of the Water Code, including the Banning Levee project and the Coyote Creek project, and for watershed protection and flood prevention projects as authorized by Sections 12850 through 12875 of the Water Code, including the Mosher Creek Watershed project 6,122,333
provided, that no expenditure shall be made until the local organizations give assurances

Item			Amount
	that they will maintain and operate the projects after completion in such manner as will accomplish the purposes for which the projects were authorized and constructed and as may be required by the federal agencies concerned and the Department of Water Resources, and that the local organizations will hold and save the State of California free from damages or claims due to the construction, installation, or operation of the project.		
308—	For land, easements and rights-of-way, including but not limited to, borrow pits, spoil areas and easements for levees, clearing, flood control works and flowage, and for appraisals, surveys, and engineering studies necessary for the completion or operation of the following projects in the Sacramento and San Joaquin watersheds as authorized by Section 8617.1, Sections 12648 through 12654, and Sections 12656.5 and 12828 of the Water Code; for the construction costs in lieu thereof as authorized by Section 8621 of the Water Code; and for advances to the federal government or payments to the federal government or others for incidental construction or reconstruction items which are an obligation of the state in connection with the completion or operation of the aforesaid projects and for materials and necessary construction, reconstruction, relocation, or alterations to highways, railroads, bridges, powerlines, communication lines, pipelines, irrigation works and other structures and facilities and for appraisals, surveys and engineering studies incident thereto including determining the boundaries and appropriate assessments of the Lower San Joaquin River Levee District within the area benefited by the Lower San Joaquin River Flood Control Project, the Reclamation Board, in accordance with the following schedule ----------		5,079,992
	Schedule:		
	(a) Sacramento River Flood Control Project ----------	773,456	
	(b) Sacramento River Bank Protection Project --------	2,671,361	
	(c) Lower San Joaquin River Flood Control Project -----	381,780	
	(d) Middle Creek Flood Control Project ----------	10,000	

Item		Amount
(e) Mormon Slough Flood Control Project	1,230,395	
(f) Buchanan Reservoir Flood Control Project	6,500	
(g) Hidden Reservoir Flood Control Project	6,500	
Total of schedule	5,079,992	

The appropriation made by this item shall remain available for expenditure until June 30, 1967.

309—For loans to cities, counties, or districts pursuant to Section 5827 of the Public Resources Code, Department of Parks and Recreation, Division of Small Craft Harbors, payable from the Small Craft Harbor Revolving Fund, in accordance with the following schedule 200,000

Schedule:

(a) Statewide—for feasibility and planning study	100,000
(b) Noyo Harbor District, Mendocino County—land acquisition	100,000
Total of schedule	200,000

310—For grants of four (4) launching facilities to cities, counties, or districts pursuant to Section 5865 of the Public Resources Code, Department of Parks and Recreation, Division of Small Craft Harbors, payable from the Small Craft Harbor Revolving Fund..... 247,000

311—For reimbursement to the General Fund as repayment of a loan from Item 293, Budget Act of 1964, Division of Small Craft Harbors, Department of Parks and Recreation, payable from the Small Craft Harbor Revolving Fund, in accordance with the following schedule 150,000

Schedule:

(a) Ventura Port District, Ventura County	30,000
(b) City of Martinez, Contra Costa County	120,000
Total of schedule	150,000

311.5—For repairs of damage at small craft harbor facilities constructed pursuant to Sections 5827, 5865 and 5823.5 of the Public Resources Code, caused by emergency conditions, in-

Item		Amount
	cluding but not limited to tidal waves or severe storms, as may be authorized by the Director of Finance, with the consent of the Governor, the sum of $200,000, or as much thereof as may be necessary, payable from the Small Craft Harbor Revolving Fund.	
312	For grants to soil conservation districts, Division of Soil Conservation, Department of Conservation	162,410
	OTHER PURPOSES	
313	For state's share of salaries of judges of superior courts as provided by Section 68206 of the Government Code	5,909,538
314	For contribution to counties toward the compensation and expenses of county service officers, Department of Veterans Affairs, to be expended in accordance with Section 972 of the Military and Veterans Code, payable from the surplus of the Veterans' Farm and Home Building Fund of 1943	500,000
315	For furnishing of workmen's compensation to disaster service workers and their dependents, in accordance with the provisions of Sections 3201 through 6002 of the Labor Code, including the reimbursing of the State Compensation Insurance Fund for the cost of services as adjusting agent, Governor's office, State Disaster Office	59,000
	The State Compensation Insurance Fund may draw from the State Treasury out of the appropriation made by this item, without at the time presenting vouchers and itemized statements, any portion of the appropriation contained in this item, to be used as a cash revolving fund. Expenditures made from the revolving fund in payment of claims for workmen's compensation and adjusting services are excepted from the operation of Section 925.6 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the State Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the State Controller requires.	
316	For allocation to cities, counties, and cities and counties, pursuant to Section 13523 of the Penal Code, Commission on Peace Officers' Standards and Training, payable from the Peace Officers' Training Fund	792,350

CAPITAL OUTLAY SECTION

SEC. 2.2. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1965–66, 1966–67 and 1967–68 fiscal years. All such appropriations, unless otherwise herein provided, shall be paid out of the General Fund in the State Treasury.

EXECUTIVE

Item		Amount
317—For capital outlay, California Disaster Office, California State Disaster Council and advisory committee, in accordance with the following schedule		64,650
Schedule:		
(a) Minor projects	64,650	
Total of schedule	64,650	
and in addition thereto any funds received from the federal government		
317.5—For capital outlay, Governor's office, Office of Economic Opportunity, for land acquisition and construction of five migrant worker rest stops, in accordance with the following schedule		18,725
Schedule:		
(a) Minor projects	187,250	
Total of schedule	187,250	
Less estimated amounts available from other sources:		
(b) Estimated grants from the federal government	168,525	
Net appropriation	18,725	

GENERAL ADMINISTRATION

318—For capital outlay, Department of General Services, in accordance with the following schedule		1,074,320
(b) Land acquisition of mountain tops	100,000	
(c) Alterations of State Office Building No. 1—Sacramento	589,000	
(d) Alterations of Library and Courts Building—Sacramento	62,740	
(e) Alterations of State Office Building—Oakland	10,000	
(f) Replace elevator—Los Angeles State Building	58,900	

Item		Amount
(g) Minor projects	24,150	
(h) Equip office building—San Bernardino	31,530	
(i) Alterations to old state office building—Los Angeles	187,000	
(j) Paint state garage—Sacramento	11,000	
Total of schedule	1,074,320	
318.1—For capital outlay, Department of General Services, in accordance with the following schedule		481,200
Schedule:		
(a) Alterations—State Capitol	481,200	
Total of schedule	481,200	
318.5—For investment by the Director of Finance for the purpose of, and in augmentation of, the appropriation made by Chapter 1242, Statutes of 1963, to be expended without regard to fiscal years		2,200,000
319.5—For capital outlay, Governor's Mansion Building and Planning Commission, in accordance with the following schedule		750,000
Schedule:		
(a) Construct Governor's Mansion	750,000	
Total of schedule	750,000	
to be released for expenditure only upon approval of the Joint Legislative Budget Committee.		
AGRICULTURE		
320—For capital outlay, Department of Agriculture, in accordance with the following schedule		8,600
Schedule:		
(a) Site acquisition	1,000	
(b) Construct street improvements—Meadowview Road	7,600	
Total of schedule	8,600	
320.1—For capital outlay, Department of Agriculture, in accordance with the following schedule		13,000

Item		Amount
Schedule:		
(a) Street improvements—35th District Agriculture Association	13,000	
Total of schedule	13,000	

provided, that notwithstanding any other provision of law, the appropriation made by this section will not eliminate or reduce any allocation or apportionment that the 35th District Agricultural Association would otherwise be eligible to receive.

321—For capital outlay, California Museum of Science and Industry, in accordance with the following schedule 55,270

Schedule:		
(a) Minor projects	55,270	
Total of schedule	55,270	

CORRECTIONS

322—For capital outlay, Department of Corrections, in accordance with the following schedule 1,021,771

Schedule:		
California Institution for Men:		
(a) Remodel inmate dining room	214,280	
California State Prison at San Quentin:		
(b) Convert water service lines to fresh water system	315,000	
Statewide:		
(c) Minor projects	492,491	
Total of schedule	1,021,771	

323—For capital outlay, Department of the Youth Authority, in accordance with the following schedule 427,650

Schedule:		
(a) Minor projects	427,650	
Total of schedule	427,650	

EDUCATION

324—For capital outlay, California School for the Deaf, Berkeley, in accordance with the following schedule 13,000

Item		Amount
Schedule:		
(a) Minor projects	13,000	
Total of schedule	13,000	
325—For capital outlay, California School for the Deaf, Riverside, in accordance with the following schedule		5,840
Schedule:		
(a) Minor projects	5,840	
Total of schedule	5,840	
325.1—For capital outlay, California School for the Deaf, Riverside, in accordance with the following schedule		20,000
Schedule:		
(a) Construct street improvements and sidewalk	20,000	
Total of schedule	20,000	
provided, that no funds from this appropriation shall be expended until such time as it can be determined that construction of the multihandicapped facility, School for the Deaf, Riverside, will not necessitate demolition and replacement of these improvements.		

HIGHER EDUCATION

326—For capital outlay, University of California, exempt from Section 31 of this act, in accordance with the following schedule		1,529,600
provided, that withdrawals shall be as required to meet current obligations as certified by the University of California notwithstanding any other provision of law.		
Schedule:		
(a) Minor projects	1,999,600	
Total of schedule	1,999,600	
Less estimated amounts available from other sources:		
(b) Plant pool earnings	470,000	
Net appropriation	1,529,600	
327—For capital outlay, California State Colleges, in accordance with the following schedule		1,088,000
Schedule:		
(a) Minor projects	1,088,000	
Total of schedule	1,088,000	

Item		Amount
to be allocated by the Trustees of the California State Colleges.		
EMPLOYMENT		
328—For capital outlay, Department of Employment, in accordance with the following schedule, payable from the Department of Employment Contingent Fund		5,000
Schedule:		
(a) Preliminary planning	5,000	
Total of schedule	5,000	
329—For capital outlay, Department of Employment, for the purposes listed below, payable from moneys credited to this state's account in the Unemployment Trust Fund and made available to this state under Section 903 of the Social Security Act, as amended		68,900
Purposes:		
(c) Construct parking lot—Sacramento provided, that such money is requisitioned from the Unemployment Trust Fund pursuant to Section 1528.5 of the Unemployment Insurance Code; no part of the money hereby appropriated may be obligated after the expiration of the two-year period beginning with the date of the enactment of this act. For purposes of this item, "date of enactment" means the 91st day after adjournment of the 1965 Regular Session of the Legislature; the total amount obligated pursuant to this item and Item 133 of this act during the 1965–66 fiscal year, or pursuant to this item during the 1966–67 fiscal year, shall not exceed the amount by which the aggregate of the amounts credited to the account of this state pursuant to Section 903 of the Social Security Act during such particular fiscal year and the nine preceding fiscal years, exceeds the aggregate of the amount obligated for administration and paid out for benefits and charged against the amounts credited to the account of this state during such 10 fiscal years.		
HEALTH AND WELFARE		
330—For capital outlay, Department of Mental Hygiene, in accordance with the following schedule		1,941,250

Item		Amount
Schedule:		
DeWitt State Hospital:		
(a) Remodel and modernize wards	500,000	
(b) Equip remodeled and modernized wards	10,000	
Pacific State Hospital:		
(c) Replace boiler	113,300	
Porterville State Hospital:		
(d) Replace electrical cable	61,250	
Statewide:		
(e) Minor projects	1,256,700	
Total of schedule	1,941,250	
331—For capital outlay, Orientation Center for the Blind, Department of Rehabilitation, in accordance with the following schedule		9,760
Schedule:		
(a) Minor projects	20,000	
Total of schedule	20,000	
Less amounts available from other sources	10,240	
Net appropriation	9,760	

HIGHWAY TRANSPORTATION

332—For capital outlay, Department of the California Highway Patrol, in accordance with the following schedule, payable from the Motor Vehicle Fund		701,525
Schedule:		
(a) Working drawings for remodeling of office building—San Francisco	20,000	
(b) Alter zone and area office—Los Angeles	95,000	
(c) Construct office building—Mt. Shasta	143,298	
(d) Working drawings for office building—Redding	25,000	
(e) Construct office building—San Luis Obispo	217,000	
(f) Construct parking area and street improvements—Academy	58,130	

Item		Amount
(g) Construct street improvements—headquarters building	18,000	
(h) Preliminary planning	15,000	
(i) Minor projects	110,097	
Total of schedule	701,525	
333—For capital outlay, Department of Motor Vehicles, in accordance with the following schedule, payable from the Motor Vehicle Fund		1,718,900
Schedule:		
(e) Land acquisition for parking—Glendale	130,000	
(f) Land acquisition for parking—San Diego	190,000	
(g) Land acquisition—Sacramento headquarters	525,000	
(i) Construct office addition—San Francisco	430,000	
(j) Construct parking facilities—Sacramento	51,500	
(k) Alterations for electronic data processing site—Sacramento	250,000	
(l) Correct ventilating system, office building—Oakland	65,400	
(m) Working drawings—Sacramento	15,000	
(n) Preliminary planning	20,000	
(o) Minor projects	42,000	
Total of schedule	1,718,900	

MILITARY AFFAIRS

334—For capital outlay, Military Department, in accordance with the following schedule		459,000
Schedule:		
(a) Project planning, working drawings and supervision of construction financed from federal funds	100,000	
(b) Construct street improvements—Sacramento Armory (Meadowview Road)	9,000	
(c) Minor projects	350,000	
Total of schedule	459,000	

REGULATION AND LICENSING

Item		Amount
335—For capital outlay, Department of Professional and Vocational Standards, in accordance with the following schedule, payable from the Professional and Vocational Standards' Fund		60,000
Schedule:		
(a) Provide safety improvements to three passenger elevators, Business and Professions Building—Sacramento	57,000	
(b) Preliminary planning	3,000	
Total of schedule	60,000	

RESOURCES

336—For capital outlay, Department of Conservation, in accordance with the following schedule		1,746,850
Schedule:		
(a) Land acquisition for Mountain Home State Forest Headquarters	25,000	
(b) Land acquisition for addition to Boggs Mountain and Jackson State Forests	9,600	
(c) Land acquisition for lookouts and forest fire stations	50,500	
(d) Engineering, planning and inspection services	133,217	
(e) Construct warehouse and shop building — Nevada County Ranger Unit Headquarters	108,000	
(f) Equip warehouse and shop building — Nevada County Ranger Unit Headquarters	2,550	
(g) Construct additional storage and warehouse buildings—Santa Rosa District Headquarters	140,500	
(h) Construct Smith Creek Forest Fire Station	76,820	
(i) Equip Smith Creek Forest Fire Station	1,373	
(j) Construct West Point Forest Fire Station	96,925	
(k) Equip West Point Forest Fire Station	655	

Item		Amount
(*l*) Construct Cathay Forest Fire Station	66,770	
(m) Construct Sunshine Forest Fire Station	114,500	
(n) Equip Sunshine Forest Fire Station	6,500	
(o) Construct Alturas Forest Fire Station	117,000	
(p) Equip Alturas Forest Fire Station	12,310	
(q) Minor projects	784,630	
Total of schedule	1,746,850	
337—For capital outlay, Department of Fish and Game, payable from the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to meet the appropriation made by this item. The appropriation made by this item shall be expended in accordance with the following schedule		143,200
Schedule:		
(a) Construct concrete ponds—Moccasin Creek Hatchery	50,000	
(b) Replace radio system—phase I	10,000	
(c) Minor projects	83,200	
Total of schedule	143,200	
337.1—For capital outlay, Department of Fish and Game, payable from the Fish and Game Preservation Fund, including revenues subject to the provisions of Section 13005 of the Fish and Game Code, which revenues are hereby appropriated to the extent required to the appropriation made by this item		40,000
The appropriation made by this item shall be in augmentation of Item 360(c), Budget Act of 1963, as augmented by Executive Order D63-92.		
338—For capital outlay, Department of Parks and Recreation, in accordance with the following schedule		8,094,674
Schedule:		
(a) Land acquisition—statewide	500,000	
(b) Angel Island State Park—area restoration	69,000	
(c) Angel Island State Park—water system survey	50,000	

Item		Amount
(d)	Angel Island State Park—razing of structures	199,500
(e)	Carpinteria State Beach—general development	389,900
(f)	Castaic Reservoir—tree planting	62,000
(g)	Castaic Reservoir—preliminary planning	30,000
(h)	Cedar Springs Reservoir—preliminary planning	35,000
(i)	Columbia State Historic Park—historic building restoration	302,515
(j)	Doheny State Beach—general development	293,200
(k)	Dry Lagoon State Park—initial development	188,868
(*l*)	Folsom Lake State Recreation Area—additional development, Peninsula area	118,930
(m)	Folsom Lake State Recreation Area—construction and improvements, Granite Bay area	75,100
(n)	Grizzly Valley Reservoir State Recreation Area—continuing development, phase II	257,200
(o)	Hearst-San Simeon State Historical Monument—rehabilitation and repairs	100,000
(p)	Humboldt Redwoods State Park — restoration, erosion control and bank protection	175,000
(q)	Humboldt Redwoods State Park — continuing development, Hidden Springs campground	110,818
(r)	Julia Pfeiffer Burns State Park—initial development	257,800
(s)	Marshall Gold Discovery State Historic Park — additional development, water system	115,900
(t)	Orestimba Wayside Park—initial development	227,250
(u)	Oroville Reservoir State Recreation Area — preliminary planning	70,000

Item		Amount
(v) Oroville Reservoir State Recreation Area—initial development, Thermalito Forebay	371,170	
(w) Oroville Reservoir State Recreation Area—initial development, Lime Saddle Area	703,850	
(x) Perris Reservoir—tree planting	70,500	
(y) Pfeiffer-Big Sur State Park—additional development, sewage disposal system	228,500	
(z) Statewide—preliminary planning	18,883	
(aa) San Elijo State Beach—continuing development	243,400	
(bb) San Luis Reservoir—tree planting	45,000	
(cc) San Luis Reservoir—initial developing	661,740	
(dd) Sonoma State Historic Park—historic building restoration	100,000	
(ee) Stinson State Beach—general development	221,050	
(ff) Minor projects	1,154,100	
(gg) Donner Memorial State Park—construct museum	73,500	
(hh) Grizzly Valley Reservoir State Recreation Area access road to Lake Davis	525,000	
(ii) Atascadero State Beach—access road development	50,000	
Total of schedule	8,094,674	
338.1—For capital outlay, Department of Parks and Recreation, in accordance with the following schedule		60,000
Schedule:		
(a) Bidwell Mansion State Historical Monument—development, phase II	60,000	
Total of schedule	60,000	
338.5—For capital outlay, Department of Parks and Recreation, in accordance with the following schedule		75,000

Item		Amount
Schedule:		
(a) San Juan Bautista State Historic Park—historic building restoration, Plaza Hotel	75,000	
Total of schedule	75,000	
339—For capital outlay, Department of Parks and Recreation, in accordance with the following schedule, payable from the Small Craft Harbor Revolving Fund		378,910
Schedule:		
(a) Folsom Lake State Recreation Area—construction and improvements to boat launching facilities, Granite Bay Area	91,600	
(b) Oroville Reservoir State Recreation Area—initial development of boating facilities, Lime Saddle Area	267,750	
(c) San Luis Reservoir — initial development of boating facilities	19,560	
Total of schedule	378,910	
340—For capital outlay, Department of Water Resources, in accordance with the following schedule		26,000
Schedule:		
(a) Minor projects	26,000	
Total of schedule	26,000	
VETERANS AFFAIRS		
341—For capital outlay, Veterans' Home of California, in accordance with the following schedule		57,100
Schedule:		
(a) Minor projects	57,100	
Total of schedule	57,100	
UNALLOCATED		
342—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, to state agencies		210,000

Item		Amount
The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.		
343—For augmentation of, and in accordance with, the provisions of Section 16409 of the Government Code		1,000,000

STATE CONSTRUCTION BOND ACT PROGRAM

SEC. 2.3. The following sums of money, or so much thereof as may be necessary, are hereby appropriated for expenditure during the 1965–66, 1966–67 and 1967–68 fiscal years for expenditure only for the programs contemplated by the State Construction Program Bond Act of 1955, the State Construction Program Bond Act of 1958, the State Construction Program Bond Act of 1962, the State Construction Program Bond Act of 1964, or any State Construction Program Bond Act thereafter enacted. All such appropriations shall be paid out of the State Construction Program Fund.

GENERAL ADMINISTRATION

Item		Amount
345—For capital outlay, Department of General Services, in accordance with the following schedule, payable from the State Construction Program Fund		27,679,625
(a) Land acquisition—Sacramento	48,500	
(c) Construct central heating and cooling plant — Sacramento and for reimbursement of any expenditure made from the appropriation contained in Item 337(k) of the Budget Act of 1963, as augmented by State Public Works Board	10,663,625	
(d) Construct and equip office buildings in the City of Sacramento and for reimbursement of any expenditure made from the appropriation contained in Item 337(a) of the Budget Act of 1963	16,967,500	
Total of schedule	27,679,625	
and in addition thereto any funds received from the federal government.		

AGRICULTURE

Item		Amount
346—For capital outlay, Department of Agriculture, in accordance with the following schedule, payable from the State Construction Program Fund		446,805
Schedule:		
(a) Construct plant quarantine station—Needles	446,805	
Total of schedule	446,805	

CORRECTIONS

347—For capital outlay, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		1,454,950
Schedule:		
California Conservation Center:		
(a) Equip North Coast Conservation Center	73,000	
(b) Construct emergency electrical power system	204,800	
Deuel Vocational Institution:		
(c) Construct addition to dairy	264,000	
State Prison at San Quentin:		
(f) Equip inmate activity building	50,000	
(g) Construct refrigeration building	369,550	
Correctional Training Facility:		
(h) Replacement and addition to South Facility	493,600	
Total of schedule	1,454,950	
347.5—For capital outlay, Department of Corrections, in accordance with the following schedule, payable from the State Construction Program Fund		1,200,000

Item		Amount
Schedule:		
Medical Correctional Institution:		
(a) Site acquisition	1,200,000	
Total of schedule	1,200,000	

provided, that funds herein appropriated shall only be available for expenditure for the acquisition of one contiguous site, all or the major part of which is south of latitude 32° 59′ 30″ north, north of Highway 80 to the county line and east of U.S. Highway 395.

348—For capital outlay, Department of the Youth Authority, in accordance with the following schedule, payable from the State Construction Program Fund 2,249,655

Schedule:		
Fred C. Nelles School for Boys:		
(a) Construct vocational classroom	82,400	
(b) Equip vocational classroom	6,590	
(c) Equip living unit	13,050	
Northern California Youth Center:		
(d) Construct laundry and dry-cleaning plant	798,320	
(e) Equip laundry and dry-cleaning plant	50,000	
(f) Construct drainage canal and holding basin	405,200	
(g) Construct surgery facility	208,165	
Ventura School for Girls:		
(m) Equip reception center	177,320	
(n) Improve sewage facilities	35,000	
(o) Construct commissary building	68,345	
(p) Equip commissary building	4,795	
Fricot Ranch School for Boys:		
(q) Construct and equip clothing building	117,300	
(r) Construct and equip maintenance shop building	212,900	
(s) Construct and equip music classroom	70,270	
Total of schedule	2,249,655	

Item		Amount
348.1—For capital outlay, Department of the Youth Authority, to be allocated by executive order of the Director of Finance to the Department of the Youth Authority upon agreement between the Department of Finance and the Department of the Youth Authority as to proper scope, architectural and engineering design and estimate of cost of each project in this item in accordance with the following schedule from the State Construction Program Fund		947,400
Schedule:		
Southern California Youth Center:		
(a) Alter Youth Training School to provide central services for two additional institutions, working drawings	150,000	
(b) Working drawings—older boys reception center	312,000	
(c) Working drawings—medical-psychiatric institution	435,400	
The design concept incorporated in this working drawings development shall not limit the ability of the Legislature to determine at a future date the proper level of custodial staffing (group supervisors) required. There shall be nothing inherent in the design that, in effect, would commit the custodial staffing to a higher level than presently employed in other Department of the Youth Authority boys' institutions.		
(d) Project planning including working drawings — sewage facilities	50,000	
Total of schedule	947,400	

HIGHER EDUCATION

349—For capital outlay, University of California, exempt from Section 31 of this act, in accordance with the following schedule, payable from the State Construction Program Fund provided, that withdrawals shall be as required to meet current obligations as certified		55,389,550

Item	Amount
by the University of California notwithstanding any other provision of law.	
Schedule:	
(a) Preliminary plans and programming	1,000,000
(b) General planning studies	100,000
(c) Equip chemistry unit 2—Berkeley	700,000
(d) Equip Moses Hall alterations—Berkeley	37,100
(e) Equip agricultural hall alterations—Berkeley	43,900
(f) Working drawings for undergraduate library—Berkeley	124,400
(g) Land acquisition—Berkeley	75,000
(h) Construct storm drain system—Berkeley	290,500
(i) Equip humanities building—Davis	300,000
(j) Equip administration building—Davis	200,000
(k) Construct supplemental irrigation water supply system to campus—Davis	1,087,800
(*l*) Construct utilities—Davis	668,000
(m) Working drawings for heating plant addition—Davis	57,500
(n) Construct campus road development—Davis	322,300
(o) Construct physical sciences unit 1 alterations related to physical sciences unit 2—Davis	299,000
(p) Construct biological sciences unit 3—Davis	3,350,400
(q) Construct library expansion, step 2—Davis	2,685,800
(r) Construct and equip facility for study on the biology of large animals, unit 1—Davis	480,800
(s) Working drawings for the school of law building—Davis	79,200
(t) Construct relocation of horticulture greenhouse range to clear site for classroom and office unit 3—Davis	407,000
(u) Working drawings for classroom and office unit 3—Davis	100,300

Item	Amount
(v) Construct relocation of agricultural field facilities to clear sites for new buildings —Davis	450,800
(w) Construct veterinary medical facilities unit 1—Davis	4,382,600
(x) Construct and equip utilities and site development — Irvine	1,202,800
(y) Working drawings for physical sciences unit 1—Irvine	200,500
(z) Equip space sciences building—Los Angeles	200,000
(aa) Equip administration addition—Los Angeles	155,500
(bb) Equip art unit 2—Los Angeles	299,000
(cc) Construct Franz Hall addition—step 2—Los Angeles	4,100,000
(dd) Working drawings for alterations to administration building—Los Angeles	25,000
(ee) Construct theater arts building, unit 2—Los Angeles	2,580,600
(ff) Working drawings for north campus library, unit 2—Los Angeles	95,600
(gg) Equip school of dentistry unit—Los Angeles Center for the Health Sciences	600,000
(hh) Equip basic sciences unit 2a—Los Angeles Center for the Health Sciences	500,000
(ii) Equip hospital and clinics unit 2b (Jules Stein Eye Institute)—Los Angeles Center for the Health Sciences	124,000
(jj) Working drawings for basic sciences unit 1 alterations—Los Angeles Center for the Health Sciences	69,500
(kk) Construct school of public health building — Los Angeles Center for the Health Sciences	1,764,100
(*ll*) Equip physical sciences unit 4—Riverside	601,350
(mm) Construct utilities—Riverside	414,700

Item	Amount
(nn) Construct central heating and refrigeration plant unit 2—Riverside	614,300
(oo) Construct life sciences unit 2—Riverside	3,179,600
(pp) Construct alterations to physical science building—Riverside	194,400
(qq) Working drawings for library unit 3—Riverside	132,400
(rr) Equip building E, first college—San Diego	355,000
(ss) Equip building F, first college—San Diego	250,000
(tt) Construct alterations to buildings B and C—San Diego	200,000
(uu) Construct and equip Camp Matthews building renovation—San Diego	164,200
(vv) Construct utilities and site development—San Diego	246,600
(ww) Working drawings for physical education building and playing fields — San Diego	62,300
(xx) Working drawings for building 2a, second college—San Diego	125,000
(yy) Construct relocation of La Jolla Shores Drive—San Diego	104,700
(zz) Working drawings for utilities and site development related to basic science building—San Diego Medical	18,600
(aaa) Construct facilities at county hospital site—San Diego Medical	284,800
(bbb) Construct basic science building—San Diego Medical	6,640,000
(ccc) Working drawings for utilities and relocation of campus road—San Francisco	11,900
(ddd) Construct and equip medical sciences building alterations—San Francisco	248,900
(eee) Equip chemistry building —Santa Barbara	505,000

Item		Amount
	(fff) Equip natural sciences space—Santa Barbara	100,000
	(ggg) Construct utilities and site development — Santa Barbara	958,300
	(hhh) Land acquisition — Santa Barbara	448,100
	(iii) Construct classroom and office unit 3—Santa Barbara	4,080,000
	(jjj) Construct library unit 3—Santa Barbara	3,619,500
	(kkk) Construct and equip physical sciences building alterations—Santa Barbara	113,000
	(*lll*) Working drawings for classroom and office unit 4—Santa Barbara	121,900
	(mmm) Working drawings for music unit 2—Santa Barbara	71,200
	(nnn) Equip university library unit 1—Santa Cruz	239,000
	(ooo) Equip residential college number 1—Santa Cruz	110,000
	(ppp) Equip residential college number 2—Santa Cruz	103,000
	(qqq) Construct utilities and site development—Santa Cruz	574,600
	(rrr) Construct and equip central heating plant — Santa Cruz	743,700
	(sss) Construct residential college number 3—Santa Cruz	375,600
	(ttt) Working drawings for fine arts and communications unit 1—Santa Cruz	49,400
	(uuu) Working drawings for natural sciences unit 2—Santa Cruz	104,000
	(vvv) Equip natural sciences unit 1—Santa Cruz	65,500
	Total of schedule	55,389,550

349.1—For capital outlay, University of California, exempt from Section 31 of this act, to be allocated by executive order of the Director of Finance to the Regents of the University of California upon agreement between the Department of Finance as to the proper scope, architectural and engineering design, and estimate of cost of each project in this item

Item		Amount
and provided that grants of money from the federal government become available under the terms of the Higher Education Facilities Act of 1963 and the provisions of Section 18.1, Budget Act of 1965, thereby releasing an equal amount of state appropriated funds which are hereby reappropriated, in accordance with the following schedule, payable from the State Construction Program Fund--		10,721,500
Schedule:		
(a) Construct mathematical sciences building, Berkeley----	5,147,000	
(b) Construct general campus improvements, Berkeley----	303,200	
(c) Construct campus road development, Davis -------	43,000	
(d) Construct general campus development, Davis -------	135,000	
(e) Construct utilities and site development, Irvine -------	150,000	
(f) Construct mathematical sciences addition, Los Angeles	4,153,000	
(g) Working drawings for biological science unit 2, Santa Barbara ----------	152,400	
(h) Working drawings for physics unit 1, Santa Barbara ----------	138,600	
(i) Construct utilities and site development, Santa Barbara	48,000	
(j) Land acquisition, Hastings--	300,000	
(k) Construct Kearney horticultural field station development—step 3 ----------	151,300	
Total of schedule -------		10,721,500
349.2—For capital outlay, University of California, exempt from Section 31 of this act, to be allocated by executive order of the Director of Finance to the Regents of the University of California upon agreement between the Department of Finance and the University of California as to the proper scope, architectural and engineering design, and estimate of cost of each project in this item, in accordance with the following schedule, payable from the State Construction Program Fund--		1,825,300
Schedule:		
(a) Land acquisition, Berkeley-	175,000	
(b) Purchase of relocatable buildings, Davis ----------	376,000	

Item		Amount
	(c) Land acquisition, Los Angeles	260,000
	(d) Purchase of relocatable buildings, Santa Barbara	179,300
	(e) Camp Mathews—building renovation, San Diego	200,000
	(f) Land acquisition, San Francisco	370,000
	(g) Construct maintenance shops, San Francisco	265,000
	Total of schedule	1,825,300

350—For capital outlay, University of California, exempt from Section 31 of this act, in accordance with the following schedule, payable from the State Construction Program Fund provided that withdrawals shall be as required to meet current obligations as certified by the University of California notwithstanding any other provision of law.

If grants of money from the federal government for health sciences projects become available for any one or more of the projects for which an appropriation is made in Item 349, Budget Act of 1965, Schedule (a) to (vvv) inclusive, with the result that the total amount required to be expended for that project from the state funds so appropriated is reduced, subject to the approval of the Director of Finance an amount of funds equal to the amount of the reduction may be transferred from the appropriation of Item 349, Budget Act of 1965, for use by the University of California as the state's contribution for any matching fund requirements for federal grants for any one or more of the projects relating to health sciences which are approved by the federal government for a federal grant upon allocation by the Director of Finance to:

(1) Item 350, Budget Act of 1965, for any of the projects listed below;

(2) Item 350, Budget Act of 1965, for the funding of equipment for any of the projects listed below; or

(3) Any capital outlay appropriation to the University of California, for funding of equipment for capital outlay projects previously authorized for construction by the Legislature.

Item	Amount
Schedule:	
(a) Construct basic sciences unit 1 alterations, Los Angeles Center for the Health Sciences	1,359,800
(b) Working drawings and construct alterations to hospital and clinics unit 1—step 1—Los Angeles Center for the Health Sciences	80,600
(c) Working drawings and construct interior completion of 3 floors of health sciences instruction and research unit 1 — step 2 — San Francisco Medical Center	345,200
(d) Working drawings, construct, and equip instruction and research laboratories—San Francisco General Hospital — San Francisco Medical Center	238,000
(e) Working drawings, construct, and equip unit for pharmacy graduate teaching program — interior completion of 1 floor of health sciences instruction and research unit 1—San Francisco Medical Center	119,900
(f) Working drawings for addition to H. C. Moffitt Hospital — San Francisco Medical Center	87,000
(g) Working drawings for clinical sciences building — San Diego Medical Center	52,400
(h) Working drawings for University Hospital, 250 beds and outpatient clinics—San Diego Medical Center	94,000
(i) Preliminary plans for 1966–67 medical projects	175,000
(j) Construct utilities to Bovine Leukemia Laboratory Facilities—Davis campus	40,000
(k) Construct utilities to National Primate Center—Davis campus	36,000
Total of schedule	2,627,900

Item		Amount
Less estimated amounts available from other sources	2,627,900	
Net appropriation	0	
350.1—For capital outlay, University of California, for the California College of Medicine, to be allocated by executive order of the Director of Finance to the Regents of the University of California upon agreement between the Department of Finance and the University of California as to the proper scope, architectural and engineering design, and estimate of cost of each project in this item, in accordance with the following schedule, payable from the State Construction Program Fund		173,500
Schedule:		
(a) Working drawings for the basic sciences building	173,500	
Total of schedule	173,500	
351—For project planning, Trustees of the California State Colleges, subject to approval by the State Public Works Board, in accordance with the following schedule, payable from the State Construction Program Fund		725,000
Schedule:		
(a) Project planning for the 1966–67 fiscal year	425,000	
(b) Project planning for the 1967–68 fiscal year	200,000	
(c) General studies	100,000	
Total of schedule	725,000	
The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.		
351.1—For capital outlay, Trustees of the California State Colleges, to be allocated by executive order of the Director of Finance to the Trustees of the California State Colleges upon agreement with the Department of Finance as to the proper scope, architectural and engineering design, and estimate of cost of each project in this item and provided that grants of money from the federal government become available under the terms of the Higher Education Facilities Act of 1963 and the provisions of Section 18 2, Budget Act of 1965, thereby releasing an equal amount of state		

Item		Amount
	appropriated funds which are hereby reappropriated, in accordance with the following schedule, payable from the State Construction Program Fund ----------	250,000
	Schedule:	
	(a) Land acquisition ---------- 250,000	
	Total of schedule---------- 250,000	
	The amount appropriated by this item is subject to the approval of the State Public Works Board for the acquisition of land at any of the state colleges provided that the land to be acquired is within the boundaries of the master plan of that particular college and that this master plan has been approved by the Trustees of the California State Colleges and provided further that these funds will be used only for purchases of an opportunity or emergency nature.	
352	—For capital outlay, Trustees of the California State Colleges, to be expended by said trustees and for allocation by the trustees to the California State Colleges for expenditures by said colleges, not to exceed the amounts set forth in the following schedule, payable from the State Construction Program Fund ----	40,793,860
	Schedule:	
	Chico State College:	
	(a) Land acquisition ---------- 186,000	
	(b) Working drawings for remodeling of the applied arts building ---------- 10,000	
	(c) Construct engineering building and equip—phase II---- 36,600	
	(d) Equip farm buildings—phase IV ---------- 49,000	
	Fresno State College:	
	(e) Construct administration-faculty office building ----- 1,463,000	
	(f) Site development—utilities - 400,000	
	State College at Fullerton:	
	(g) Equip science building—phase IV ---------- 190,000	
	(h) Equip music-speech-drama building—phase II ---------- 91,500	
	(i) Equip physical education facilities ---------- 164,000	

Item		Amount
(j)	Construct conversion of science building classrooms—phase I	580,000
(k)	Construct cafeteria	1,425,873
(*l*)	Working drawings for humanities social science building	100,000
(m)	Site development—phase V	386,000
(n)	Construct boiler plant—phase II	170,225
(nx)	Equip library	48,000
	State College at Hayward:	
(o)	Construct music-classroom building—phase II	120,000
(p)	Equip music-classroom building	112,250
(q)	Construct classroom building No. 1	2,417,250
(r)	Site development—phase V	573,400
(s)	Construct swimming pools	238,800
	Humboldt State College:	
(t)	Construct art-music building addition	1,376,100
(u)	Working drawings for biological science addition	65,000
(v)	Land acquisition	300,000
	State College at Long Beach:	
(w)	Equip industrial arts building No. 2	100,000
(x)	Equip physical education addition—phase II	40,000
(y)	Construct ventilation system for faculty office building No. 2	75,000
	State College at Los Angeles:	
(z)	Equip engineering building—phase I	350,000
(aa)	Construct library addition	6,259,000
(bb)	Site development	786,000
(dd)	Land acquisition	2,166,000
	Sacramento State College:	
(ee)	Construct science building—phase II	900,000
(ff)	Equip science building—phase I	135,600

Item	Amount
(gg) Site development—utilities	510,000
(hh) Site development	84,500
State College at San Bernardino:	
(ii) Equip temporary buildings —phase II	213,000
(jj) Construct biological science classroom building	1,678,000
(kk) Construct physical science classroom building	1,730,600
(*ll*) Construct physical education facility	272,000
(mm) Construct and equip outdoor physical education facilities	73,800
(oo) Construct swimming pool	200,000
(pp) Construct central heating and air conditioning facility	977,000
San Diego State College:	
(qq) Equip engineering and applied science building—phase II	300,000
(rr) Equip business administration and mathematics building—phase III	111,000
(ss) Construct music classroom building	2,508,200
(tt) Site development—1965–66	239,200
San Fernando Valley State College:	
(uu) Equip engineering building—phase II	300,000
(vv) Site development of campus entrance	270,000
San Francisco State College:	
(ww) Working drawings for library addition	175,000
(wwx) Construct life science building	6,124,300
San Jose State College:	
(yy) Rehabilitate various buildings	199,800
(zz) Construct corporation yard —phase I	246,800

Item		Amount
	Sonoma State College:	
	(aaa) Initial complement of equipment—phase IV	100,000
	(bbb) Equip classroom building No. 1	70,000
	(ccc) Equip boiler plant	7,500
	(ddd) Site development—phase IV	816,300
	(eee) Working drawings for library building	75,000
	(fff) Land acquisition	78,000
	(fffx) Equip science building	100,000
	Stanislaus State College:	
	(ggg) Equip outdoor physical education facility	9,000
	(hhh) Construct utilities	227,500
	(iii) Construct corporation yard	150,000
	(iiix) Construct fieldhouse	455,762
	California State Polytechnic College—San Luis Obispo Campus:	
	(jjj) Working drawings for engineering-mathematics building	50,000
	(*lll*) Site development	247,000
	California State Polytechnic College—Kellogg-Voorhis Campus:	
	(mmm) Equip engineering addition—phase III	400,000
	(nnn) Working drawings for library-classroom building	100,000
	(ooo) Remodel and equip science building classrooms	210,000
	(ppp) Site development	170,000
	Total of schedule	40,793,860

352.1—For capital outlay, Trustees of the California State Colleges, to be expended by said trustees and for allocation by the trustees to the California State Colleges for expenditures by said colleges, not to exceed the amounts set forth in the following schedule to be allocated by executive order of the Director of Finance to the Trustees of the California State Colleges upon agreement with the Department of Finance as to the proper scope, architectural and engineering design,

Item		Amount
and estimate of cost of each project in this item, and provided that grants of money from the federal government become available under the terms of the Higher Education Facilities Act of 1963 and the provisions of Section 18.2, Budget Act of 1965, thereby releasing an equal amount of state appropriated funds which are hereby reappropriated, in accordance with the following schedule, payable from the State Construction Program Fund		310,000
Schedule:		
San Jose State College:		
(b) Site development—7th Street	310,000	
Total of schedule	310,000	
352.2—For capital outlay, Trustees of the California State Colleges, to be expended by said trustees and for allocation by the trustees to the California State Colleges for expenditures by said colleges, not to exceed the amounts set forth in the following schedule, payable from the State Construction Program fund		1,840,880
Schedule:		
Chico State College:		
(a) Construct air conditioning, education psychology building	77,430	
Fresno State College:		
(b) Construct air conditioning science building	106,800	
(c) Construct air conditioning, industrial arts building	233,550	
State College at Los Angeles:		
(d) Construct air conditioning, classroom building No. 1	384,100	
Sacramento State College:		
(e) Construct air conditioning, art addition	88,800	
(f) Construct air conditioning, life science building	103,050	

Item		Amount
	San Diego State College:	
	(g) Construct and equip educational television facilities---	180,000
	San Fernando Valley State College:	
	(h) Construct air conditioning, science building ----------	252,050
	(i) Construct air conditioning, fine arts building ---------	175,400
	San Jose State College:	
	(j) Construct air conditioning, music building ----------	186,700
	California State Polytechnic College, Kellogg-Voorhis Campus:	
	(k) Construct air conditioning, agricultural classroom building ----------	53,000
	Total of schedule ------	1,840,880
353	For capital outlay, Trustees of the California State Colleges, to be expended by said trustees and for allocation by the trustees to the California State Colleges for expenditure by said colleges, not to exceed the amounts set forth in the following schedule, to be allocated by executive order of the Director of Finance to the Trustees of the California State Colleges upon agreement between the Department of Finance and the Trustees of the California State Colleges as to the proper scope, architectural and engineering design, and estimate of cost of each project in this item, payable from the State Construction Program Fund ----------	3,988,000
	Schedule:	
	State College at Long Beach:	
	(a) Working drawings for engineering building No. 2 (partial) ----------	50,000
	San Diego State College:	
	(b) Land acquisition ----------	375,000

Item		Amount
San Jose State College:		
(c) Construct business classroom building	3,563,000	
Total of schedule	3,988,000	
353.1—For capital outlay, Trustees of the California State Colleges, to be expended by said trustees and for allocation by the trustees to the California State Colleges for expenditure by said colleges, not to exceed the amounts set forth in the following schedule, provided that grants of money from the federal government become available under the terms of the Higher Education Facilities Act of 1963 and the provisions of Section 18.2, Budget Act of 1965, thereby releasing an equal amount of state appropriated funds which are hereby reappropriated, in accordance with the following schedule, payable from the State Construction Program Fund		366,615
Schedule:		
State College at Hayward:		
(a) Construct parking	128,740	
Sacramento State College:		
(b) Construct parking	45,375	
San Diego State College:		
(c) Construct parking	192,500	
Total of schedule	366,615	
353.2—For capital outlay, Trustees of the California State Colleges, site selection studies for future state colleges in the Counties of Kern, Contra Costa, Ventura and San Mateo or Santa Clara		80,000
353.5—For capital outlay assistance to junior colleges, Department of Education, payable from the State Construction Program Fund provided, this appropriation is made subject to the enactment of Senate Bill No. 318 during the 1965 Regular Session.		25,122,000

HEALTH AND WELFARE

354—For capital outlay, Department of Mental Hygiene, to be allocated by executive order of the Director of Finance to the Department of Mental Hygiene or the University of California upon agreement between the Depart-		

Item		Amount
	ment of Finance and the Department of Mental Hygiene as to the proper scope, architectural and engineering design, and estimate of cost of each project in this item, in accordance with the following schedule, payable from the State Construction Program Fund	495,100
	Schedule:	
	(a) Preliminary plans and partial working drawings for new institute—Langley Porter Neuropsychiatric Institute	300,000
	(b) Preliminary plans and working drawings for addition to Medical Center — Neuropsychiatric Institute at University of California at Los Angeles	195,100
	Total of schedule	495,100
355	—For capital outlay, Department of Mental Hygiene, in accordance with the following schedule, payable from the State Construction Program Fund	1,013,410
	Schedule:	
	Atascadero State Hospital:	
	(c) Convert rehabilitation therapy unit to dining rooms—phase II	322,000
	(d) Equip converted rehabilitation therapy unit to dining rooms	25,000
	(e) Equip rehabilitation therapy unit	12,000
	(f) Equip visiting area	4,000
	(g) Construct rehabilitation therapy unit, phase II	158,690
	Camarillo State Hospital:	
	(i) Equip receiving and treatment unit	35,000
	Mendocino State Hospital:	
	(j) Additions to ward F—phase IV	206,700
	(k) Equip additions to ward F	15,020
	Stockton State Hospital:	
	(n) Improve and modernize food distribution—phase I	150,000

Item		Amount
(o) Equip central food service unit	85,000	
Total of schedule	1,013,410	
355.3—For capital outlay, Department of Mental Hygiene, in accordance with the following schedule, payable from the State Construction Program Fund		1,072,050
Schedule:		
Patton State Hospital:		
(a) Air conditioning of ward 16	189,450	
Stockton State Hospital:		
(b) Air conditioning of cottage F	301,000	
Camarillo State Hospital:		
(c) Remodel wards M, M1 and N into adolescent unit	581,600	
Total of schedule	1,072,050	
355.6—For capital outlay, Department of Mental Hygiene, to be allocated by executive order of the Director of Finance to the hospitals of the Department of Mental Hygiene upon agreement between the Department of Finance and the Department of Mental Hygiene as to proper scope, architectural and engineering design and estimate of cost of each project in this item, in accordance with the following schedule		2,076,810
Schedule:		
(a) Improve ward environmental conditions	2,076,810	
Total of schedule	2,076,810	
356—For capital outlay, Department of Public Health, in accordance with the following schedule, payable from the State Construction Program Fund		535,000
Schedule:		
(b) Replace boilers and construct boiler annex for Berkeley building	535,000	
Total of schedule	535,000	
356.1—For capital outlay, Department of Rehabilitation, to be allocated by executive order of the Department of Finance to the Department of Rehabilitation upon agreement between the Department of Finance and the		

Item		Amount
Department of Rehabilitation as to the proper scope, architectural and engineering design, and estimate of cost of each project in this item, in accordance with the following schedule, payable from the State Construction Program Fund		300,000
Schedule:		
(a) Working drawings for mentally retarded hospital facility	300,000	
Total of schedule	300,000	

RESOURCES

357—For capital outlay, Department of Conservation, in accordance with the following schedule, payable from the State Construction Program Fund		4,381,706
Schedule:		
(a) Construct Tulare County Ranger Unit Headquarters	649,900	
(b) Equip Tulare County Ranger Unit Headquarters	23,790	
(c) Construct two conservation camps—phase II	1,170,000	
(d) Equip two conservation camps—phase II	305,822	
(e) Construct conservation camp —additional cost phase II for Youth Authority camp	150,000	
(f) Equip conservation camp—additional cost phase II for Youth Authority camp	8,411	
(g) Equip Garberville conservation camp	147,733	
(h) Land acquisition for Minnewawa conservation camp	60,000	
(i) Land acquisition for Ben Lomond conservation camp	150,000	
(j) Construct Ben Lomond conservation camp	800,000	
(k) Equip Ben Lomond conservation camp	26,050	
(*l*) Land acquisition for Vallecitos conservation camp	40,000	
(m) Construct Northern California Training Center	850,000	
Total of schedule	4,381,706	

UNALLOCATED

Item	Amount
358—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, to state agencies, payable from the State Construction Program Fund	375,000

The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.

359—If grants of money from the federal government for projects consisting of preliminary plans, working drawings, construction and equipment for academic and related facilities for institutions of higher education become available for any one or more of the projects for preliminary plans, working drawings, construction, and equipment for academic and related facilities for which an appropriation is made by this act, payable from the State Construction Program Fund, to the University of California, or to a state college, with the result that the total amount required to be expended for that project from the state funds so appropriated is reduced, subject to the approval of the Director of Finance an amount of funds equal to the amount of the reduction in a project may be transferred from the appropriations contained in this act for use by the University of California, and an amount equal to the amount of the reduction in a project for a state college may be transferred for use by the state colleges as the state's contribution for any matching requirements for federal grants for any one or more of the projects for academic and related facilities for institutions of higher education upon allocation by the Director of Finance to:

(1) Item 359, Budget Act of 1965, for any of the projects listed below;

(2) Item 359, Budget Act of 1965, for the funding of equipment for any of the projects listed below; or

(3) Any capital outlay appropriation to the University of California, to a state college, or to the Trustees of the California State Colleges, for

Item		Amount
	funding of equipment for capital outlay projects previously authorized for construction by the Legislature.	
	UNIVERSITY OF CALIFORNIA	
	Schedule:	
(a)	Working drawings for molecular biology building — Berkeley	80,000
(b)	Working drawings, construct and equip botany plant growth laboratory — Berkeley	421,100
(c)	Working drawings and construct main library alterations—step 2—Los Angeles	709,600
(d)	Working drawings, construct and equip chemistry-geology building alterations—step 2—Los Angeles	122,100
(e)	Working drawings for engineering unit 4—Los Angeles	128,600
(f)	Construct school of law building—Davis	2,238,900
(g)	Construct classroom and office unit 3—Davis	2,891,700
(h)	Working drawings for biological sciences unit 4—Davis	128,000
(i)	Working drawings for humanities unit 2—Riverside	81,000
(j)	Working drawings for physical education unit 2—Riverside	58,400
(k)	Construct music unit 2 — Santa Barbara	1,995,800
(*l*)	Construct classroom and office unit 4—Santa Barbara	3,605,800
(m)	Working drawings and construct biological sciences unit 2—Santa Barbara	4,827,000
(n)	Working drawings and construct physics unit 1—Santa Barbara	4,306,500
(o)	Construct physical education building and playing fields—San Diego	1,735,600

Item	Amount
(p) Working drawings for university library building—including temporary classrooms and offices—San Diego	139,800
(q) Working drawings, construct and equip greenhouse and headhouse unit 1—Irvine	229,900
(r) Working drawings for fine arts unit 1—Irvine	106,600
(s) Working drawings for engineering unit 1—Irvine	115,400
(t) Working drawings and construct library unit 2—Irvine	2,157,700
(u) Construct natural sciences unit 2—Santa Cruz	2,372,500
(v) Construct fine arts and communications building—Santa Cruz	1,360,000
(w) Working drawings and construct fine arts unit 1—Santa Cruz	1,711,600
(x) Working drawings and construct engineering unit 1—Santa Cruz	1,947,900
(y) Working drawings for social sciences unit 1—Santa Cruz	84,200
(z) Working drawings for college No. 4—Santa Cruz	21,600
(aa) Preliminary plans for 1966–67 projects	700,000
Total of schedule	34,277,300
Less estimated amounts available from other sources	34,277,300
Net appropriation	0

STATE COLLEGES

Chico State College:	
(bb) Equip engineering building	450,000
(cc) Equip music-drama building	500,000
Fresno State College:	
(dd) Equip administration-faculty office building	115,000
State College at Fullerton:	
(ee) Construct humanities-social science building	3,000,000

Item	Amount
Humboldt State College:	
(ff) Equip art-music building addition	150,000
(gg) Construct biological science addition	1,300,000
State College at Long Beach:	
(hh) Construct engineering building No. 2	2,750,000
(ii) Equip language-arts and faculty office building	280,000
California State Polytechnic College—Kellogg-Voorhis Campus:	
(jj) Equip engineering addition—phase IV	180,000
(kk) Construct library-classroom building	3,800,000
State College at Los Angeles:	
(*ll*) Equip engineering building—phase II	550,000
(mm) Equip science addition	59,000
State College at Palos Verdes:	
(nn) Construct social science building	1,996,000
(oo) Equip temporary buildings—phase II	231,500
(pp) Construct science building	3,784,000
(qq) Construct library-classroom-administration building	5,145,500
Sacramento State College:	
(rr) Equip science building—phase II	750,000
(ss) Equip music building—phase I	400,000
State College at San Bernardino:	
(tt) Equip biological science classroom building	100,000
(uu) Equip physical science classroom building	100,000
San Diego State College:	
(vv) Equip speech-drama building—phase I	385,000
(ww) Construct library building	7,797,000

Item	Amount
San Fernando Valley State College:	
(xx) Equip engineering building—phase III	400,000
(yy) Equip science building—final phase	400,000
San Francisco State College:	
(zz) Construct library addition	2,963,000
San Jose State College:	
(aaa) Equip science building No. 2—phase I	750,000
(bbb) Construct science building No. 2—phase II	5,996,000
California State Polytechnic College—San Luis Obispo Campus:	
(ccc) Equip biological science addition	400,000
(ddd) Construct engineering mathematics building	1,250,000
Sonoma State College:	
(eee) Equip science building No. 1—phase I	450,000
(fff) Equip classroom building No. 1—phase I	462,800
(ggg) Construct library building	1,410,000
(hhh) Equip music-classroom building—phase I	140,000
Total of schedule	48,444,800
Less estimated amounts available from other sources	48,444,800
Net appropriation	0

STATE BEACH, PARK, RECREATIONAL, AND HISTORICAL FACILITIES BOND ACT PROGRAM

SEC. 2.4. The following sums of money, or so much thereof as may be necessary, unless otherwise provided herein, are hereby appropriated for the 1965–66 fiscal year beginning July 1, 1965, and ending June 30, 1966. All such appropriations, unless otherwise herein provided, shall be paid out of the State Beach, Park, Recreational and Historical Facilities

Fund in the State Treasury. Any money received from the federal government as reimbursement for expenditures made with money appropriated pursuant to this section shall be deposited in the State Beach, Park, Recreational, and Historical Facilities Fund and shall be available for expenditure pursuant to the provisions of the Cameron-Unruh Beach, Park, Recreational, and Historical Facilities Bond Act of 1964.

Item		Amount
360—For capital outlay, to the Department of Parks and Recreation for purposes set forth in Section 5096.15 of the Public Resources Code, in accordance with the following schedule		238,115
Schedule:		
(a) For reimbursement to the General Fund as a repayment of a loan with interest to provide project planning during 1964–65 under provisions of Section 5096.15(a) of the Public Resources Code. Loan was made from Item 293, Budget Act of 1964	70,000	
(b) For project planning under provisions of Section 5096.15(a) of the Public Resources Code	100,658	
(c) For project planning under provisions of Section 5096.15(b) of the Public Resources Code	30,700	
(d) For reimbursement to the General Fund as a repayment of a loan with interest to initiate review of projects in 1964-65 submitted by local agencies, pursuant to Section 5096.15(d) of the Public Resources Code. Loan was from Item 293, Budget Act of 1964	10,500	
(e) For project review under provisions of Section 5096.15(d) of the Public Resources Code	26,257	
Total of schedule	238,115	
361—For capital outlay, Wildlife Conservation Board and Department of Fish and Game for purposes set forth in Section 5096.15(c) of the Public Resources Code, in accordance with the following schedule		10,000

Item		Amount
Schedule:		
(a) For reimbursement to the Wildlife Restoration Fund as a repayment of a loan with interest to provide project assistance in 1964–65 under provisions of Section 5096.15(c) of the Public Resources Code	4,000	
(b) For project assistant under provisions of Section 5096.15(c) of the Public Resources Code	6,000	
Total of schedule	10,000	
362—For capital outlay, Department of Parks and Recreation, pursuant to Section 5096.15(a) of the Public Resources Code. For expenditure during the 1965–66, 1966–67, and 1967–68 fiscal years, in accordance with the following schedule		32,214,000
Schedule:		
(a) Land acquisition	25,849,000	
(b) Augmentations (Section 5096.23 Public Resources Code)	5,885,000	
(c) Acquisition costs	480,000	
Total of schedule	32,214,000	

Those funds appropriated above shall be restricted to expenditure for the following projects:

Point Mugu
Delta Meadows
Camp Pendleton—San Onofre
Huntington State Beach—Expansion
Marin Headlands
Pfeiffer-Big Sur—Expansion
Malibu Lagoon State Beach
North Coast Redwoods—Gold Bluff Beach
Topanga Canyon

provided that none of the funds made available by this item shall be expended for acquisition of any lands not included in the reports of the Department of Parks and Recreation on the above projects except that the funds for the coastal redwoods shall be expended only for one-half the acquisition costs of lands at Gold Beach, and provided further, that the Department of Parks and Recreation is directed (1) to restudy and renegotiate the

Item		Amount
Rustic-Sullivan Canyons Project in line with the resolution of June 12, 1965, of the park commission in order to define precisely the relationships in acquisition, development and maintenance between the city, county and state and to specify precisely the state park values proposed for the project, (2) to restudy the entire Lake Tahoe area and evaluate in specific terms the advantages of each possible acquisition or variation on each acquisition, and (3) to undertake no actions which will tend to commit the state to any further acquisitions until master planning of all alternatives for acquisition or exchange of lands in the North Coast Redwoods parks has been completed by the state and approved by the Legislature.		
363—For capital outlay, Wildlife Conservation Board and the Department of Fish and Game, pursuant to Section 5096.15(c) of the Public Resources Code, for expenditure during the 1965–66, 1966–67 and 1967–68 fiscal years, in accordance with the following schedule—		623,000
Schedule:		
(a) Fillmore Hatchery—land acquisition	100,000	
(b) San Joaquin Hatchery	100,000	
(c) Los Banos and Mendota Waterfowl Areas	250,000	
(d) Tehama Winter Deer Range	140,000	
(e) Spenceville Wildlife Area	33,000	
Total of schedule	623,000	
364—For project planning, to be allocated by the Department of Finance, subject to approval by the State Public Works Board, to state agencies, pursuant to Section 5096.15 of the Public Resources Code, for expenditure during the 1965–66, 1966–67 and 1967–68 fiscal years		100,000
The amount appropriated in this item is not to be construed as a commitment by the Legislature as to the amount of capital outlay funds it will appropriate in any future fiscal year.		
365—For grants to counties, cities, or cities and counties pursuant to Section 5096.15(d) of the Public Resources Code, Department of Parks and Recreation, in accordance with the following schedule		7,750,809

Item	Amount
Schedule:	
(a) City of Los Angeles, Del Rey Palisades, for acquisition	320,000
(b) City of Los Angeles, Chatsworth Regional Park, for acquisition	320,000
(c) City of Los Angeles, Crestwood Regional Park, for acquisition	400,000
(d) City of Los Angeles, Harbor Regional Park, for development	750,000
(e) City of Los Angeles, Wattle Gardens, for acquisition	1,440,000
(f) City of Los Angeles, Potrero-Palisades and Will Rogers Beach, for acquisition	320,000
(g) City of Long Beach, El Dorado Park, for development	573,294
(h) City of Pomona, Ganesha Park, for acquisition and development	127,515
(i) County of Los Angeles, Otterbein Regional Park, for acquisition	1,760,000
(j) County of Los Angeles, Vasquez Regional Park, for acquisition	525,000
(k) County of Sacramento, Ancil Hoffman County Park, for development	50,000
(*l*) County of Sacramento, Gibson Ranch County Park, for development	75,000
(m) County of Sacramento, Elk Grove County Park, for development	85,000
(n) County of Santa Clara, Coyote Creek Park Chain Addition, for acquisition	55,000
(o) County of Santa Clara, Coyote Creek Park Chain Addition, for acquisition	425,000
(p) County of Santa Clara, Santa Teresa Park, for acquisition	525,000
Total of schedule	7,750,809

SEC. 3.6. All amounts accruing to the California Water Fund pursuant to Section 6816 of the Public Resources Code and Chapter 138 of the Statutes of 1964, First Extraordinary Session, during the 1965–66 fiscal year, in excess of eleven million dollars ($11,000,000), are appropriated for the purpose of making all or part of the transfers required by subdivision (b) of Section 17301 of the Education Code, subject to the limitations as to amount contained in said subdivision (b). To the extent money is made available from the California Water Fund to the State School Fund pursuant to this section, the amount transferred from the General Fund to the State School Fund pursuant to subdivision (b) of Section 17301 of the Education Code shall be reduced thereby.

SEC. 4.5. Subject to the provisions of this act, any appropriation for expenditure under this act during the 1965–66 fiscal year, may, with the approval of the Department of Finance, be encumbered prior to July 1, 1965, by incurring obligations to be paid after June 30, 1965.

SEC. 5. Because it is necessary to insure the availability of adequate equipment for physical facilities constructed for the operation of custodial, mental health, educational, administrative, military, and other agencies of the state government; because uncertainties as to completion dates make precise advance planning of equipment purchases impossible; and since delivery of some kinds of equipment cannot be made for six months or longer from the date of ordering; state agencies are therefore authorized to incur obligations, to be met during the 1966–67 fiscal year, for the purchase of equipment related to capital outlay projects for which the Legislature has appropriated construction funds; provided, that no obligation shall be incurred under the provisions of this section without the approval of the Department of Finance and the State Public Works Board. Purchase orders issued and contracts entered into under the provisions of this section shall not exceed a total of one million dollars ($1,000,000) in estimated cost.

SEC. 6. Any project, except minor projects, included in any appropriation made herein for capital outlay shall be subject to the provisions of Section 15790 of the Government Code.

SEC. 7. Any acquisition of land or other real property included in any appropriation made herein for capital outlay except appropriations from the California Water Fund shall be subject to the provisions of the Property Acquisition Law.

Nothing contained in this section shall be construed to limit or control the Regents of the University of California in the expenditure of funds appropriated for acquisition of land or other real property for the use, development or enlargement of the University of California.

All property acquisitions, notwithstanding other exemptions of this section, shall be reported to the State Public Works Board.

SEC. 8 No money appropriated herein in any item for capital outlay may be expended by any state agency except amounts for acquisition of land or other real property, amount needed for equipment, preliminary surveys, studies and planning and minor projects until the State Public Works Board and the Department of Finance have approved preliminary plans for the project to be financed from such time of appropriation for capital outlay; provided further, no major project for which appropriation is made hereunder regarding which the Director of Finance or his authorized representative requests review of working plans shall be put out to bid until the working plans therefor have been approved by the Department of Finance; provided further, that no money appropriated herein may be spent for working drawings for any project as to which there has been made substantial change or changes from the preliminary plans as approved by the State Public Works Board and the Department of Finance unless there has first been obtained the approval of the Department of Finance to make such change or changes; provided further, that no money appropriated herein may be spent for equipment until prior approval for purchase of such equipment shall have been given by the Department of Finance

Nothing in this section shall be construed to limit or control the Regents of the University of California in the expenditure of funds appropriated for capital outlay for the use, development or enlargement of the University of California.

The Regents of the University of California shall report to the State Public Works Board the expenditures for capital outlay, except minor projects, from appropriations contained in this act.

SEC. 8.5. In making appropriations to state agencies which are eligible for the various federal assistance programs, it is the intent and understanding of the Legislature that applications made by such agencies for federal funds under any such programs shall be for the maximum amount allowable under federal law.

SEC. 9. Notwithstanding any other provision of law, the portion of each sum of money heretofore appropriated or allocated, hereby appropriated or hereafter allocated to the Regents of the University of California for capital outlay which remains after the purpose for which each said sum was appropriated or allocated has been accomplished, and which have been or hereafter are withdrawn from the State Treasury by the Regents of the University of California pursuant to the provisions of Section 23201 of the Education Code, together with increments, by way of interest or otherwise, on any such appropriation or allocations, shall be used and expended by the Regents of the University of California in executing and furthering the building and improvement program of the University of California; provided, that no such sums shall be allocated by the Regents of the University of California to projects not otherwise authorized by legislative appropriation

or by allocation by the State Public Works Board. Such sums shall be available for expenditure in payment of any encumbrances heretofore or hereafter incurred without regard to fiscal years; provided, however, that any unencumbered balances existing as of the date on which each such appropriation or allocation otherwise would lapse, shall then revert.

A report shall be submitted to the State Public Works Board of any allocations made by the Regents of the University of California pursuant to the provisions of this section.

SEC. 10. Notwithstanding any other provisions of law, the unencumbered balances, on the effective date of this act, of the appropriations provided in the following citations, are reappropriated for the purposes provided for in said appropriations, and shall be available for expenditure until June 30, 1966:

Department of Agriculture:
- California Museum of Science and Industry, Item 361.1 and Item 361.2, Budget Act of 1956

Department of Corrections:
- Conservation Center and Branch Conservation Centers, Item 346(c), Budget Act of 1961
- Conservation Center and Branch Conservation Centers, Item 346(d), Budget Act of 1961
- Conservation Center, Item 350(b), Budget Act of 1962
- Medical Facility, Item 354, Budget Act of 1962

Department of the Youth Authority:
- Northern California Youth Center, Item 358(a), Budget Act of 1962
- Northern California Youth Center, Item 358(c), Budget Act of 1962

University of California:
- Item 319(k), Budget Act of 1960
- Item 319 (*l*), Budget Act of 1960
- Item 319(pp), Budget Act of 1960
- Item 357(e), Budget Act of 1961
- Item 361(f), Budget Act of 1962
- Item 361(k), Budget Act of 1962
- Item 361(y), Budget Act of 1962
- Item 361(aa), Budget Act of 1962
- Item 361(ii), Budget Act of 1962
- Item 361 (*ll*), Budget Act of 1962
- Item 361(tt), Budget Act of 1962
- Item 361(uu), Budget Act of 1962
- Item 361 (fff), Budget Act of 1962
- Item 361 (mmm), Budget Act of 1962
- Item 361(nnn), Budget Act of 1962
- Item 361(ppp), Budget Act of 1962

State Colleges:
- Chico State College, Item 301(d), Budget Act of 1960
- Humboldt State College, Item 303(b), Budget Act of 1960
- State College at Los Angeles, Item 363(a), Budget Act of 1961

State College at Los Angeles, Item 363(b), Budget Act of 1961
San Jose State College, Item 369(c), Budget Act of 1961
California State Polytechnic College, Item 371(g), Budget Act of 1961
California State Polytechnic College, Item 371.1, Budget Act of 1961
Humboldt State College, Item 366(a), Budget Act of 1962
State College at Los Angeles, Item 368(a), Budget Act of 1962
State College at Palos Verdes, Item 377(a), Budget Act of 1962
Sacramento State College, Item 370(a), Budget Act of 1962
San Fernando Valley State College, Item 373(b), Budget Act of 1962

Department of Mental Hygiene:
Item 391.1(a), Budget Act of 1962
Item 391.1(b), Budget Act of 1962
Modesto State Hospital, Item 385(a), Budget Act of 1962

Department of Motor Vehicles:
Item 337(a), Budget Act of 1961
Item 342(d), Budget Act of 1962

Department of Public Works:
Item 402.2, Budget Act of 1961
Item 346.1, Budget Act of 1962
Item 349.1, Budget Act of 1962

Department of Conservation:
Item 383(a), Budget Act of 1961
Item 383(c), Budget Act of 1961
Item 383(*l*), Budget Act of 1961
Item 343(b), Budget Act of 1962
Item 392(n), Budget Act of 1962
Item 392(r), Budget Act of 1962
Item 392(s), Budget Act of 1962

Department of Parks and Recreation:
Item 400(x), Budget Act of 1956
Item 400.2, Budget Act of 1956
Chapter 2169, Statutes of 1957
Chapter 2056, Statutes of 1961
Item 339(e), Budget Act of 1961
Item 339(j), Budget Act of 1961
Item 345(b), Budget Act of 1962

Department of Water Resources:
Item 434(h), Budget Act of 1957, as amended by Section 14, Budget Act of 1961 and Section 10.6, Budget Act of 1963
Item 433(g), Budget Act of 1963
Item 433(h), Budget Act of 1963
Item 397(f), Budget Act of 1964
Item 397(g), Budget Act of 1964
Item 397(h), Budget Act of 1964
Item 397(i), Budget Act of 1964
Item 397(j), Budget Act of 1964

SEC. 10.1. The unencumbered balance of the appropriations made by Section 10.1, Budget Act of 1963, is hereby reappropriated for the same purposes provided for in said section, and shall be available for encumbrance until June 30, 1968; provided that any balance of the $898,000 appropriated to the California Exposition and Fair Executive Committee for support and grants, shall be available for those purposes until June 30, 1968.

SEC. 10.2. The unexpended balance, on the effective date of this act, of the appropriation made by Item 322(b), Budget Act of 1964, is hereby reappropriated until June 30, 1967 for the same purpose, and in addition shall be available for transfer to the Department of Agriculture for street improvements at the 35th District Agricultural Association. Notwithstanding any other provision of law, the appropriation made by this section will not eliminate or reduce any allocation or apportionment that the 35th District Agricultural Association would otherwise be eligible to receive.

SEC. 10.21. On the effective date of this act, $75,000 of the unexpended balance of the appropriation made by Item 395.5, Budget Act of 1964, is hereby reappropriated for the purposes set forth in that item and shall be available for expenditure until June 30, 1966.

SEC. 10.3. On the effective date of this act, the unexpended balance of the appropriation made by Item 353(qq), Budget Act of 1964, is hereby reappropriated until June 30, 1967, for the purpose of working drawings for the biological science classroom building and the physical science classroom building projects, State College at San Bernardino.

SEC. 10.4. On the effective date of this act, the unexpended balance of the appropriation made by Item 353(rr), Budget Act of 1964, is hereby reappropriated until June 30, 1967, for the purpose of construction of a physical education facility, State College at San Bernardino.

SEC. 10.45. Notwithstanding any other provision of law, the unexpended balance as of June 10, 1965, of the appropriation made by Section 10.45 of the Budget Act of 1964 is reappropriated to the Department of Parks and Recreation for the same purposes and for the same period of time as provided therein, except that no expenditure shall be made of such funds for the continuing development at Pueblo de Los Angeles State Historical Monument until, with approval of the Department of Finance, a modification or revision of the existing operating agreement applicable to such monument is agreed to by the parties, or a new operating agreement is entered into by the parties, by December 31, 1965.

SEC. 10.5. On the effective date of this act, the amount in excess of $1,250,000 of Item 391.1(c), Budget Act of 1962, is hereby reappropriated for the same purpose until June 30, 1966.

SEC. 10.6. The appropriation made by Item 314, Budget Act of 1964, shall continue to be available for the purpose

provided in said item, and in addition one project in that appropriation, "Construct sidewalk, curbs and gutters—14th Street, Humboldt State College—$3,000", shall be available for work to be performed off state property.

SEC. 10.7. The appropriation made by Item 376(*ll*), Budget Act of 1963, shall continue to be available for the purposes of said appropriation and in addition shall be available for carpeting in specified areas of this building.

SEC. 10.8. Notwithstanding any other provisions of this act, on July 1, 1965, there is hereby appropriated from the General Fund to the Military Department, for capital outlay, the amount that reverts to the General Fund as of June 30, 1965, from the appropriation made by the provisions of Section 18.1 of the Budget Act of 1964, which shall be available for expenditure until June 30, 1966, for major construction, improvements and equipment, Military Department and in addition thereto any grants made available by the federal government; provided, no expenditure shall be made from this appropriation until receipt of assurances satisfactory to the Department of Finance that the federal government will reimburse the state for the federal share of the cost of construction, to be expended for armories located in the following areas: Benicia, Newark.

The location designation in the above schedule shall be liberally construed so as to include any location within 10 miles of a city or town named therein.

SEC. 11. As of June 30, 1965, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated balance of the General Fund:

Legislature:
- Chapter 6, Statutes of 1963 (First Extraordinary Session)
- Chapter 3, Statutes of 1964 (First Extraordinary Session)

Unallocated:
- Item 365, Budget Act of 1963

Department of Water Resources:
- Chapter 685, Statutes of 1963
- Chapter 1854, Statutes of 1963
- Chapter 2013, Statutes of 1963
- Item 429, Budget Act of 1963
- Item 430, Budget Act of 1963

Reclamation Board:
- Item 388, Budget Act of 1953

SEC. 11.1. As of June 30, 1965, the unencumbered balance of the appropriations provided in the following citations shall revert to the unappropriated balance of the State Construction Program Fund:

State Colleges:
- Item 352(a), Budget Act of 1964

Department of Mental Hygiene:
- Item 385, Budget Act of 1962
- Item 399, Budget Act of 1963

Department of Conservation:
Item 404(b), Budget Act of 1963
Item 366(b), Budget Act of 1964
Item 366(w), Budget Act of 1964
Item 366(x), Budget Act of 1964

SEC. 11.2. As of June 30, 1966, the unencumbered balance of the appropriation made by Item 158, Budget Act of 1964, shall revert to the unappropriated balance of the General Fund.

SEC. 11.3. As of June 30, 1965, the unencumbered balance of the appropriation provided in the following citations shall revert to the unappropriated balance of the Motor Vehicle Fund:

Department of the California Highway Patrol:
Item 319(b), Budget Act of 1964
Item 319(e), Budget Act of 1964

SEC. 11.4. The unexpended balance of the appropriations made by Item 337(a) and Item 337(k), Budget Act of 1963, shall revert to the unappropriated balance of the General Fund as of September 30, 1965.

SEC. 11.5. Notwithstanding any other provision of law, on the effective date of this act, $250,000 from Item 377, Budget Act of 1964, shall revert to the unappropriated balance of the General Fund.

SEC. 12. Notwithstanding any other provision of law, the unencumbered balances, as of June 30, 1965, of the appropriations created by Chapter 143, Statutes of 1964, First Extraordinary Session; Chapter 148, Statutes of 1964, First Extraordinary Session; Chapter 1690, Statutes of 1963; Chapter 2, Statutes of 1962, Third Extraordinary Session; Chapter 21, Statutes of 1962, First Extraordinary Session; Chapter 22, Statutes of 1962, First Extraordinary Session; Chapter 50, Statutes of 1960, First Extraordinary Session; Chapter 75, Statutes of 1960, First Extraordinary Session; Chapter 88, Statutes of 1958, First Extraordinary Session; and Chapter 103, Statutes of 1958, First Extraordinary Session shall revert to the unappropriated balance of the General Fund.

As of July 1, 1965, the amounts that revert as of June 30, 1965 for the above cited appropriations are reappropriated for the same purpose and shall be available for encumbrance until June 30, 1966.

SEC. 18. As of June 30, 1965, the unencumbered balance of the appropriation made by the provisions of Section 16409 of the Government Code shall revert to the unappropriated balance of the General Fund. In addition to the amounts that may be transferred on order of the Director of Finance to and in augmentation of the appropriation made by Section 16409 of the Government Code, $1,000,000 is appropriated by Item 343 of this act for augmentation of and in accordance with the provisions of Section 16409 of the Government Code.

The unexpended balance of the appropriations made by the provisions of Section 16409 of the Government Code and by

Item 343 of this act shall revert to the unappropriated balance of the General Fund as of June 30, 1966.

SEC. 18.1. The University of California having made applications for federal grant funds under the terms of the Higher Education Facilities Act of 1963, any state appropriated funds thereby released, equal in amount to federal grants made to any of the following projects, notwithstanding any other provisions of law, shall be used as the source of funding for Item 349.1, Budget Act of 1965, and provided that any state funds released by federal grants obtained in excess of those needed for Item 349.1, Budget Act of 1965, shall revert to the unappropriated balance of the State Construction Program Fund:

Library step 2—Davis
Biological sciences unit 3—Davis
Engineering building—Davis
Natural sciences unit 1—Irvine
Library unit 1—Irvine
Mathematical sciences addition—Los Angeles
Life sciences unit 2—Riverside
Physical sciences unit 4—Riverside
Building f for first college—San Diego
Engineering unit 1—Santa Barbara
Library unit 3—Santa Barbara
Chemistry building—Santa Barbara
Classroom and office unit 3—Santa Barbara
Biological sciences unit 2—Santa Barbara
Library unit 1—Santa Cruz
Natural sciences unit 1 (physical sciences unit 1)—Santa Cruz

SEC. 18.2. The Trustees of the California State Colleges having made applications for federal grant funds under the terms of the Higher Education Facilities Act of 1963, any state appropriated funds thereby released, equal in amount to federal grants made to any of the following projects, notwithstanding any other provisions of law, shall be used as the source of funding for Items 351.1, 352.1, and 353.1, Budget Act of 1965, and provided that any state funds released by federal grants obtained in excess of those needed for Items 351.1, 352.1, and 353.1, Budget Act of 1965, shall revert to the unappropriated balance of the State Construction Program Fund.

Biological science classroom building—San Bernardino
Physical science classroom building—San Bernardino
Life science building—San Francisco
Science building No. 2—San Jose
Biological science addition—San Luis Obispo

SEC. 18.5. Notwithstanding any other provisions of this act, the Director of Finance may from time to time direct that any appropriation made in Section 2.3 of this act shall be payable from the General Fund instead of the State Construction Program Fund.

SEC. 19. On or before September 30, 1965, the State Controller shall transfer to the General Fund any amount of surplus and working capital advances in the Service Revolving Fund for the Office of State Printing which totals in excess of $5,095,044 as of June 30, 1965.

No machinery or equipment shall be purchased by or for the Office of State Printing except as provided for in this act and for emergency replacements which shall be reported to the Joint Legislative Budget Committee quarterly.

No augmentation shall be made to the capital of the Service Revolving Fund for the benefit of the Office of State Printing during the 1965–66 fiscal year except as specifically provided for in this act.

Any proposed capital addition to the Service Revolving Fund for the benefit of the Office of State Printing for the 1966–67 fiscal year shall be included in the proposed budget for that fiscal year as an appropriation out of the General Fund.

SEC. 19.1. The unencumbered balance of the Department of Employment Contingent Fund, which at any time during the 1965–66 fiscal year exceeds $1,000,000, is hereby appropriated for transfer to the General Fund; such transfer to be made from time to time by the State Controller.

SEC. 19.5. The special reserve account in the General Fund established by Section 19.5 of the Budget Act of 1963 and Section 19.5 of the Budget Act of 1964, is abolished, and the unencumbered balance accumulated under both of those budget acts in that account as of July 1, 1965, is appropriated for the purpose of making all or part of the transfers required by subdivision (b) of Section 17301 of the Education Code, subject to the limitations as to amount contained in subdivision (b). To the extent that money is made available from the account pursuant to this section, the amount otherwise transferable from the General Fund to the State School Fund pursuant to subdivision (b) of Section 17301 of the Education Code shall be reduced thereby.

SEC. 19.6. Since the State Scholarship Commission must announce in the spring of 1966, those individuals to whom state scholarship awards will be granted for the following fall semester of 1966 and, since the Budget Act of 1966 may not be enacted in adequate time, the State Scholarship Commission is authorized to incur scholarship obligations for 5,120 awards in an amount not to exceed $4,000,000 during the 1965–66 fiscal year for awards to be in effect during the 1966–67 fiscal year.

The intent of this authorization is to prevent the occurrence of there being insufficient funds available to support state scholarships, the recipients of which have already been notified of their award. It is necessary that the State Scholarship Commission announce awards in the spring of each year, often prior to the time the Budget Bill containing the appropriation for this purpose is enacted, in order that students receiving the scholarship awards may have sufficient time to plan for entering or returning to school the following fall.

SEC. 20. No money appropriated by this act shall be used to pay the salary of any authorized state position, which position was vacant and had been vacant or continuously unfilled during the period between October 1, 1964, and July 1, 1965, except with the specific approval of the Department of Finance, subsequent to July 1, 1965

The Department of Finance, not later than 30 days prior to the convening of the 1966 Regular Session of the Legislature, shall furnish the Joint Legislative Budget Committee a report of all positions as of July 1, 1965, which were vacant or continuously unfilled during the period between October 1, 1964, and July 1, 1965, and a report of all authorizations to fill vacant positions and all positions abolished pursuant to this section.

SEC. 21. Since it is imperative for the university and the state colleges to recruit adequate and competent faculty necessary to maintain the current academic standards and the faculty-student ratios and to meet the immediately foreseeable needs occasioned by the rapid growth of enrollment during the years just ahead, and since, by the nature of their duties, faculty members must as a rule be employed on an annual basis, therefore, the University of California and the California State Colleges are authorized to incure salary obligations in an amount not to exceed $1,500,000 for the university and a total of $1,500,000 for the state colleges by appointment of additional academic staff members during the 1965–66 fiscal year for services beginning in the 1966–67 fiscal year.

The intent of this authorization is to assist in maintaining current academic standards and faculty-student ratios in relationship to expanding student enrollments.

SEC. 21.1. The Trustees of the California State Colleges may authorize the California State Colleges to hire all the instructional faculty positions authorized in the 1965–66 Governor's Budget. In the event that such hiring makes it impossible for any state college to meet its budgeted salary savings, the Trustees of the California State Colleges may request, and the Director of Finance may authorize, the allocation of funds from the Emergency Fund in such amounts as are necessary to enable the colleges to offset the shortage created by this authorization. This authorization applies only to those full-time instructional faculty positions actually engaged in classroom instruction None of the positions or funds subject to the provisions of this section may be utilized for purposes other than those indicated in the Governor's Budget.

SEC. 22. No purchase order for acquisition or replacement of motor vehicles shall be issued against any appropriation made herein until the Department of Finance has investigated and established the necessity therefor.

All passenger-type motor vehicles purchased from any appropriation made by this act for the use of state employees and officers, except constitutional officers, shall be of the light class, as defined by the State Board of Control, unless excepted

by the Director of General Services on the basis of unusual requirements, such as use by the California Highway Patrol, which would justify the need for an automobile of a heavier class.

SEC. 23. All passenger-type motor vehicles purchased either from any appropriation made by this act or from any other appropriation available therefor for the use of the Department of Public Works, except for use of officers excepted in Section 22 of this act, shall be of the light class, as defined by the State Board of Control, unless excepted by the Director of General Services on the basis of unusual requirements which would justify the need for an automobile of a heavier class.

SEC. 24. None of the moneys appropriated by this act or for an expenditure which is supplemented from money appropriated by this act shall be used to purchase furnishings for any house or apartment of three or more rooms other than a dormitory which is rented to a state employee except for a superintendent of an institution, warden of a prison, or physicians. This provision shall not apply to the purchase of refrigerators, heaters, air-conditioning equipment, stoves, linoleum, or equipment normally furnished in construction of the house as may be determined by the State Board of Control. Any such funds that are appropriated by this act for this purpose shall be held intact and be reverted to the fund from which they were appropriated. It is the intent of the Legislature that no money shall be appropriated henceforth for the purpose of house furnishings. Such furnishings are not to be provided by the state nor shall any money be paid from this appropriation for their replacement, repair or otherwise except in connection with the disposal of the same.

SEC. 24.5. No money appropriated by this act shall be available for expenditure for any of the purposes specified in Assembly Bill No. 2380 unless such bill is enacted by the Legislature at the 1965 Regular Session of the Legislature.

SEC. 25. No moneys appropriated by this act shall be used, either directly or by supplementing any other appropriation, to purchase rugs or carpets for any state office except for offices used by elective officers and other department heads. The Director of Finance shall furnish a detailed report annually to the Joint Legislative Budget Committee of all rugs or carpets purchased for state offices under this section.

SEC. 26. Whenever herein an appropriation is made for support it shall include salaries and all other proper expenses, including repairs and equipment, incurred in connection with the institution, department, board, bureau, commission, officer, employee, or other agency, for which such appropriation is made.

Whenever herein an appropriation is made for capital outlay, it shall include acquisition of land or other real property, major construction, improvements, equipment, designs, working plans, specifications, repairs and equipment necessary in connection with a construction or improvement project.

Whenever herein any item of appropriation contains provision for acquisition of land or other real property, it shall include all necessary expenses in connection with the acquisition of such property.

Whenever herein an appropriation is made in accordance with a schedule set forth after such appropriation, the expenditures from such item for each category or project included in the schedule shall be limited to the amount specified for such category or project, except as otherwise provided in this act. Each such schedule is a restriction or limitation upon the expenditure of the respective appropriation made by this act, does not itself appropriate any money, and is not itself an item of appropriation.

As used in this act in reference to such schedules "category" or "project" means a class of expenditures such as, but not limited to:

(a) "Personal services" which shall include all expenditures for payment of officers and employees of the state; including salaries and wages, the state's contributions to the Employees' Retirement Fund, the Teachers' Retirement Fund, the Old Age and Survivors' Insurance Revolving Fund, the State Employees' Contingency Reserve Fund, and the state's cost of a basic health benefits plan; but do not include compensation of independent contractors rendering personal services to the state under contract, or payments into a private fund as authorized by Section 18853.5 of the Government Code;

(b) "Operating expenses and equipment" which shall include all expenditures for purchase of materials, supplies, equipment, services (other than services of state officers and employees), and all other proper expenses;

(c) "Construct" or "construction" when used in connection with a capital outlay project shall include all such related things as fixtures, installed equipment, and auxiliary facilities;

(d) "Working drawings" are defined as a complete set of plans and specifications showing and describing all phases of a project, architectural, structural, mechanical, electrical, civil engineering, and landscaping systems to the degree necessary for the purposes of accurate bidding by contractors and for the use of artisans in constructing the project. All necessary professional fees and administrative service costs are included in the preparation of such drawings.

(e) "Minor projects" include construction, improvements, repairs and equipment projects not specifically set forth in the schedule.

For the purpose of further interpreting the meaning of the words, terms and phrases used in such schedules, reference is hereby made to those documents entitled, "State of California Support and Local Assistance budget for the fiscal year July 1, 1965, to June 30, 1966," and "State of California Capital Outlay budget for the fiscal year July 1, 1965 to June 30,

1966," submitted by the Governor to the Legislature at the 1965 Regular Session, the uniform accounting system prescribed by the Department of General Services under the provisions of Section 13290 of the Government Code, and the appropriate portions thereof. The State Board of Control shall establish such interpretations as are necessary to carry out the provisions of this section and shall furnish the same to the State Controller and to every state agency to whom appropriations are made under this act.

SEC. 26.5. Whenever herein an appropriation is made for support or other expenses for an institution, department, board, bureau, commission, officer, employee, or other agency, there shall be charged to such appropriation from which salaries and wages are paid: the state's contribution to the State Employees' Retirement Fund as provided by Sections 20751 and 20752 of the Government Code, the state's contribution to the Teachers' Permanent Fund and the Retirement Annuity Fund as provided by Sections 14209 and 14210 of the Education Code, the state's contribution to the Old Age and Survivors' Insurance Revolving Fund as provided by Sections 20782 and 20783 of the Government Code, the state's contribution to the State Employees' Contingency Reserve Fund and the state's contribution for the cost of a basic health benefits plan as provided by Sections 22828 and 22829 of the Government Code.

As of the effective date of this act, the state's contributions as provided by Sections 22828 and 22829 of the Government Code for any month shall be charged to the same appropriations used for payment of salaries and wages from which the employee premium contributions for such month are deducted.

The appropriations made by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, by Sections 14209 and 14210 of the Education Code, shall continue to be available for expenditure, and shall be charged for any expenditure which is not chargeable to an appropriation for support or other expenses as provided in this section.

The State Controller may transfer to the State Payroll Revolving Fund the contributions required by Sections 20751, 20752, 20782, 20783, 22828, and 22829 of the Government Code, and upon certification by the Board of Administration of the State Employees' Retirement System in accordance with Sections 20754 and 20784 of the Government Code, may transfer from the State Payroll Revolving Fund to the State Employees' Retirement Fund and the Old Age and Survivors' Insurance Revolving Fund the amounts of contributions so certified

SEC 27 The Director of Finance may, pursuant to a request by the officer, department, division, bureau, board, commission, or other agency to whom an appropriation is made herein, authorize the augmentation of the amount available for expenditure for a category or project designated in any schedule set forth for such appropriation by transfer from

any of the other designated categories or projects within the same schedule. The Director of Finance shall furnish the Joint Legislative Budget Committee a report on all authorizations given pursuant to this section during the preceding quarter.

SEC. 28. The Director of Finance may authorize the augmentation of the amount available for expenditure for any category in the schedule set forth for any appropriation in this act or any additional category in the amount of any funds which he estimates will be received by an officer, department, division, bureau, or other agency during the 1965–66 fiscal year from any other state agency, from any agency of local government or the federal government, from any appropriation made by the Legislature or from any other source which he determines has not been taken into consideration in said schedule, or is in excess of the amount so taken into consideration, except that the director may authorize expenditures for a new program not identified in the budget as such or for purposes which in his judgment constitute an increase in the level of services above that authorized by the Budget Act or other existing law not sooner than 30 days after notification in writing of the necessity therefor to the Joint Legislative Budget Committee, or not sooner than such lesser time as the chairman of said committee, or his designee, may in each instance determine.

The Director of Finance may also reduce any category whenever he determines that funds to be received will be less than the amount taken into consideration in the schedule.

SEC. 29. Premiums for official bonds may be paid out of appropriations contained in this act, notwithstanding the period covered by such bonds.

SEC. 30. Whenever an expenditure is authorized from the Emergency Fund, from price increase funds, from the salary increase funds, or from a special fund pursuant to Section 11006 of the Government Code, in addition to an appropriation made by this act, such authorized expenditures may, for accounting purposes, be deemed to be an augmentation and increase of the appropriation made by this act.

SEC. 31. The appropriations under this act, unless otherwise provided, shall be subject to the provisions of Section 13320 of the Government Code requiring expenditures to be made in accordance with the allotments and other provisions of fiscal year budgets approved by the Department of Finance.

The fiscal year budget shall authorize in such manner as the Department of Finance shall prescribe all established positions whose continuance for the year is approved and all new positions. No new positions or change in grade or class of an existing position shall be established unless authorized by the Department of Finance on the basis of work program and organization.

Each fiscal year budget shall provide for a salary savings reserve to which shall be transferred on a document initiated by the agency and submitted to the Department of Finance the unencumbered balance remaining in each allotment for salaries

and wages at the close of each quarter or other period of time covered by the allotment. The unencumbered balance remaining in each budget allotment for salaries and wages shall be computed by deducting from the amount of the allotment the expenditures and accrued obligations for salaries and wages chargeable to such allotment for the period covered thereby. The amount in the salary savings reserve shall not be available for expenditure except upon transfer to allotments for salaries and wages approved by the Department of Finance. Such transfer shall be approved only after it has been demonstrated to the satisfaction of the Department of Finance that the allotment to be augmented is insufficient to meet necessary expenditures for salaries and wages.

No money in any salary savings reserve may be expended to pay increases in salary ranges established after July 1, 1964, unless the Department of Finance certifies to the State Personnel Board, or other salary-fixing authority, prior to the adoption of such increased salary range that funds will be made available to pay the increased salaries resulting therefrom. Provided, that the provisions of this paragraph shall not apply to salaries fixed by the State Personnel Board based on prevailing rates pursuant to Government Code Section 18853.

A certification on a payroll claim that expenditures therein are in accordance with current budgetary provisions as approved by the Department of Finance shall be sufficient evidence to the State Controller that such expenditures comply with the provisions of this section.

Each agency, department, board, commission, and institution, for whose benefit and support appropriations are made in this act, shall certify to the Director of Finance that its expenditures have been made for the purposes stated in the budget, as implemented by the Budget Act, except as the purposes stated have been revised, in accordance with law, by the Department of Finance subsequent to the enactment of the Budget Act.

SEC. 31.2. Notwithstanding any other provisions of this act, the Department of Finance, acting pursuant to its authority under Section 13320 of the Government Code and Section 31, of this act, shall control expenditures under this act in such a manner as to accumulate the sum of seven million five hundred thousand dollars ($7,500,000) in undistributed savings at the end of the 1965–66 fiscal year.

SEC. 31.5. All appropriations under this act for the support of the state colleges and the Trustees of the California State Colleges shall be subject to the provisions of Section 13320 of the Government Code and Section 31 of this act, with the following exceptions: The Trustees of the California State Colleges may approve any transfer of funds within the major budgetary functions of general administration, student and general institutional services, instruction, library, plant operation, reimbursed activities, and reimbursements, as provided in fiscal year budgets of the state colleges approved by the

Department of Finance; provided, that no transfers between the categories of personal services, operating expenses and equipment shall be made without the approval of the Director of Finance. In addition, the trustees may approve the substitution of one item of equipment for another within such aforementioned budgetary functions and the use of savings in equipment allotments, and may approve travel, both within and outside the state, and the payment of allowances and expenses related to travel, moving and the relocation of employees in accordance with the allowances established by the State Board of Control and within funds appropriated by this act for this purpose.

Subject to the foregoing, the trustees may approve adjustments in programs, within appropriations as adjusted for changes in enrollments approved by the Director of Finance.

Any transfers of funds, substitution of items of equipment. use of equipment savings, or approval of travel, moving or relocation allowances made under provision of this section shall be reported to the Director of Finance at such times and on forms prescribed by him.

SEC. 32. The officers of the various departments, boards, commissions and institutions, for whose benefit and support appropriations are made in this act, are expressly forbidden to make any expenditures in excess of such appropriations, except the consent of the Department of Finance be first obtained, and a certificate, in writing, duly signed by the director of said department, of the unavoidable necessity of such expenditure; and any indebtedness attempted to be created against the state in violation of the provisions of this section shall be absolutely null and void; and shall not be allowed by the State Controller nor paid out of any state appropriation. Any member of any such department, board, commission or institution, who shall vote for any expenditure, or create any indebtedness against the state in excess of the respective appropriations made by this act, except by the consent of the Department of Finance and the certificate in this section provided to be first obtained, shall be liable on his official bond for the amount of such indebtedness, to be recovered in any court of competent jurisdiction by the person or persons, firm or corporation to whom such indebtedness is owing.

The Department of Finance shall submit copies of certificates approved by it under this section to the Joint Legislative Budget Committee quarterly, and shall indicate in the case of each certificate the code section or section of this act under which the department gave its consent to exceed the particular appropriation.

SEC. 32.5. Notwithstanding the provisions of any appropriation of state funds made in the Welfare and Institutions Code for the public assistance programs specified in the following schedule, expenditures of state funds for those programs for the fiscal year ending June 30, 1966, shall not

exceed, in the aggregate, the sum of four hundred twenty-four million two hundred fifty-five thousand three hundred seventy-two dollars ($424,255,372).

The Department of Social Welfare, subject to the limit placed on aggregate expenditures by this section, may transfer funds between the programs specified in the following schedule, when the need appears, but shall, subject to the provisions of this section, limit expenditures to the total of the following schedule:

Schedule:

(a) Aid to the Blind	10,616,100
(b) Aid to Potentially Self-supporting Blind	100,000
(c) Aid to the Disabled	71,101,938
(d) Aid to Families with Dependent Children	134,620,900
(e) Old Age Security	175,190,634
(f) Medical Assistance for the Aged	32,125,800
(g) Legislation adopted in the 1965 session in which no specific appropriation is contained	500,000
Total of schedule	424,255,372

The Department of Social Welfare shall administer the public assistance programs specified in this section so that the counties will bear no more than the amount of welfare costs that they would be obligated to bear under the applicable provisions of the Welfare and Institutions Code, without the expenditure limitations set forth herein, and so that the amount authorized to be expended under this section shall fully cover the state's share of aid payments and for services under such programs for the 1965–66 fiscal year.

The limitations on amounts imposed by this section shall apply to any amounts which are determined by the Director of Finance to be necessary to meet increases in cost arising out of approvals made by the Department of Finance pursuant to the provisions contained in Item 168.

Provided further, that the Director of Finance is authorized to approve expenditures in those amounts made necessary by changes in either caseload or payments, or both, unrelated to any change in rule or regulation adopted during the current fiscal year which are in excess of Budget Bill estimates for 1965–66, except that this shall not apply to (g) in the schedule above. Not later than the fifth day following the submission of the Governor's Budget in the 1966 Regular Session of the Legislature the Director of Finance shall report to the Legislature the amount, if any, by which the current estimate of expenditures for public assistance programs in the fiscal year ending June 30, 1966, will exceed the limitation on aggregate expenditures in this section. At such time the amount of the limitation shall be increased by the amount of such excess unless and until otherwise provided by law.

Provided further, that the Department of Social Welfare shall submit to the Director of Finance and to the Joint Legislative Budget Committee by July 1, 1965, a schedule of an-

ticipated quarterly expenditures of the amounts specified for each program in this section. The Department of Social Welfare shall report quarterly to the Director of Finance and to the Joint Legislative Budget Committee the extent to which quarterly expenditures vary from such schedule, with specific and detailed explanations of any expenditures which are in excess of those scheduled and a description of all administrative actions taken previously which may have affected the excess in caseloads or payments or both for that quarter, including but not limited to actions or interpretations expressed in rules and regulations, circular letters, department bulletins, press releases, official speeches, and other items of communication or direction to county welfare departments.

Provided further, that no part of the appropriation made in this section shall be available for the purpose of providing prepaid health insurance.

SEC. 32.6. The balance of the Social Welfare Federal Fund in the State Treasury, as contemplated by Section 124.4 of the Welfare and Institutions Code, shall be transferred to the General Fund immediately and transfers to insure reimbursement of the General Fund shall be made at least quarterly thereafter; provided, that the portion of the balance for advances to counties for public assistance programs shall be excluded from the provisions of this section.

SEC. 32.7. The fees and revenues specifically declared by the Legislature, in any bill enacted at the 1965 Regular Session, not to be available for expenditure until appropriated, are hereby appropriated for the purposes set forth in such bill or in statutory provisions otherwise appropriating and governing the expenditure thereof. Such appropriation shall become effective with respect to the fees and revenues provided for in such bill on the date, in each instance, that the bill becomes effective or operative as law.

SEC. 33. If any item of appropriation in this act is vetoed, eliminated or reduced by the Governor under Sections 16 and 34 of Article IV of the Constitution while approving portions of this act, such veto, elimination or reduction shall not affect the other portions of this act and these other portions of this act, so approved, shall have the same effect in law as if any vetoed or eliminated items of appropriation had not been present in this act and as if any reduced item of appropriation had not been reduced.

SEC. 34. If any section, subsection, sentence, clause, or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The Legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

SEC. 35. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under

the provisions of Section 1 of Article IV of the Constitution of the State of California, take effect immediately.

SEC. 36. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There exists an extreme shortage of physical facilities for the operation of the custodial, mental treatment, educational, administrative, military and other agencies of the state government, the present facilities being entirely inadequate due to great increases in population and added governmental responsibilities. The capital outlay appropriations in this budget are all in continuation of an existing program to remedy the aforesaid shortage of facilities and to promote and sustain the economy of the state. If they are not available for expenditure on July 1, 1965, the existing program will be delayed. The expeditious correction of such condition and the efficient operation of the state's business requires the immediate availability of the new capital outlay appropriation and the uninterrupted availability of reappropriated capital outlay items contained in this measure. It is therefore necessary that this act go into immediate effect.

CHAPTER 758

An act to add Sections 14601.5, 14655.5 and 16627.5 to the Education Code, relating to school district retirement plans, declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 14601 5 is added to the Education Code, to read:

14601.5. Any person who is a member of the State Employees' Retirement System or of the State Teachers' Retirement System and who subsequently is employed in a status requisite for membership in a district retirement plan is excluded from membership in the district retirement plan if he elects, by a writing filed in the office of the Board of Administration of the State Employees' Retirement System or in the office of the district retirement plan if the employee is a member of the State Teachers' Retirement System, as the case may be, within 90 days after such employment, or prior to January 1, 1966, whichever is later, to continue as a member of the State Employees' Retirement System, or as a member of the State Teachers' Retirement System not subject to membership in a district retirement plan, as the case may be, with respect to his new duties. Any person who is a member of a

district retirement plan because of employment to perform duties which are requisite for membership in such plan, and who subsequently is employed by the same school district, or a different school district governed by a governing board composed of the same personnel, to perform duties which are not so requisite but instead are requisite for membership in a different public retirement system under this state, and who enters upon such duties not so requisite, shall continue to be a member of the district retirement plan with respect to the latter duties, unless he elects by a writing filed in the office of the retirement board of the school district, within 90 days after such entry not to continue as a member with respect to his new duties.

This section also shall apply retroactively to such employments entered on or after July 1, 1957. The election of any such member to reestablish his membership shall be filed in the office of both the district retirement plan and in the appropriate office of the public retirement system prior to July 1, 1966. Membership shall be reestablished as it would have been, and the member shall contribute to the system or plan the amounts he would have contributed had the election been made at the time of such entry into employment prior to the effective date of this section. Contributions of a member to a retirement system or plan during such employment and prior to his election to reestablish membership in another system or plan shall be transferred to that system or plan and shall be credited to his contribution obligation to that system or plan. Any amount transferred in excess of such obligation shall be refunded to the member. Membership in the system or plan transferring contributions shall cease upon such transfer with respect to such employment.

SEC. 2. Section 14655.5 is added to said code, to read:

14655 5. In respect to an employee who has been employed in a status not requisite for membership in a district plan and who is subsequently employed under a governing board composed of the same personnel, to perform duties which are requisite for membership in a district plan, the death benefit payable from the district plan shall be based on one-twelfth of his annual salary at the rate payable to him immediately preceding his death, multiplied by the number of years of classified or certificated service, not to exceed six years, under a governing board composed of the same personnel, less any death benefit paid or payable on his behalf from the State Employees' Retirement System or the State Teachers' Retirement System, or any combination of these systems.

SEC. 2.5. Section 16627.5 is added to said code, to read:

16627.5. Any person who is employed in a child care center on October 1, 1965, and who was brought into membership in a retirement system on October 1, 1963, notwithstanding his prior election pursuant to Section 16627 as it read prior to October 1, 1963, not to be a member of such system, shall have the same rights under such system with respect to his service

in child care centers as he would have had under Section 16627 had he elected thereunder to be a member of such system.

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:

This measure will aid in the recruitment of teachers. It also meets the needs of school districts to transfer employees between classified and certificated positions, thus retaining in the one individual a dual experience without undue financial hardship for the individual.

Since school contracts are generally renewed at the end of the school year in June, and to enable earlier negotiations for personnel for the forthcoming year, it is necessary that this measure take effect immediately.

CHAPTER 759

An act to amend Sections 17301, 17301.3, 17303.5, 17304, 18451, 18452 and 18455 of the Education Code, relating to adult schools.

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

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

SECTION 1. Section 17301 of the Education Code is amended to read:

17301. (a) The State Controller shall during each fiscal year transfer from the General Fund of the state to the State School Fund such sums, in addition to the sums accruing to the State School Fund from other sources, as shall provide in the State School Fund for apportionment during the fiscal year a total amount per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to the county school tuition funds, as certified by the Superintendent of Public Instruction, one hundred eighty dollars ($180).

(b) The Controller shall also transfer, as needed during each fiscal year, such additional amounts from the General Fund to the State School Fund as are certified from time to time by the Superintendent of Public Instruction to be necessary to meet actual computed apportionments from the State School Fund for the purposes set forth in Section 17303.5; provided that the total of such additional amounts transferred in a fiscal year shall not exceed, except pursuant to subdivision (c) of this section, forty dollars and eighty-eight cents ($40.88) for the fiscal year 1964–65, and fifty-five dollars and sixty-four

cents ($55.64) for the fiscal year 1965–66 and fiscal years thereafter, per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to the county school tuition funds, as certified by the Superintendent of Public Instruction, less the amount, if any, by which one dollar and sixty cents ($1.60) multiplied by the number of units of average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school, junior college and adult schools in the state and to the county school tuition funds exceeds twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units of average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance.

(c) In addition to the amounts authorized to be transferred to the State School Fund from the General Fund under subdivisions (a) and (b) of this section, the Controller shall transfer from the General Fund to the State School Fund during the fiscal year, upon certification of the Superintendent of Public Instruction, if necessary to meet actual computed apportionments for the fiscal year for the purposes set forth in Sections 17303 and 17303.5, an amount not to exceed the lesser of: (1) 1 percent of the total apportionment from the State School Fund in the preceding fiscal year for the purposes set forth in Sections 17303 or 17303.5, or (2) the net amount, if any, by which the total amounts authorized to be transferred from the General Fund to the State School Fund under subdivisions (a) and (b) of this section in prior fiscal years have exceeded the total amounts actually apportioned in prior fiscal years for the purposes set forth in Sections 17303 and 17303.5.

(d) He shall also transfer to the State School Fund any additional amounts appropriated thereto by the Legislature in augmentation of any of the amounts prescribed for any of the purposes set forth in Sections 17303 and 17303.5 and such additional amounts shall be allowed and apportioned by the Superintendent of Public Instruction and warrants therefor drawn by the Controller in the manner provided in Articles 1 and 2 (Sections 17301 to 17354, inclusive) of this chapter and in Sections 11256, and 17251, and Sections 17401 to 17417, inclusive, and Sections 17601 to 18460, inclusive.

SEC. 2. Section 17301.3 of said code is amended to read:

17301.3. (a) The amount to be transferred to the State School Fund under Section 17301 shall in each fiscal year, be adjusted for errors of average daily attendance reported in prior fiscal years. Adjustment of such errors will be subject to the time limitations as provided in Section 17414. Such adjustments with regard to the amount to be transferred to

the State School Fund shall be at the state's rate of contribution under Section 17301 in effect in the fiscal year to which the error applied, and shall be applied in accordance with the purposes set forth under Section 17303. The amount of any adjustment shall not, however, cause the amount to be transferred to the State School Fund during any fiscal year under Section 17301 to be less than one hundred eighty dollars ($180) per pupil in average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds.

(b) If in any fiscal year the amount transferred to the State School Fund under Sections 17305 and 17307 is reported to be in error, the Superintendent of Public Instruction shall notify the Controller of such error and he shall add to or withhold from the next apportionment moneys due the district by transfers from or returns to the General Fund of such erroneous amounts.

SEC. 3. Section 17303.5 of said code is amended to read:

17303.5. The amount transferred pursuant to subdivision (b) of Section 17301 shall be expended in accordance with the following schedule:

(a) Twenty-one dollars and fifty cents ($21.50) multiplied by the total average daily attendance credited during the preceding school year to elementary school districts which during the preceding school year had less than 901 units or average daily attendance, to high school districts which during the preceding school year had less than 301 units of average daily attendance, and to unified districts which during the preceding school year had less than 1,501 units of average daily attendance, but not to exceed an amount equal to one dollar and sixty cents ($1.60) multiplied by the average daily attendance credited during the preceding fiscal year to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds, for allowance to county school service funds pursuant to subdivision (a) of Section 18352.

(b) Four dollars ($4) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds during the preceding school year for the purposes of Article 10 (commencing with Section 18051) of Chapter 3 of this division.

(c) Nine dollars and sixty-three cents ($9.63), multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds during the preceding school year, for the purposes of Sections 18060 and 18062, and Articles 11, 12 and 13 (commencing with Sections 18102, 18152, and 18202, respectively) of Chapter 3 of this division.

(d) Three dollars and six cents ($3.06) multiplied by the total average daily attendance credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds during the preceding school year for allowances to county school service funds pursuant to subdivision (b) of Section 18352.

(e) Eighty cents ($0.80) multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds for allowances to school districts for the purposes of Section 6426

(f) Twenty-one dollars and seventy-nine cents ($21.79) during the fiscal year 1964–1965, and thirty-six dollars and fifty-five cents ($36.55) for the fiscal year 1965–1966 and fiscal years thereafter, multiplied by the average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds during the preceding school year for basic aid, equalization aid, supplemental support, allowances for adults, and allowances to the county school tuition funds to be apportioned on account of average daily attendance.

SEC. 4. Section 17304 of said code is amended to read:

17304. The Superintendent of Public Instruction shall report to the Controller, on or before the 25th day of September of each year, the total average daily attendance during the preceding fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and to county school tuition funds.

SEC. 5. Section 18451 of said code is amended to read:

18451. (a) The total amount allowed from the State School Fund as basic and equalization aid, and allowances in lieu of basic and equalization aid allowed pursuant to Sections 18355, 18356, 18357, 18358 and 18401, to be apportioned on account of average daily attendance during the fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and county school tuition funds on account of elementary, high school, and junior college school pupils shall not exceed the amount provided by law therefor.

(b) The total amount allowed from the State School Fund pursuant to Section 18060 and Section 18101 to 18206, inclusive, shall not exceed the amount provided by law therefor.

SEC. 6. Section 18452 of said code is amended to read:

18452. If the total amount allowed from the State School Fund to all school districts, county school service funds, and county school tuition funds under Sections 17751, 17801, 17851, 17901, 17902, 17904, 17905, 17906, 17926, 17951, 17952, 17970, 18355, 18356, 18357, 18358, and 18401 on account of average daily attendance during the fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and county school tuition funds is less

than the amount provided by law for such purposes, the balance shall be allowed pursuant to Section 18460.

SEC. 7. Section 18455 of said code is amended to read:

18455. If the total amount allowed from the State School Fund to all school districts, county school service funds, and county tuition funds under Sections 17751, 17801, 17851, 17926, 17951, 17952, 17901, 17902, 17903, 17904, 17905, 17906, 17970, 18355, 18356, 18357, 18358, and 18401, on account of average daily attendance during the fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and county school tuition funds is more than the total amount provided by law for such purposes, the amount allowed each such district as equalization aid from the State School Fund shall be reduced proportionately.

CHAPTER 760

An act to amend Sections 7450, 7451, 7452, 7453, 7454, 7455, 7456, 11052, 11061, and 11411, to amend the headings of Chapter 14 (commencing with Section 7451) of Division 6, and Article 3.5 (commencing with Section 11061) of Chapter 2 of Division 9 of, and Article 4.5 (commencing with Section 11411) of Chapter 3 of Division 9 of, and to add Sections 5207.2, 7451.5 to, the Education Code, relating to the public school system, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. The heading of Chapter 14 (commencing with Section 7451) of Division 6 of the Education Code, is amended to read:

CHAPTER 14. REGIONAL OCCUPATIONAL CENTERS

SEC. 1.5. Section 5207.2 is added to said code, to read:

5207.2. The governing board of any high school district or unified school district may provide for the maintenance on Saturday of classes in regional occupational centers.

SEC. 2. Section 7450 of said code is amended to read:

7450. In enacting this article, it is the intent of the Legislature to provide qualified students with the opportunity to attend a technical school and enroll in a vocational or technical training program, regardless of the geographical location of their residence in a county or region. The Legislature hereby declares that a regional occupational center will serve the state and national interests in providing vocational and technical education to prepare students for an increasingly technological society in which generalized training and skills are

insufficient to prepare high school students and graduates, and out-of-school youth for the many employment opportunities which require special or technical training and skills. The Legislature also declares that regional occupational centers will enable a broader curriculum in technical subjects to be offered, and will avoid unnecessary duplication of courses and expensive training equipment, and will provide a flexibility in operation which will facilitate rapid program adjustments and meeting changing training needs as they arise.

SEC. 3. Section 7451 of said code is amended to read:

7451. The county superintendent of schools of each county may establish and maintain, or with one or more counties may establish and maintain, at least one regional occupational center in the county to provide education and training in vocational courses. The governing board of any school district maintaining a high school in the county may in cooperation with other school districts, with the consent of the county superintendent of schools, establish and maintain a regional occupational center, except that if such a school district also maintains five hundred (500) or more schools its governing board may establish and maintain one or more regional occupational centers without such restrictions. If a school district establishes and maintains such a regional occupational center pursuant to this chapter, the county superintendent of schools may, but is not required, to establish and maintain a separate regional occupational center or centers.

SEC. 4. Section 7451.5 is added to said code, to read:

7451.5. A regional occupational center may:

(a) Be established pursuant to Section 7451 to provide day, including Saturday, and evening full-time and part-time vocational education programs for minors.

(b) Include within its vocational training programs, the establishment and operation of a sheltered workshop.

SEC. 5. Section 7452 of said code is amended to read:

7452. Each regional occupational center shall be established at a readily accessible place selected to serve the pupils who will attend the center. The county superintendent of schools or district or districts, as the case may be, maintaining, or participating in the operation of, the center may provide necessary transportation to the pupils attending such center.

SEC. 6. Section 7453 of said code is amended to read:

7453. For the purposes of this chapter the county superintendent of schools or the governing board of the school district establishing a regional occupational center may acquire a site for each regional occupational center maintained by him or the district, or districts, as the case may be, and may plan, construct, purchase, or lease buildings therefor, and may purchase or lease furniture, equipment, fixtures, and other personal property therefor.

SEC. 7. Section 7454 of said code is amended to read:

7454. The county superintendent of schools or governing board of a school district or districts, as the case may be, maintaining a regional occupational center may accept and expend grants from the federal government or from other public or private sources for the purposes of this chapter.

SEC. 8. Section 7455 of said code is amended to read:

7455. Any pupil eligible to attend a high school in the county, and who resides in a school district which by itself or in cooperation with other school districts, has not established a regional occupational center, is eligible to attend a regional occupational center maintained by the county superintendent of schools. Any school district which in cooperation with other school districts maintains a regional occupational center or any such cooperating school districts may admit to such center any pupil, otherwise eligible, who resides in the district or in any of the cooperating districts. Any school district which by itself maintains a regional occupational center may admit to such center any pupil, otherwise eligible, who resides in the district. No pupil, including minors under subdivision (a) of Section 7451.5, shall be admitted to a regional occupational center unless the county superintendent of schools or governing board of the district or districts maintaining the center, as the case may be, determines that the pupil will benefit therefrom and approves of his admission to the regional occupational center.

A pupil may be admitted on a full-time or part-time basis, as determined by the county superintendent of schools or governing board of the school district or districts maintaining the center, as the case may be. A school district which by itself or in cooperation with other school districts maintains a regional occupational center may admit pupils residing in other school districts under interdistrict attendance agreements made pursuant to Sections 10801 and 10805.

SEC. 9. Section 7456 of said code is amended to read:

7456. The county superintendent of schools, with the approval of the county board of education, and the governing board of each school district which maintains a regional occupational center pursuant to this chapter, shall certify to the county auditor and to the county board of supervisors, on or before July 15 of each year, the amount of money required to be raised by a tax for the education of pupils attending the regional occupational center maintained by the county superintendent of schools or by a school district, as the case may be, and for the purposes set forth in Section 7453.

The amount shall be determined by subtracting from the total cost of education of such pupils in the regional occupational center, including transportation, to the county superintendent of schools or school district, as the case may be, (1) the total of any balances remaining to be expended for this purpose and (2) the total amount to be apportioned by the Superintendent of Public Instruction to the county school service fund or to the school district, as the case may be, for

the education of such pupils and by adding to the result the amount required for the purposes set forth in Section 7453. At the time of levying county taxes, the board of supervisors shall levy a district tax for each regional occupational center maintained in the county by the governing board of a school district pursuant to this chapter upon the taxable property of the school district sufficient to produce the amount required by this section; and the board of supervisors may levy a county tax for each regional occupational center maintained in the county by the county superintendent of schools pursuant to to this chapter, upon the taxable property of the county sufficient to produce the amount required by this section. The amount received from this tax shall be deposited in the county school service fund, or, if the regional occupational center for which such tax was levied is maintained by a school district, in the county treasury to the credit of the general fund of that school district. The maximum rate of the countywide or district tax levied for the purposes of this section, except for the purposes set forth in Section 7453, shall not exceed ten cents ($0.10) on each one hundred dollars ($100) of assessed valuation within the county or district, as the case may be, and the maximum rate of the countywide or district tax levied under this section for the purposes set forth in Section 7453 shall not exceed five cents ($0 05) on each one hundred dollars ($100) of assessed valuation in the county or district, as the case may be.

As used in this section school district includes each of those school districts which are cooperating in the maintenance of a regional occupational center with the approval of the county superintendent of schools pursuant to Section 7451.

SEC. 9.5. Section 11052 of said code is amended to read:

11052. The minimum school day in any high school, except in an evening high school, a regional occupational center, a continuation high school, and in continuation education classes, is 240 minutes.

SEC. 10. The heading of Article 3.5 (commencing with Section 11061) of Chapter 2, Division 9 of said code is amended to read:

Article 3.5. Regional Occupational Centers

SEC. 11. Section 11061 of said code is amended to read:

11061. The minimum day in a regional occupational center is 180 minutes.

SEC. 12. The heading of Article 4.5 (commencing with Section 11411) of Chapter 3 of Division 9 of said code is amended to read:

Article 4.5. Regional Occupational Centers

SEC. 13. Section 11411 of said code is amended to read:

11411. Units of average daily attendance in the regional

occupational centers of a county for a fiscal year are the quotient arising from dividing the total number of days of pupil's attendance in such centers during the fiscal year by 175 and the average daily attendance so computed shall be credited to the county school service fund if the center is maintained by a county superintendent of schools or if the center is maintained by a school district, to the district maintaining the center.

Attendance in regional occupational centers operated under subdivision (a) of Section 7451.5 shall be considered pupil's attendance under this section, but attendance in regional occupational centers under subdivision (b) of Section 7451.5 shall not be so considered.

As used in this section, "school district" includes each of those districts which are cooperating in the maintenance of the center, with the approval of the county superintendent of schools, pursuant to Section 7451; and units of average daily attendance of pupils residing in such school district shall be credited to the school district.

SEC. 14. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is an urgent need for an integrated vocational and occupational training program as authorized by this act to prepare minors to meet specialized employment opportunities in a changing economy. In order that a school district could meet this need for the 1965–1966 fiscal year, and take advantage of any federal funds which may be available for that fiscal year, it is necessary that this act go into immediate effect.

CHAPTER 761

An act to amend Section 26309 of the Government Code, relating to county revenue bond projects, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 26309 of the Government Code is amended to read:

26309. The board may only use for the payment of the acquisition, construction, completion, maintenance, or insurance of any project undertaken under the authority of this chapter, the proceeds of revenue bonds issued and sold by the board, or the revenues from such project.

The following provisions of this section shall only be applicable to projects in counties containing a population of 4,000,000 or more.

If at the beginning of any fiscal year it is estimated that the revenues from the project will be insufficient to meet the bond interest and redemption requirements and the operation and maintenance requirements of any indenture entered into in connection with the issuance of revenue bonds for the project, the board may, by a four-fifths vote, advance an amount of money which, when added to any other funds available for that purpose, will be sufficient to maintain and operate the project for the year. Any such advance shall only be available for expenditure under terms and conditions prescribed by the board and shall be repaid from the first revenues of the project which can legally be made available for that purpose under the revenue bond indenture.

If the board of supervisors determines that any lands within the project are not suitable for revenue-producing use but can be used for public beaches, parks or other facilities for general public nonrevenue-producing use, it may adopt a resolution setting aside specific lands for such use. If the board of supervisors determines that the revenues of the project will be impaired by setting aside any such lands, provision shall be made for monthly payments into the revenue fund of an amount not less than the amount of such impairment, but not to exceed the fair rental value of the land.

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 there is no authority for a county to advance funds required for the operation and maintenance of revenue bond projects. Without the ability to make such advances if there is a decrease in anticipated revenue for any year projects will be inadequately maintained and future revenues will be adversely affected. In order to enable counties to include in the county budget for the next fiscal year funds which can be advanced for the maintenance and operation of revenue bond projects it is essential that this act go into immediate effect.

CHAPTER 762

An act to amend Section 29007.5 of, and to add Section 29007.6 to, the Education Code, relating to private educational institutions, making an appropriation under the provisions of Section 1 of Article IV of the Constitution, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 29007.5 of the Education Code is amended to read:

29007.5. No course of education or training leading to an educational, professional or vocational objective shall be offered by any person, firm, association, partnership, or corporation to or for adults which has not been approved by the Superintendent of Public Instruction. Application for such approval shall be made in writing on application forms provided by the Bureau of Readjustment Education of the Department of Education. Pending final approval of new or added courses of instruction, the Superintendent of Public Instruction shall issue a temporary approval upon submission of the complete application. Courses offered for adults by any parochial or denominational school, or persons, firms, associations, partnerships, or corporations that have met the requirements of other sections of this division, or are offered solely for avocational or recreational purposes, will not be required to be approved under this section.

The Superintendent of Public Instruction may approve the application for recognition of such courses on a year-to-year basis when an institution is found by the Bureau of Readjustment Education to meet the following criteria:

(1) The courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools or other private schools, or both, in the state, with recognized accepted standards, for reaching the professed or claimed objective for that particular course.

(2) There is in the institution adequate space, equipment, instructional material, and instructor personnel to provide training of the quality needed to attain the objective of that particular course.

(3) Educational and experience qualifications of directors, administrators, and instructors are adequate.

(4) The institution maintains written records of the student's previous education and training with recognition where applicable.

(5) A copy of the course outline, schedule of tuition, fees and other charges, regulations pertaining to tardiness, absence, grading policy and rules of operation and conduct is available to students upon enrollment.

(6) Upon completion of training the institution may award an appropriate written document to the student indicating the training and attendance completed.

(7) Adequate records shall be maintained by the institution to show attendance, progress, and grades.

(8) The institution complies with all local city, county, municipal, state and federal regulations such as fire, building, and sanitation codes. The Bureau of Readjustment Education may require evidence of compliance.

(9) The institution is financially capable of fulfilling its commitments for its approved courses.

(10) The institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation. With respect to a school having courses approved by the Superintendent of Public Instruction, the school can advertise to the effect that the particular course has been approved by the Superintendent of Public Instruction.

(11) The institution does not exceed enrollment facilities and equipment.

(12) The institution's administrator, director, owner, and instructors are of good reputation and character.

(13) The institution has and maintains a policy in reference to refund of the unused portion of tuition fees and other charges in the event the student fails to enter the course, or withdraws therefrom at any time prior to completion of the course.

The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the Superintendent of Public Instruction made pursuant to this section.

SEC. 2. Section 29007.6 is added to said code, to read:

29007.6. An original application by a person, firm, association, partnership or corporation for approval to grant degrees under Section 29007(a)(2), or for approval of courses under the requirements of Section 29007.5, or for authorization to issue diplomas under the provisions of Sections 29007(f) and 29007.2 shall be accompanied by an application fee of one hundred dollars ($100). Applications for approval of a change of ownership of a school shall be accompanied by a fee of one hundred dollars ($100).

Renewal applications, requests for approval of a change of location, approval of additional facilities in a new location, approval of a course or curriculum revision, approval of additional courses, approval to grant additional degrees or to issue additional diplomas shall be accompanied by a fee of fifty dollars ($50).

Applications for evaluation and approval of directors, administrators and instructors in schools with courses approved or authorized under Education Code Sections 29007(a)(2), 29007(f), 29007.2, and 29007.5 shall be accompanied by a fee of eight dollars ($8). This fee shall apply to evaluations and

approvals made subsequent to the original application of a school.

Schools filing under Section 29007(a)(3) shall accompany the annual report required by Section 29009 with a fifty dollar ($50) annual filing fee.

Fees required by this section are hereby appropriated in augmentation of the appropriation for support of the Department of Education current at the date of issuance of the State Controller's receipt thereof as may be designated by the Department of Education prior to their deposit in the State Treasury and shall be nonrefundable irrespective of whether or not approval or authorization is granted.

SEC. 3. This act shall be operative July 1, 1965.

SEC. 4. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of Section 1 of Article IV of the Constitution of the State of California, take effect immediately.

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

The majority of applications for approval occur near the beginning of the fiscal year. In order that the provisions of this act may apply to such applications, it is necessary that this act go into immediate effect.

CHAPTER 763

An act to amend Section 29007.3 of the Education Code, relating to fees for applications for permits to act as correspondence school salesmen, making an appropriation under the provisions of Section 1 of Article IV of the Constitution, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 29007.3 of the Education Code is amended to read:

29007.3. No person, either on his own behalf or as the representative of any privately conducted correspondence school or of any private person, firm, association, partnership, or corporation whatever, shall, by personal contact, in California, solicit the sale of or solicit and sell any correspondence course of study beyond high school, of high school level, or below high school level, for a remuneration or other consideration to be provided for such course, unless he holds a valid permit to engage in such activity issued by the State Board

of Education. The State Board of Education may delegate its authority to issue this permit to the State Superintendent of Public Instruction.

The State Board of Education, or the State Superintendent of Public Instruction, if such authority has been delegated by the State Board of Education, shall promptly cause to be prepared, and shall, pursuant to this section, issue appropriate permits authorizing the holder to engage in the solicitation of sales and the selling of such courses of study.

No person shall be issued a permit except upon the submission of satisfactory evidence of good moral character.

A permit shall be valid for the calendar year in which it is issued unless sooner revoked or suspended by the State Board of Education for fraud or misrepresentation in connection with the solicitation for the sale or the sale of any course of study, or for the existence of any condition in respect to the permittee or the school he represents which, if in existence at the time the permit was issued would have been ground for denial of the permit.

The application for a permit shall be made by the person who proposes to engage in the activities of soliciting or selling in those cases where such activities are to be conducted in the person's own behalf. Where the person for whom the issuance of a permit is sought is to engage in the activities as a representative, the application shall be made by the correspondence school or other person, firm, association, partnership, or corporation for and on behalf of the person to serve as its representative. Applications shall be submitted on forms to be furnished by the Bureau of Readjustment Education of the Department of Education. The original application shall be accompanied by an application fee of fifteen dollars ($15), renewal applications when renewed on a continuous basis and applications for additional sales permits shall be accompanied by an application fee of ten dollars ($10). Fees required by this section are hereby appropriated in augmentation of the appropriation for support of the Department of Education current at the date of issuance of the State Controller's receipt thereof as may be designated by the Department of Education prior to their deposit in the State Treasury and shall be nonrefundable irrespective of whether or not a permit is subsequently issued.

The application shall be accompanied by a bond executed by good and sufficient sureties making provision for full indemnification of any person for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study. The term of the bond shall extend over the period of the permit The bond may be supplied by the correspondence school or other person, firm, association, partnership, or corporation, or by the person for whom issuance of the permit is sought, and may extend to cover either an individual such person or to provide blanket coverage for all persons to be

engaged as representatives of a correspondence school or other person, firm, association, partnership or corporation in the solicitation for sale or the sale of correspondence courses of study in California. Any bond shall provide for liability in the penal sum of one thousand dollars ($1,000) for each representative to whom coverage is extended by its terms. Neither the principal nor surety on a bond may terminate the coverage of the bond except upon giving 30 days' prior written notice to the State Board of Education.

The permittee shall carry the permit with him for identification purposes when engaged in the solicitation of sales and the selling of correspondence courses of study.

No recovery by the correspondence school, or representative thereof, shall be had on any contract for or in connection with a course of study by any person selling or administering such course if the representative of such person, firm, association, partnership or corporation was not the holder of a permit as required by this section at the time that such representative negotiated the contract for or sold such course.

The judgment rendered in any action maintained for any material loss suffered as a result of any fraud or misrepresentation used in connection with the solicitation for the sale or the sale of any course of study shall, if the plaintiff is the prevailing party, include court costs including a reasonable attorney's fee fixed by the court.

The provisions of Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code shall be applicable to any determination of the State Board of Education made pursuant to this section.

The issuance of a permit pursuant to this section shall not be interpreted as, and it shall be unlawful for any individual holding any such permit to expressly or impliedly represent by any means whatever that the Superintendent of Public Instruction, the State Board of Education, or the State Department of Education has made, any evaluation, recognition, accreditation or endorsement of any correspondence course of study being offered for sale by the individual.

It shall be unlawful for any individual holding a permit under this section to expressly or impliedly represent by any means whatever that the issuance of the permit constitutes an assurance by the Superintendent of Public Instruction, the State Board of Education, or the State Department of Education that any correspondence course of study being offered for sale by the individual will provide and require of the student a course of education or training necessary to reach a professional, educational, or vocational objective, or will result in employment or personal earnings for the student.

The issuance of a permit under this section, and the possession thereof, by an individual, shall be evidence only that the surety bond prescribed by this section has been issued with

respect to the possessor and that he has submitted satisfactory evidence of good moral character.

SEC. 2. This act shall be operative July 1, 1965.

SEC. 3. This act, inasmuch as it provides for an appropriation for the usual current expenses of the state, shall, under the provisions of Section 1 of Article IV of the Constitution of the State of California, take effect immediately.

SEC. 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:

Some applications for sales permits are filed near the beginning of the fiscal year. In order that the provisions of this act may apply to such applications, it is necessary that this act go into immediate effect.

CHAPTER 764

An act to amend Section 21101 of the Vehicle Code, relating to vehicular traffic and pedestrians, declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 21101 of the Vehicle Code is amended to read:

21101. Local authorities may adopt rules and regulations by ordinance or resolution on the following matters:

(a) Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specified direction.

(b) Closing any highway to vehicular traffic when in the opinion of the legislative body having jurisdiction the highway is no longer needed for vehicular traffic.

(c) Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one or more entrances to the intersection.

(d) Prohibiting the use of particular highways by certain vehicles, except as otherwise provided by the Public Utilities Commission pursuant to Article 2 of Chapter 5 of Part 1 of Division 1 of the Public Utilities Code.

(e) Closing particular streets during regular school hours for the purpose of conducting automobile driver training programs in the secondary schools and colleges of this state.

(f) Temporarily closing a portion of any street for celebrations, parades, local special events, and other purposes when

in the opinion of local authorities having jurisdiction such closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

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:

Until the Legislature expressly declares its intent to authorize local authorities to temporarily close portions of streets for the protection of persons during local events many local authorities will not undertake such protection of the public which is urgently needed.

It is therefore necessary that this act take effect immediately.

CHAPTER 765

An act to amend Section 11804 of the Streets and Highways Code, relating to pedestrian malls, declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 11804 of the Streets and Highways Code is amended to read:

11804. The legislative body may levy and collect in any year upon and against all of the taxable land and improvements within the district a special ad valorem assessment sufficient to raise a sum of money not exceeding the net amount determined pursuant to Section 11803 but the rate of assessment in any one year shall not exceed fifty cents ($0.50) on each one hundred dollars ($100) assessed value as shown on the assessment roll used by the city for city taxation.

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:

Local agencies at present do not have the necessary funds to provide for adequate pedestrian malls to protect the public safety or otherwise serve the public interest and there is at present a further need for such malls to stimulate the interest of the public. In order that this problem may be solved without delay and the local agencies have the necessary funds, it is imperative that the act take effect immediately.

CHAPTER 766

An act to amend Section 443 of the Welfare and Institutions Code and Section 11008 of Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill 1682 of the 1965 Regular Session, relating to public assistance, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 443 of the Welfare and Institutions Code is amended to read:

443. In order that recipients of public assistance may become self-supporting and productive members of their communities, it is essential that they be permitted to earn money without a proportionate deduction in their aid grants. It is the intention of the Legislature to promote this objective to the extent possible within the limitations imposed by federal law, and the State Social Welfare Board, in implementing public assistance laws, is directed to do so in the light of this objective.

In determining the income of a recipient, the following requirements shall be observed:

(a) To the extent permitted by federal law, earned income of a recipient of aid under any public assistance program for which federal funds are available shall not be considered income or resources of the recipient, and shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

(b) In computing the amount of income determined to be available to support a recipient, the value of currently used resources shall be included but the value of casual income and inconsequential resources shall be excluded.

(c) To the extent required by federal law and regulations, payments made available to any person through any of the various titles of the Economic Opportunity Act of 1964 shall not be regarded as income nor as a resource in determining need under any public assistance program established by this code.

SEC. 2. Section 11008 of Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill 1682 of the 1965 Regular Session is amended to read:

11008. In order that recipients of public assistance may become self-supporting and productive members of their communities, it is essential that they be permitted to earn money without a proportionate deduction in their aid grants. It is the intention of the Legislature to promote this objective to the extent possible within the limitations imposed by federal law, and the department, in implementing public assistance laws, is directed to do so in the light of this objective.

In determining the income of a recipient, the following requirements shall be observed:

(a) To the extent permitted by federal law, earned income of a recipient of aid under any public assistance program for which federal funds are available shall not be considered income or resources of the recipient, and shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

(b) In computing the amount of income determined to be available to support a recipient, the value of currently used resources shall be included but the value of casual income and inconsequential resources shall be excluded.

(c) To the extent required by federal law and regulations, payment made available to any person through any of the various titles of the Economic Opportunity Act of 1964 shall not be regarded as income nor as a resource in determining need under any public assistance program established by this code.

SEC. 3. Section 2 of this act shall become operative only if the revision of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No. 1682 takes effect; at which time Section 443 of the Welfare and Institutions Code as amended by Section 1 of this act is repealed.

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:

Federal law now requires that income received by public assistance recipients under the Economic Opportunity Act of 1964, up to designated amounts, shall be disregarded in computing the aid grants of the recipients. In order that state law may be brought into conformity with the federal requirement, so as to not jeopardize California's entitlement to federal funds, it is essential that this act go into effect immediately.

CHAPTER 767

An act to add Section 17507.4 to the Education Code, relating to the public schools system.

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

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

SECTION 1. Section 17507.4 is added to the Education Code, to read:

17507.4. For any elementary school district which is situated in a county in which more than 1,500,000 pupils are

enrolled in public schools, has an average daily attendance of between 6,500 and 8,000, operates fewer than 13 schools, and receives more than seventy percent (70%) of its revenues from state funds, and in which district in the 1963–64 fiscal year had a larger average class size in grades 4 to 8 than existed in the same grades in the 1964–65 fiscal year, the Superintendent of Public Instruction may, upon application of the district governing board, grant a hardship exemption from the penalty provisions of Section 17507 which pertain to maintenance of pupil-teacher ratios in grades 4 to 8. A hardship exemption may be granted pursuant to this section on a yearly basis, but not beyond the 1967–1968 fiscal year, and only after approval by the Superintendent of Public Instruction of justification documents and other evidences of hardship submitted by the district.

For purposes of Section 17507 in the 1968–1969 fiscal year, with respect to any district which has received hardship exemption under this section, the pupil-teacher ratio in grades 4 to 8, inclusive, during the preceding fiscal year shall be deemed to be the pupil-teacher ratio in such grades which existed in the district in the 1964–1965 fiscal year.

CHAPTER 768

An act to amend Sections 16801, 17411, 17653, 18452, and 20930 of, and to add Section 1013.5 to, the Education Code, relating to the public school system, declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 16801 of the Education Code is amended to read:

16801. The governing board of any school district may provide, with the written approval of the county superintendent of schools, for the transportation of pupils to and from school whenever in the judgment of the board such transportation is advisable and good reasons exist therefor. The governing board may purchase or rent and provide for the upkeep, care, and operation of vehicles, or may contract and pay for the transportation of pupils to and from school by common carrier or municipally owned transit system, or may contract with and pay responsible private parties for the transportation. Such contracts may be made with the parent or guardian of the pupil being transported. A governing board may allow the transportation in school buses owned or operated by the district of preschool or nursery school pupils, provided that there is space available on the regular bus or vehicle runs made by

the school district. No state reimbursement may be received by a district for the transportation of such pupils.

Whenever the term "municipally owned transit system" appears in this chapter, it means a transit system owned by a city, or by a district created under Part 1 (commencing with Section 24501) of Division 10 of the Public Utilities Code.

SEC. 1.5. Section 17411 of said code is amended to read:

17411. The Superintendent of Public Instruction shall withhold from the apportionment to an elementary school district, as a part of the first principal apportionment and second principal apportionment, the amount allowed the elementary school district for the average daily attendance in grades 7 and 8 in a junior high school by reason of the operation of subdivisions (a) and (b) of Section 17601 and subdivisions (a) and (b) of Section 20910. The amount withheld shall be determined by multiplying the total amount of (a) basic state aid, (b) state equalization aid reduced by the increase in foundation program pursuant to Section 17674 or the amount of the state equalization aid, whichever is lesser, and (c) supplemental support computed for the district by the foundation program for units of average daily attendance in grades 7 and 8 and dividing the product by the total foundation program of the district, exclusive of the increase in foundation program pursuant to Section 17674.

The Superintendent of Public Instruction shall add the amount withheld to the apportionment required to be made to the high school district maintaining the junior high school.

SEC. 2. Section 17653 of said code is amended to read:

17653. For any unified school district which was effective for all purposes on or before July 1, 1964, and which during the current fiscal year meets the standards prescribed in Section 17672, the foundation program actually computed for such district under this article and the supplemental support program for such district under Article 7.1 of this chapter shall be increased by 5 percent for the first fiscal year of its existence, 4 percent for the second fiscal year of its existence, 3 percent for the third fiscal year of its existence, 2 percent for the fourth fiscal year of its existence, and 1 percent for the fifth fiscal year of its existence.

SEC. 3. Section 18452 of said code is amended to read:

18452. If the total amount allowed from the State School Fund to all school districts, county school service funds, and county school tuition funds under Sections 6426, 6762, 17751, 17801, 17851, 17901, 17902, 17904, 17905, 17906, 17926, 17951, 17952, 17970, 18355, 18356, 18357, 18358, and 18401 on account of average daily attendance during the fiscal year credited to all kindergarten, elementary, high school, junior college and adult schools in the state and county school tuition funds is less than the amount provided by law for such purposes, the balance shall be allowed pursuant to Section 18460.

SEC. 4. Section 20930 of said code is amended to read:

20930. The maximum rate of school district tax otherwise authorized by law to be assessed for any school district for elementary school and high school purposes shall be reduced by:

The applicable rates provided for in Section 20912, except that when the amount of tax moneys allocated under Article 2 of this chapter to a district is less than the amount that such a rate would raise if levied for the district, the maximum rate shall be reduced by the amount of the tax rate that would raise the amount of the allocation plus the increase, if any, in state equalization aid.

For purposes of this section, the phrase "maximum rate of school district tax otherwise authorized by law to be assessed" shall mean the maximum rates prescribed by Section 20751 for elementary school or high school purposes and any increases in such maximum rates adopted pursuant to Sections 20803 and 20804.

SEC 4.5. Section 1013 5 is added to said code, to read:

1013.5. Notwithstanding Section 1013, the governing board of a union high school district having an average daily attendance, exclusive of adults, for the 1964–65 fiscal year which is not in excess of 1,250, may in one or more tax years pay all or any portion of a judgment for debts, liabilities or damages out of funds raised pursuant to this section.

The maximum rate of school district tax for any school year for such district is hereby increased by such amount as will produce the amount of the proposed expenditures authorized by this section, as shown by the budget of the union high school district for such tax year as finally adopted by the governing board of the union high school district.

The increase provided by this section shall not exceed ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of the property in the district, and said increase shall be in addition to any other school district tax authorized by law to be levied

This section shall have no force or effect after July 1, 1968.

SEC 5. It is the intent and purpose of the Legislature, on the effective date of this act, to require the provisions of Section 17653 of the Education Code as amended by Section 2 of this act to be immediately operative and applicable with respect to State School Fund allowances and apportionments for the 1964–1965 fiscal year. The Superintendent of Public Instruction shall have full authority to take all appropriate steps, including measures to adjust foundation programs, compute allowances, and make apportionments, so that the foundation program support provided school districts affected by Section 17653 for the 1964–1965 fiscal year shall be in the same amount as would have been provided if Section 17653, as amended by Section 2 of this act had been in effect on and after July 1, 1964.

SEC. 5.5. For the 1964–65 fiscal year only, in the event that the amounts available pursuant to subdivision (c) of

Section 17301 and Section 18460 are insufficient to provide the additional allowances provided by Section 17653 as amended by this act, said allowances otherwise payable to any unified district in its third, fourth, or fifth fiscal year of existence for all purposes, which, during the year preceding the effective date for all purposes had, in all the districts which were formed into the unified district, an average daily attendance of more than ten thousand (10,000) and in which there was on July 1, 1952 or thereafter a single chief administrative officer and staff that administered the program of education for all the secondary schools and those elementary schools of the district to which were credited 50 percent or more of the average daily attendance during the year preceding the effective date for all purposes in all the districts formed into the unified district, shall be reduced proportionately.

This section shall have no force and effect after June 30, 1965.

SEC. 6. It is the intent and purpose of the Legislature on the effective date of this act, to require the provisions of Section 18452 of the Education Code as amended by Section 3 of this act to be immediately operative and applicable with respect to State School Fund allowances and apportionments for the 1964–1965 fiscal year. The Superintendent of Public Instruction shall have full authority to take all appropriate measures so that the additional amounts provided for the purposes of mentally gifted and educationally handicapped minors, over computed allowances, for the fiscal year 1964–1965, shall be allocated pursuant to the provisions of Section 18460 of the Education Code.

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:

At the 1964 First Extraordinary Session of the Legislature there was enacted into law legislation to provide a system of areawide local tax support to be provided certain school districts. This tax support program will go into effect on July 1, 1965, and the technical changes made by this act, which are essential to its effective administration both for local tax purposes and for purposes of State School Fund apportionments, must, therefore, go into immediate effect.

Also, at the 1964 First Extraordinary Session of the Legislature there was enacted into law legislation to provide substantial increases in foundation program support to school districts in the form of increased state equalization aid. Some special foundation program incentive increases provided for the unified school districts under prior law were eliminated in conjunction with a new general program of affording increases in support on a unification incentive basis. Since the latter new program is not to become operative until the 1965–1966 fiscal year, a gap in continuity of added support was

created, and several unified school districts will suffer substantial reductions in foundation program support for the 1964–1965 fiscal year unless emergency action is taken

Furthermore, the Legislature has ascertained that while amounts to be transferred to the State School Fund for support of foundation programs for the 1964–1965 fiscal year will very probably be inadequate to meet computed allowances for those purposes, amounts transferred for purposes of the special educational programs for mentally gifted minors and educationally handicapped minors will probably exceed needs as based upon computed allowances. The Legislature has determined that the latter additional funds should be diverted to contribute toward making up the deficits in the foundation program support allowances. In order that this can be accomplished before the end of the fiscal year, it is necessary that this act, which prescribes the required procedures, take effect immediately.

In addition, there is at least one union high school district which is required to pay a judgment against it and is unable to provide the educational program required for its pupils and pay the judgment within the present maximum tax rate limitations. In order that such district may continue to provide its educational program and to pay its debts for the 1965–1966 fiscal year, it is necessary that this act go into immediate effect.

CHAPTER 769

An act to amend Sections 6700, 6704, 6732, and 6787 of, and to add Section 6767 to, the Business and Professions Code, relating to the practice of engineering.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 6700 of the Business and Professions Code is amended to read:

6700. This chapter of the Business and Professions Code constitutes the chapter on professional engineers in the branches of chemical, civil, electrical, mechanical, metallurgical, and petroleum engineering. It may be cited as the Civil and Professional Engineers Act.

SEC. 2. Section 6704 of said code is amended to read:

6704. Only persons registered under the provisions of this chapter shall be entitled to take and use the title "professional engineer," and according to registration with the board the titles "civil engineer," "structural engineer," "chemical engineer," "electrical engineer," "mechanical engineer," "metallurgical engineer," "petroleum engineer," or "engineer-in-training." The provisions of this act pertaining to registration

of professional engineers in the branches of chemical, electrical, mechanical, metallurgical, and petroleum engineering do not apply to employees in the communication industry; nor to the employees of contractors while engaged in work on communication equipment; provided, that such employees may not use the title unless registered. All persons registered with the board as civil engineers shall immediately have the right to use the title "professional engineer," by virtue of such registration without application or payment of any fee therefor.

SEC. 3. Section 6732 of said code is amended to read:

6732. It is unlawful for anyone other than a professional engineer registered under this chapter, to stamp or seal any plans, specifications, plats, reports, or other documents with the seal or stamp of a professional engineer, or to in any manner use the title "professional engineer," "chemical engineer," "civil engineer," "electrical engineer," "mechanical engineer," "metallurgical engineer," "petroleum engineer," "industrial engineer," or "consulting engineer," or any combination of such words and phrases unless registered hereunder.

SEC. 4. Section 6767 is added to said code, to read:

6767. The board may register without examination in that branch of engineering designated as metallurgical engineering an applicant who files an application not later than June 30, 1966, provided the applicant has all the qualifications necessary for such registration. The board may adopt such rules under provisions of the Administrative Procedure Act as are necessary to implement this section.

SEC. 5. Section 6787 of said code is amended to read:

6787. Every person is guilty of a misdemeanor and for each offense of which he is convicted is punishable by a fine of not more than five hundred dollars ($500) or by imprisonment not to exceed three months, or by both fine and imprisonment:

(a) Who, unless he is exempt from registration under this chapter, practices or offers to practice civil engineering in this state according to the provisions of this chapter without legal authorization.

(b) Who presents or attempts to file as his own the certificate of registration of another.

(c) Who gives false evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration.

(d) Who impersonates or uses the seal of any other practitioner

(e) Who uses an expired or revoked certificate of registration.

(f) Who shall represent himself as, or use the title of, registered civil engineer, or any other title whereby such person could be considered as practicing or offering to practice civil

engineering in any of its branches, unless he is qualified by registration as a civil engineer under this chapter.

(g) Who, unless registered, manages, or conducts as manager, proprietor, or agent, any place of business from which civil engineering work is solicited, performed or practiced.

(h) Who uses the title, or any of them, of "professional engineer," "chemical engineer," "civil engineer," "electrical engineer," "mechanical engineer," "metallurgical engineer," "petroleum engineer," or "structural engineer" without being registered as required by this act.

(i) Who violates any provision of this chapter.

SEC. 6. Any revenues derived from any new fees provided for in this act shall not be available for expenditure unless appropriated.

CHAPTER 770

An act to amend the heading of Article 29.5 (commencing with Section 74700) of Chapter 10 of Title 8, of, and to amend Sections 74700, 74702, 74703 of, the Government Code, relating to the courts.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. The heading of Article 29.5 (commencing at Section 74700) of Chapter 10 of Title 8 of the Government Code is amended to read:

Article 29.5. Central Sonoma County

SEC. 2. Section 74700 of said code is amended to read:

74700. This article applies to the municipal court established in a district embracing the cities of Santa Rosa, Sebastopol, Rohnert Park, and Cotati, designated as the Central Sonoma County Judicial District.

SEC. 3. Section 74702 of said code is amended to read:

74702. There shall be one clerk who shall receive a salary of six hundred eighteen dollars ($618) monthly with annual increments of twenty-nine dollars ($29), thirty dollars ($30), thirty-two dollars ($32), and thirty-three dollars ($33) to a maximum of seven hundred forty-two dollars ($742).

SEC. 4. Section 74703 of said code is amended to read:

74703. The clerk may appoint:

(a) One assistant clerk who shall receive a minimum salary of four hundred twenty-nine dollars ($429) monthly with annual increments of twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), and twenty-three dollars ($23), to a maximum of five hundred fifteen dollars ($515).

(b) Four deputy clerks, grade III, each of whom shall receive a minimum salary of three hundred ninety-two dollars ($392), with annual increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), and twenty-one dollars ($21), to a maximum of four hundred seventy dollars ($470).

(c) Two deputy clerks, grade II, each of whom shall receive a minimum salary of three hundred fifty-seven dollars ($357), with annual increments of seventeen dollars ($17), eighteen dollars ($18), eighteen dollars ($18), and nineteen dollars ($19), to a maximum of four hundred twenty-nine dollars ($429).

(d) Four deputy clerks, grade I, each of whom shall receive a minimum salary of three hundred twenty-six dollars ($326), with annual increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), and eighteen dollars ($18), to a maximum of three hundred ninety-two dollars ($392).

CHAPTER 771

An act to amend Section 31214.3 of the Education Code, relating to the junior college reserve scholarship program.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 31214.3 of the Education Code is amended to read:

31214.3. An individual who is awarded a competitive scholarship and enrolls in a public junior college may elect to have the scholarship held in trust for him for a period not to exceed two academic years, except that the commission may extend the period in which his scholarship may be held in trust up to a period of three academic years if, in the commission's judgment, the student's rate of academic progress has been as rapid as could be expected for the personal and financial conditions which the student has encountered. The State Scholarship Commission shall, in such case, hold the scholarship in trust, to be granted to the award winner upon receipt of his request therefor within such period, provided that at the time of making the request he meets all of the requirements of this chapter (commencing at Section 31201). Upon receipt of the request the State Scholarship Commission shall assess or reassess the financial needs of the award winner. The State Scholarship Commission may prescribe the forms and procedures to be utilized for the purposes of this section. The State Scholarship Commission may award to another eligible individual any scholarship being so held in trust, subject to the provisions of this section and any other conditions and

restrictions that may be imposed by the commission, to the end that all authorized scholarships are being continually utilized. Following the first year for which any such scholarship is awarded, awards thereof shall be included in the number of the continuing scholarships available for any year and not the authorized new scholarships for the year.

CHAPTER 772

An act to amend Sections 28.5 and 28.6 of the Agricultural Code, relating to agricultural fees.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 28.5 of the Agricultural Code is amended to read:

28.5. The director may, pursuant to this section, authorize the refund of moneys which are received or collected by the department in the payment of fees, assessments or taxes. For the purposes of this section, "fees" includes, but is not limited to, application fees, license fees, permit fees, inspection fees, certification fees, registration fees, identification fees, analysis fees, and certificate fees.

Refunds may be made in whole or in part if: (a) the purpose for a fee cannot lawfully be accomplished for the person who paid the fee through no fault of his own; or (b) a refund of a fee is requested by the payer before any examination or inspection has been performed or service rendered by the department for the payer; or (c) the payment of a fee, assessment, or tax represents an overpayment, payment in duplicate, payment in error in law, or payment through error of the payer or the department.

Any such refund shall be covered by a voucher prepared by the director or his authorized representative setting forth the facts pertaining to the refund and authorizing payment thereof, whereupon payment of such refund shall be made by the accounting officer of the department. In the event the moneys received or collected, for which refund is to be made, have been deposited in the State Treasury, the State Controller shall draw his warrant thereupon, from the fund to which said moneys were credited, upon receipt of claim filed by the department.

Whenever the director finds that the amount of any refund authorized under the provisions of this section will be less than three dollars ($3) or that after computation of the amount of any refund authorized to be made by any other sections of this code will be less than three dollars ($3), he may retain such amounts for use for the same purpose for

which the original payment was made, unless demand for the payment of such refund is made within six months after the determination that a refund is due and if such demand is made, the refund shall be paid.

Demand for the payment of a refund of more than one dollar ($1) but less than three dollars ($3), which has been determined to be due prior to the effective date of the amendment to this section in 1965, may be made within six months after the effective date of such amendment.

SEC. 2. Section 28.6 of said code is amended to read:

28.6. In cases where the director is authorized to perform sampling, grading, testing, inspection or certification services in relation to agricultural products, or identification services in relation to root or top stock of fruit and nut trees, and to fix reasonable fees which shall pay the cost of services necessary to perform such sampling, grading, testing, inspection, certification, or identification, he may collect such fees in advance of performing the services but shall not be required to do so if, in his opinion, the benefit of such services would be lessened by such advance payment. In lieu of collecting such fees in advance the director is authorized, if he deems it necessary, to accept a bond guaranteeing payment of the fees chargeable for any such services; provided said bond is satisfactory to the director.

Against any person required to take out a license or pay fees under the provisions of this code and who fails, neglects, or refuses to take out such license or pay such fees, or who carries on or attempts to carry on the business or do any act for which such license or payment of such fees is required without such license or payment of fees, the director in addition to other remedies provided by law may direct suit in the name of the people of the State of California as plaintiff, to be brought for the recovery of the license or other fees; and in such case the director may make the necessary affidavit for and a writ of attachment may issue, without any bonds being given on behalf of the plaintiff.

Whenever the director finds the amounts due under any section of this code to be so small in amount as not to justify the cost of their collection or for any reason believes that collection is improbable and provided the amount involved in either instance is not in excess of three dollars ($3), then the director may remove the amounts so due from the records of the department and he shall not be held accountable for their collection.

CHAPTER 773

An act to add Section 15005.6 to the Education Code, relating to public school sites and construction.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 15005.6 is added to the Education Code, to read:

15005.6. If, with respect to a proposed site located within two miles of an airport boundary, the report of the Department of Education submitted to a school district governing board under Section 15005 or Section 15005.5 does not favor the acquisition of the site on the sole or partial basis of the unfavorable recommendation of the Division of Aeronautics, no state agency or officer shall grant, apportion, or allow to such school district for expenditure in connection with that site, any state funds otherwise made available under any state law whatever for school site acquisition or school building construction, or for expansion of existing sites and buildings, and no funds of the school district or of the county in which the district lies shall be expended for such purposes; provided that the provisions of this section shall not be applicable to sites acquired prior to January 1, 1966, nor to any additions or extensions to such sites.

CHAPTER 774

An act to add Section 1111.2 to the Education Code, relating to school district elections.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 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 any other provision of law, upon the recommendation of the county superintendent of schools and with the approval of the county board of supervisors, the election of governing board members of school districts whose boundaries are coterminous with the boundaries of the county, shall be consolidated with the November general elections held in the county pursuant to Chapter 4 (commencing with Section 23300) of Part 2 of Division 12 of the Elections Code

In such case the terms of members of the governing board elected in the general election pursuant to this section shall

begin at noon on the first Monday after the first day in January following such general election and shall end at noon on the first Monday after the first day in January four years thereafter.

In such case, the terms of members of the governing board expiring on June 30th of any odd-numbered year next succeeding any general election, shall expire at noon on the first Monday after the 1st day in January following such general election.

(b) When the term of an incumbent expires at midnight June 30 of an odd-numbered year and no successor has been elected because of the provisions of subdivision (a) of this section, the members of the board whose terms have not expired shall appoint a successor to serve until a successor is elected and qualified pursuant to subdivision (a) of this section.

CHAPTER 775

An act to amend Section 1 of Chapter 1973 of the Statutes of 1963, authorizing a grant to the South Sutter Water District for recreation in connection with the Camp Far West project, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 1 of Chapter 1973 of the Statutes of 1963 is amended to read:

Section 1. The Department of Water Resources is hereby authorized to make a grant to the South Sutter Water 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 one million three hundred twenty-three thousand two hundred dollars ($1,323,200), for recreational functions incidental to the construction of the Camp Far West project in Placer and Yuba Counties.

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. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article 4 of the Constitution and shall

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

The South Sutter Water District is presently in the process of constructing public recreation facilities in connection with its Camp Far West project. An increase in the grant of funds for such construction up to the total amount determined by the department to be justified in its report dated April 1964 and entitled "Findings on the Applications of South Sutter Water District for Grants Under the Davis-Grunsky Act" is required for completion of these facilities. Legislative approval of the increase in the grant proposed by this act is necessary. In order that these much needed recreation facilities may be completed at the earliest possible time to be available for pub lic use, it is necessary that this act go into immediate effect.

CHAPTER 776

An act to amend Section 1804.1 of the Civil Code, relating to retail installment sales.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 1804.1 of the Civil Code is amended to read:

1804.1. No contract or obligation shall contain any provision by which:

(a) The buyer agrees not to assert against a seller a claim or defense arising out of the sale or agrees not to assert against an assignee such a claim or defense other than as provided in Section 1804.2.

(b) In the absence of the buyer's default in the performance of any of his obligations, the holder may accelerate the maturity of any part or all of the amount owing thereunder.

(c) A power of attorney is given to confess judgment in this state, or an assignement of wages is given; provided, that nothing herein contained shall prohibit the giving of an assignment of wages contained in a separate instrument, executed pursuant to Section 300 of the Labor Code.

(d) The seller or holder of the contract or other person acting on his behalf is given authority to enter upon the buyer's premises unlawfully or to commit any breach of the peace in the repossession of goods.

(e) The buyer waives any right of action against the seller or holder of the contract or other person acting on his behalf, for any illegal act committed in the collection of payments under the contract or in the repossession of goods.

(f) The buyer executes a power of attorney appointing the seller or holder of the contract, or other person acting on his

behalf, as the buyer's agent in collection of payments under the contract or in the repossession of goods.

(g) The buyer relieves the seller from liability for any legal remedies which the buyer may have against the seller under the contract or any separate instrument executed in connection therewith.

(h) The buyer agrees to the payment of any charge by reason of the exercise of his right to rescind or void the contract.

(i) The seller or holder of the contract is given the right to commence an action on a contract under the provisions of this chapter in a county other than the county in which the contract was in fact signed by the buyer, the county in which the buyer resides at the commencement of the action, the county in which the buyer resided at the time that the contract was entered into, or in the county in which the goods purchased pursuant to such contract have been so affixed to real property as to become a part of such real property.

CHAPTER 777

An act to add Sections 5585.1 and 10603.1 to the Streets and Highways Code, relating to improvements.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 5585.1 is added to the Streets and Highways Code, to read:

5585.1. In the event the city conducting the proceedings designates the county treasurer or tax collector to perform any service relating to collecting or receiving money, including but not limited to, printing, servicing and collecting any bonds, neither the treasurer nor the tax collector so designated shall perform any such service until there shall have been paid to him his estimate of the cost of the service or services, provided, however, the city conducting the proceedings, in lieu of the prior payment of the estimated cost, may enter into a written agreement with the county treasurer or tax collector. Such agreement shall provide for the payment of the cost or estimated cost of any service rendered by the designated county officer.

In the event such cost or estimated cost is not included in the assessment, the city conducting the proceedings shall be liable for payment thereof from the general fund.

SEC. 2. Section 10603 1 is added to said code, to read:

10603.1. In the event the city conducting the proceedings designates the county treasurer or tax collector to perform any

service relating to collecting and receiving the money, including but not limited to, printing, servicing, or collecting any bonds, neither the treasurer nor the tax collector so designated shall perform any such service until there shall have been paid to him his estimate of the cost of the service or services, provided, however, the city conducting the proceedings, in lieu of the prior payment of the estimated cost, may enter into a written agreement with the county treasurer or tax collector. Such agreement shall provide for the payment of the cost or estimated cost of any service rendered by the designated county officer.

In the event such cost of estimated cost is not included in the assessment, the city conducting the proceedings shall be liable for payment thereof from the general fund.

CHAPTER 778

An act authorizing a grant pursuant to the Davis-Grunsky Act to the Mariposa County Water Agency in connection with the Agua Fria Project.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 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 Mariposa County Water Agency, 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 two million dollars ($2,000,000), for recreation and enhancement of fish and wildlife in connection with the construction of the Agua Fria Project.

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 agency by the department pursuant to subdivision (3) of paragraph (c) of Section 12880 of the Water Code for initial water supply and sanitary facilities.

CHAPTER 779

An act to amend Section 28138 of the Government Code, relating to county officers.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 28138 of the Government Code is amended to read:

28138. In a county of the 38th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, ten thousand eight hundred dollars ($10,800) a year which shall include compensation as controller and county recorder.

(b) The district attorney, seven thousand two hundred dollars ($7,200) a year.

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year and mileage at the rate of twenty cents ($0.20) a mile for the distance usually traveled in going from his home to the county seat and returning.

(d) Grand jurors and trial jurors in the superior court shall receive five dollars ($5) 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, and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the places of service, in going only. Trial jurors in the justice court shall receive five dollars ($5) for each day's attendance and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the justice courts, in going only.

CHAPTER 780

An act to amend Section 28110 of the Government Code, relating to county salaries.

[Approved by Governor July 6, 1965 Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 28110 of the Government Code is amended to read:

28110. In a county of the 10th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, twelve thousand dollars ($12,000) a year.

(b) The district attorney, twenty-three thousand dollars ($23,000) a year. The district attorney shall not engage in the private practice of law and shall not, directly or indirectly, refer litigation to any attorney or receive and accept any payment from any attorney or firm of attorneys for his personal account.

(c) Each supervisor, twelve thousand dollars ($12,000) a year for personal services performed by him as supervisor and member of the board of equalization. Each supervisor shall be allowed expenses necessarily incurred in the conduct of his office. He shall file an itemized statement, supported by receipts and vouchers, on the first day of each month, designating the actual expenditure on his part of such expenses for the preceding month. No allowance shall be made to him for such expenses unless they are itemized and designated in his claim.

(d) Grand jurors and trial jurors, six dollars ($6) a day and mileage for each attendance at the rate of ten cents ($0.10) for each mile actually traveled. Grand jurors shall also receive as compensation three dollars ($3) for each day's attendance as a member of any committee of the grand jury called by the secretary or committee of the grand jury or committee chairman and mileage at ten cents ($0.10) for each mile actually traveled in attending such committee meeting.

No official of the county whose compensation is fixed by this section, other than the county auditor if he is also designated as county controller, shall receive any other compensation in any form in any other capacity from the county. The salaries and expenses provided are in full compensation for the services required of them by law, or by virtue of their offices, and all other fees, mileage, or other remuneration or compensation of any kind or character received by such officers for or by reason of any duty imposed by law on them or by virtue of their offices shall be paid by them into the county treasury at the times and in the manner required by law, except that until the county provides for them and makes available to their use such automobiles as are reasonably necessary to carry out the duties of their offices, they may retain for their own use and benefit such mileage as is allowed by law. In lieu of the mileage allowed members of the board of supervisors, each member shall be supplied by the county with an automobile for use in performance of official duties. All expenses for fuel, oil, supplies, upkeep, and maintenance of automobiles for members of the board of supervisors shall be paid from county funds.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 781

An act to amend Section 28131 of the Government Code, relating to county salaries.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 28131 of the Government Code is amended to read:

28131. In any county of the 31st class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, twelve thousand dollars ($12,000) a year, which shall include compensation for the compilation of the annual financial report and classified annual payroll of the county.

(b) The district attorney, eighteen thousand dollars ($18,000) a year. He shall devote full time to the duties of district attorney and shall not engage in private practice of law during his term of office.

(c) Each supervisor, for Districts 1 and 5, seven thousand two hundred dollars ($7,200) a year, effective January 1, 1963, and each supervisor, for Districts 2, 3, and 4, seven thousand two hundred dollars ($7,200) a year, effective January 1, 1965, and ten cents ($0.10) for each mile necessarily traveled in the performance of his official duties. The chairman of the board of supervisors may receive twenty-five cents ($0.25) a mile, one way, between his residence and the county seat, when attending at the county seat for the single purpose of counting the money in the county treasury as required by law.

In the event the constitutional restriction on increases in salaries to incumbent county officers is removed, or if, in any other manner, it become legally permissible to pay increased salaries to incumbent officers, the effective dates herein provided shall be disregarded and the salaries provided in this subdivision shall become effective immediately on the removal of the prohibition.

The incumbent supervisors shall receive four thousand eight hundred dollars ($4,800) per year until such time as the increased salaries of this section become effective.

(d) Grand jurors in grand jury duty shall receive six dollars ($6), and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance, and grand jurors and trial jurors shall receive ten cents ($0.10) for each mile necessarily traveled in attendance. In justice courts the jurors shall receive five dollars ($5) for each day's attendance and ten cents ($0.10) for each mile necessarily traveled in attendance.

CHAPTER 782

An act to amend Section 28126 of the Government Code, relating to compensation of county officers.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 28126 of the Government Code is amended to read:

28126. In a county of the 26th class the officers shall receive as compensation for the services required of them by law or by virtue of their offices the salaries and fees fixed pursuant to the charter of the county, except that the following shall receive as compensation for such services the following sums:

(a) The auditor, twelve thousand dollars ($12,000) a year.

(b) The district attorney, seventeen thousand two hundred fifty dollars ($17,250) a year. He shall not engage in private practice of law and shall devote all his time and attention during business hours to the duties of his office.

(c) Each supervisor, six thousand dollars ($6,000) a year for all services performed by him as supervisor, member of the board of equalization, or in any other capacity, and each supervisor shall be provided transportation for all his official duties, or shall receive mileage at the rate of ten cents ($0.10) for each mile actually traveled within the county in the performance of his official duties, or in going to or from any meeting of said board when traveling by automobile, and all actual and necessary traveling expenses when traveling on county business outside the county.

(d) Grand jurors in the superior court shall receive seven dollars ($7) for each day's attendance and eight cents ($0.08) for each mile actually traveled in attending court as such jurors. Such per diem and mileage allowance shall be paid to grand jurors for attendance at meetings of committees appointed by the foreman of the grand jury and to grand jurors making individual investigations when such investigations are authorized in writing by the foreman.

Trial jurors in the superior court shall receive three dollars ($3) for the first day's attendance at court and seven dollars ($7) for each succeeding day's attendance, together with fifteen cents ($0.15) for each mile traveled in attending court as such jurors, one way only.

CHAPTER 783

An act to amend Section 2396 of the Business and Professions Code, relating to physicians and surgeons.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 2396 of the Business and Professions Code is amended to read:

2396. Unless the holder of any certificate provided for in this chapter or any preceding medical practice act has been granted the degree of doctor of medicine after the completion of a full course of study as prescribed by an approved medical school in accordance with the provisions of this chapter, or any preceding medical practice act, the use of the term or suffix "M.D." constitutes unprofessional conduct within the meaning of this chapter.

However, any person holding a physician's and surgeon's certificate under the jurisdiction of the Board of Osteopathic Examiners of the State of California and a degree of Doctor of Medicine issued by a medical school located in the State of California at any time prior to September 30, 1962, and approved either by the Board of Osteopathic Examiners of the State of California or the Board of Medical Examiners of the State of California at the time of the issuance of such degree, who applied in writing to the Board of Medical Examiners for permission to utilize his degree of doctor of medicine prior to June 30, 1963, shall be authorized to use the term or suffix "M.D.", and such use shall not be unprofessional conduct, so long as such person was a resident of this state on January 1, 1965, and, on or before December 31, 1965, advises both the Board of Medical Examiners and the Board of Osteopathic Examiners, in writing, that he has elected to use the term or suffix "M.D.", and has elected not to use the term or suffix "D.O." In the event of such election, the use of the term or suffix "D.O." constitutes unprofessional conduct within the meaning of this chapter.

CHAPTER 784

An act to amend Sections 17071, 17091, 17092, and 17093 of the Government Code, relating to warrants.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 17071 of the Government Code is amended to read:

17071. The Controller and Treasurer shall each keep a register of all canceled warrants. The register shall show the number, date, and amount of each warrant, the fund out of which it was payable, and the date of cancellation.

SEC. 2. Section 17091 of said code is amended to read:

17091. Application for a duplicate warrant shall be made by filing with the Controller:

(a) An affidavit setting forth the fact of its loss or destruction, giving the number, date, amount, and name of the payee, together with all material facts relative to the loss or destruction.

(b) An agreement to indemnify and hold harmless the state, its officers and employees, from any loss resulting from the issuance of the duplicate warrant.

No indemnity agreement shall be required: (1) when the payee is the United States Government, a state of the United States, any agency, instrumentality or officer of the United States Government or of a state, or any county, city, city and county, town, district, or other political subdivision of a state, **or any officer thereof; or (2) when the owner or custodian is** the State of California or any agency or officer thereof.

SEC. 3. Section 17092 of said code is amended to read:

17092. The indemnity agreement shall be in a form as approved by the Attorney General. The Controller shall examine and pass upon the sufficiency of the application, including the agreement, and approve or reject it within 30 days after it is filed with the Controller

SEC. 4. Section 17093 of said code is amended to read:

17093. If the application is approved, the Controller shall issue and deliver to the applicant, on demand, a duplicate warrant for the full amount of the original warrant. When the Controller issues the duplicate, he shall notify the Treasurer that a duplicate warrant has been issued and identify the warrant.

CHAPTER 785

An act to add Section 2.5 to, to amend Sections 3, 4, 14 and 15 of, and to repeal Sections 12 and 17 of, the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945), relating to powers of the district, the creation of zones, and the authorization of bonds therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1965 Filed with Secretary of State July 6, 1965]

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

SECTION 1. Section 2.5 is added to the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945), to read:

Sec. 2.5. The board of supervisors of the district created by this act, by resolutions thereof adopted from time to time, may establish zones within said district without reference to the boundaries of other zones, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such zones by a zone number, and institute zone projects for the specific benefit of such zones.

Proceedings for the establishment of such zones may be conducted concurrently with and as a part of proceedings for the instituting of projects relating to such zones, which proceedings shall be instituted in either the manner prescribed in Section 3 or the manner prescribed in Section 3.1 of this act.

SEC. 2. Section 3 of said act is amended to read:

Sec. 3. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement of common benefit to such zone or participating zones. For the purpose of acquiring authority to proceed with any such project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimates of the cost of same to be borne by the particular zone and in the case of participating zones the proportionate cost to be borne by each of the participating zones and fixing a time and place for public hearing of said resolution and which shall refer to a map or maps showing the general location and general construction of said project. Notice of the hearing shall be given by publication pursuant to Section 6066 of the Government Code in a newspaper of general circulation, circulated in such zone or each of said participating zones, if there be such newspaper, and if there is no such newspaper, notice shall be given by posting notice of the hearing for a period of fourteen (14) days prior to said hearing in five (5) public places designated by the board, in such zone or in each of said participating zones. Publication shall be complete at least seven (7) days before the date of the hearing. Said notice shall designate a public place in such zone or in each of said participating zones where a copy or copies of the map or maps of the project or joint projects may be seen by any interested person. Said map must be posted in each of said public places so designated in said notice at least two weeks prior to said hearing.

At the time and place fixed for the hearing, or at any time to which said hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to the conclusion of said hearing a written protest against the proposed project signed by a majority in number of the holders of title to real property, or assessable rights therein, or evidence of title thereto, representing one-half or more of the assessed valuation of the real property within such zone

or within any of the participating zones for which said project was initiated, be filed with the board, in which event further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of said hearing, or said proceeding may be abandoned in the discretion of the board.

At the hearing, or at any time to which it may be adjourned, the board may sustain any or all of the objections filed and change or alter the boundaries of the proposed zone to conform to the needs of the zone, and to exclude any land that will not be benefited by the formation of the zone. Any owner of lands adjacent to the zone may, by written application filed with the board at or before the time of the hearing, in the discretion of the board have such lands included within the proposed zone. Except as in this act hereinafter set forth, other lands not included in the proposed zone by the original resolution may not be included in the zone.

In all matters in this section referred to, the last equalized assessment roll of the County of San Luis Obispo next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the zone or within any of the participating zones for which the project was initiated.

Executors, administrators, special administrators, and guardians may sign the protest provided for in this act on behalf of the estate represented by them. If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest; if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Where real property appears to be owned in common or jointly or by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners may sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his coowners or representatives or partners so to do, duly acknowledged by the consenting coowners or representatives or partners in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to coowners.

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed

by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners, or which has passed from the owner appearing as such on the last equalized assessment roll since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to so do.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto. And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

SEC. 3. Section 4 of said act is amended to read:

Sec. 4. The objects and purposes of this act are to provide for the control, disposition and distribution of the flood and storm waters of the district and the flood and storm waters of streams that have their sources outside the district, but which streams and floodwaters flow into the district, and to conserve such waters for beneficial and useful purposes by spreading, storing, retaining, and causing such waters to percolate into the soil within the district, or to save and conserve in any manner all or any of such waters and to protect from such flood or storm waters the public highways, life and property in the district, and the watercourses and watersheds of streams flowing into the district, and to increase, and prevent the waste or diminution of the water supply in the district, and to obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use, including the purchase and sale thereof, within the district, and to provide for recreation activities incidental to and in connection with said purposes. In addition to the powers provided for in Section 5, the district shall have power to engage in any such recreation activities and, in connection therewith, to exercise any of the powers provided for in Section 5.

SEC. 4. Section 12 of said act is repealed.

SEC. 5. Section 14 of said act is amended to read:

Sec. 14. (1) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work or improvement in any zone or zones, the board may by resolution, determine and declare the respective amounts of bonds necessary to be issued in each zone in order to raise the amount of money necessary for each work or improvement and the denomination and the maximum rate of interest of said bonds. The board shall cause a copy of the resolution, duly certified by the clerk, to be filed for record in the office of the Recorder of San Luis Obispo County within five (5) days after its issuance. From and after said filing of said copy of said resolution the board shall be deemed vested with the authority to proceed with the bond election.

(2) After the filing for record of the resolution specified in subdivision (1) of this section, the board may call a special bond election in said zone or participating zones at which shall be submitted to the qualified electors of said zone or participating zones the question whether or not bonds shall be issued in the amount or amounts determined in said resolution and for the purpose or purposes therein stated. Said bonds and the interest thereon shall be paid from revenue derived from annual taxes or assessments levied upon all the taxable property situated within the zone or participating zones, and all such property shall be and remain liable to be taxed or assessed for such payments as provided in this act.

(3) Said board shall call such special bond election by ordinance and not otherwise and submit to the qualified electors of said zone or participating zones, the proposition of incurring of bonded debt in said zone or participating zones in the amount and for the purposes stated in said resolution and shall recite therein the objects and purposes for which the indebtedness is proposed to be incurred; provided, that it shall be sufficient to give a brief, general description of such objects and purposes, and refer to the recorded copy of such resolution adopted by said board, and on file for particulars; and said ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on said indebtedness. Said board shall fix the date on which such special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on such indebtedness shall not exceed six percent (6%) per annum. For the purposes of said election, said board shall in said ordinance establish special bond election precincts within the boundaries of each zone and participating zone and may form election precincts by consolidating the precincts established for general elections in said district to a number not exceeding six general precincts for each such special bond election precinct, and shall designate a polling place and appoint one inspector,

one judge and one clerk for each of such special bond election precincts.

In all particulars not recited in said ordinance, such special bond election shall be held as nearly as practicable in conformity with the general election laws of the state.

Said board shall cause a map or maps to be prepared covering a general description of the work to be done, which said map shall show the location of the proposed works and improvements and shall cause the said map to be posted in a prominent place in the county courthouse for public inspection for at least thirty (30) days before the date fixed for such election.

Said ordinance calling for such special bond election shall, prior to the date set for such election, be published pursuant to Section 6062 of the Government Code in a newspaper of general circulation circulated in each zone and participating zone affected. The last publication of such ordinance must be at least fourteen (14) days before said election, and if there be no such newspaper, then such ordinance shall be posted in five public places designated by the board, in each zone and participating zone for at least thirty (30) days before the date fixed for such election. No other notice of such election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of such special bond election shall not affect the validity of the bonds authorized by said election. Where a project affects a single zone only, if at such election two-thirds ($\frac{2}{3}$) of the votes cast in said zone on the proposition of incurring a bonded indebtedness are in favor thereof, then bonds for such zone for the amount stated in such proceedings shall be issued and sold as in this act provided. Where the incurring of bonded indebtedness by participating zones is to be determined at such election, no bonds for any of such participating zones shall be issued or sold unless two-thirds ($\frac{2}{3}$) of the votes cast on the proposition in each such participating zone are in favor of incurring the bonded indebtedness to be undertaken by such zone.

SEC. 6. Section 15 of said act is amended to read:

Sec. 15. The board shall, subject to the provisions of this act, prescribe by resolution the form of said bonds, which must include a designation of the zone or participating zones affected, and of the interest coupons attached thereto. Said bonds shall be payable annually or semiannually at the discretion of the board each and every year on a day and date, and at a place to be fixed by said board, and designated in such bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness shall have been paid.

The board may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The final maturity date of

the bonds of each series shall not exceed 40 years from the date of the bonds of such series.

The bonds shall be issued in such denominations as the board may determine, and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of six per centum (6%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the auditor of said district, and the seal of said district shall be affixed thereto by the clerk of the board. The interest coupons of said bonds shall be numbered consecutively and signed by the said auditor by his engraved or lithographed signature. In case any such officer 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 bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 7. Section 17 of said act is repealed.

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:

Areas in the district are vitally in need of a supplemental water supply at the earliest possible time and the aid in obtaining such supply furnished by this act must be in effect immediately.

CHAPTER 786

An act to amend Section 28133 of the Government Code, relating to county officers' salaries.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 28133 of the Government Code is amended to read:

28133. In a county of the 33rd class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, ten thousand two hundred dollars ($10,200) a year.

(b) The district attorney, sixteen thousand dollars ($16,000) a year. He shall devote his entire time during office hours to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, six thousand dollars ($6,000) a year. He shall also receive the following mileage and traveling expenses: (1) twelve cents ($0.12) a mile in traveling to and from his residence to the county seat in attending sessions of the regular and special meetings of the board of supervisors and in attending sessions of the meetings of the board of supervisors when the board convenes as a board of equalization; and (2) twenty cents ($0.20) a mile to and from his residence while traveling in the county for the purpose of inspecting and viewing roads, not to exceed nine hundred dollars ($900) in any one year; and, (3) eight cents ($0.08) a mile to and from his residence while traveling inside the county in the performance of his duties other than those listed in items (1) and (2), and eight cents ($0 08) a mile to and from his residence when traveling outside the county on business authorized or ratified by the board of supervisors. In addition to the above mileage each member of the board shall receive his other actual travel expenses incurred by him while traveling for any of the purposes set forth in items (1), (2) and (3) of this paragraph.

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for the first day's attendance, and six dollars ($6) thereafter, and twenty cents ($0.20) for each mile actually and necessarily traveled from their residences to the place of service, in going only, to be allowed but once during any one session of the court or grand jury. Jurors in justice courts and coroner's inquests shall receive two dollars ($2) for each day's attendance, and ten cents ($0 10) for each mile actually and necessarily traveled from their residences to the place of service, in going only. The fees of trial jurors in civil cases shall be paid by the litigants, as other costs are paid.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 787

An act to amend Section 13339 of the Education Code, relating to employment in the public schools.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 13339 of the Education Code is amended to read:

13339. The governing board of any school district may employ or engage as an independent contractor a qualified person to serve as limited-term or part-time reader assistant in connection with instruction in composition and writing, and in mathematics, to teachers. Any person employed as a reader shall not be deemed to be employed in a position requiring certification qualifications, and, unless otherwise determined

by the governing board, shall not be subject to the provisions of Chapter 3 (commencing with Section 13580) of Division 10 of this code. The governing board may pay such hourly or unit compensation rates as it deems proper for the services rendered. It is the intent of the Legislature in enacting this section not to authorize an increase in the number of pupils who may be assigned to any class, but to provide an opportunity for improvement in the quality of student writing and mathematics abilities through more frequent assignments of compositions and more work in mathematics made possible by the employment of suitably trained persons to assist the instructor in the careful marking and analysis of the pupils' work. Furthermore, the means adopted for employing persons as reader assistants is not intended as an encroachment upon the merit system of public employment, but is adopted as the most practical arrangement, since most work of such nature will be done as part-time work and in the home.

CHAPTER 788

An act to amend Section 820 of the Streets and Highways Code, relating to federal aid to highways.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 820 of the Streets and Highways Code is amended to read:

820. The State of California assents to the provisions of Title 23, United States Code, as amended and supplemented. All work done under the provisions of said title or other acts of Congress relative to federal aid, or other cooperative highway work, or to emergency construction of public highways with funds apportioned by the government of the United States, shall be performed as required under acts of Congress and the rules and regulations promulgated thereunder. Laws of this state inconsistent with such laws, or rules and regulations of the United States, shall not apply to such work, to the extent of such inconsistency. This reenactment of this section is for the purpose of stating the assent of the State of California to the provisions of the applicable federal statutes, rules and regulations.

CHAPTER 789

An act to add Chapter 5.5 (commencing with Section 1450) to Division 2 of the Streets and Highways Code, relating to county highways.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Chapter 5.5 (commencing with Section 1450) is added to Division 2 of the Streets and Highways Code, to read:

CHAPTER 5.5. THE CARE AND PROTECTION OF COUNTY HIGHWAYS

Article 1. General Provisions

1450. As used in this chapter:

(a) The term "highway" includes all or any part of the entire width of right of way of a county highway, whether or not such entire area is actually used for highway purposes.

(b) The term "encroachment" includes any tower, pole, poleline, pipe, pipeline, driveway, private road, fence, billboard, stand or building, or any structure or object of any kind or character not particularly mentioned in this section, which is placed in, under or over any portion of the highway.

(c) "Public agency" includes any city, public corporation, political subdivision, or district.

(d) "Road commissioner" means the county road commissioner appointed pursuant to Section 2006.

This chapter shall only apply to any works or facilities of any public agency or public utility if such works or facilities are installed pursuant to franchise in, under or over any public highway. This chapter shall not limit the powers and duties vested by law in the Public Utilities Commission of this state, and in the event of any conflict with regard to the powers and duties given the road commissioner in this chapter, those of the Public Utilities Commission shall prevail.

Article 2. Permit Provisions

1460. The road commissioner may issue written permits, as provided in this chapter, authorizing the permittee to do any of the following acts:

(a) Make an opening or excavation for any purpose in any county highway.

(b) Place, change or renew an encroachment.

(c) Place or display in, under or over any county highway any kind of advertising sign or device. Any such sign or device placed or displayed contrary to the provisions of this section

is a public nuisance and the road commissioner may immediately remove it. The provisions of this section shall not prohibit the posting of any notice in the manner required by law or by the order of any court of this state.

(d) Plant, remove, cut, cut down, injure or destroy any tree, shrub, plant or flower growing within any county highway.

Any person who does any of the acts specified in this section, without the authority of such a permit, is guilty of a misdemeanor.

1461. Any act done under the authority of a written permit, issued pursuant to the provisions of this chapter, shall be done in accordance with the applicable provisions of this chapter, and the terms and conditions of such permit.

1462. Any permit issued under the provisions of this chapter may provide that the permittee will pay the entire expense of replacing the highway in as good condition as before, and may provide such other conditions as to the location and the manner in which the work is to be done as the road commissioner finds necessary for the protection of the highway.

1463 Any permit issued to a public agency or a public utility having lawful authority to occupy the highways shall contain a provision that in the event the future improvement of the highway necessitates the relocation of such encroachment the permittee will relocate the same at his sole expense. In said event the road commissioner shall serve on the permittee his written demand specifying the place of relocation, and specifying a reasonable time within which the work of relocation must be commenced. The permittee must commence such relocation within the time specified in said demand and thereafter diligently prosecute the same to completion.

All permits other than those issued to public agencies or a public utility having lawful authority to occupy the highways are revocable on five days' notice and the encroachment must be removed or relocated as may be specified by the road commissioner in the notice revoking the permit and within a reasonable time specified by the road commissioner unless the permit provides a specified time.

Public utilities may be required, within a reasonable time, to relocate such of their facilities as interfere with an enlarged public use of the highway, except in those cases where the enlarged use of the highway involves a state freeway.

1464. The road commissioner may, but is not required to, supervise any work done under any permit issued under the provisions of this chapter, in which event the permittee shall pay the reasonable cost of such supervision to the road commissioner, but no cost of supervision shall be charged by the road commissioner to any public corporation, provided, however, this section shall not operate to prevent charges made pursuant to Government Code Section 6103.6.

1465. (a) Permittees may excavate openings in county highways to make repairs in cases of emergency requiring immediate action. In such cases the appropriate representative of the road commissioner shall be promptly notified of any such action, and such permittee, at his own expense, shall immediately replace such county highway in as good condition as before such excavation.

(b) A public agency supplying water service to its inhabitants may, within its corporate limits, excavate a county highway without a permit in cases of emergency requiring immediate action; but in such cases the county highway shall, at the expense of the public agency, be replaced in as good condition as before such excavation.

1466. The road commissioner may delegate to any city any of the road commissioner's powers, duties, and authority, other than those of approval, under this chapter as to any county highway, or any part thereof, within such city, and may withdraw any such delegation of authority.

1467. The road commissioner may require the applicant to file with the road commissioner a satisfactory bond payable to the people of the county in such amount as the road commissioner deems sufficient, conditioned on the proper compliance by the permittee with the provisions of this chapter.

1468. Except as otherwise provided in this section, such a bond shall not be required of any public agency or public utility having lawful authority to occupy the highways which is authorized by law to establish or maintain any works or facilities in, under or over any public highway, nor shall the application of any such public agency or public utility for a permit be denied.

The road commissioner may require of any such applicant a bond in a sum not to exceed twenty thousand dollars ($20,000), if such applicant has in fact prior to such application failed to comply with the provisions of this chapter or with the provisions of a previous permit.

1469. Any city, municipal utility district, municipal water district, public utility having lawful authority to occupy the highways or metropolitan water district is entitled to a blanket permit issued by the road commissioner, renewable annually, for the installation of its service connections and for ordinary maintenance of its facilities located or installed in county highways; but the road commissioner may revoke any such blanket permit if the permittee fails to comply with the provisions of this article. When any such permit is revoked in a proper case such municipal utility district, municipal water district or metropolitan water district or public utility is entitled to a permit only on furnishing a bond as provided in Section 1467.

1470. This chapter shall not supersede the provisions of Chapter 3 (commencing with Section 7030), Division 4 of the Water Code.

CHAPTER 790

An act to add Section 6503.5 to the Welfare and Institutions Code, relating to state hospitals.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 6503.5 is added to the Welfare and Institutions Code, to read:

6503.5. The Director of General Services may grant to the San Bernardino Unified School District or 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 over and across the Patton State Hospital property for all purposes of a public or private road. The right-of-way shall be across, along, and upon the following described property:

The westerly 33 feet of Lot 2 of Block 60 of Rancho San Bernardino as recorded in Book 7 of Maps, page 2, Records of San Bernardino County, State of California, saving and excepting the southerly 40 rods thereof.

CHAPTER 791

An act to amend Section 2399.5 of the Business and Professions Code, relating to dangerous drugs.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 2399.5 of the Business and Professions Code is amended to read:

2399.5. Prescribing dangerous drugs as defined in Section 4211, without either a prior examination of the patient or medical indication therefor, constitutes unprofessional conduct within the meaning of this chapter.

CHAPTER 792

An act to add Article 12.3 (commencing with Section 1812.10) to Chapter 1 of Title 2 of Part 4 of Division 3 of the Civil Code, relating to retail installment sales.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Article 12.3 (commencing with Section 1812.10) is added to Chapter 1 of Title 2 of Part 4 of Division 3 of the Civil Code, to read:

Article 12.3. Actions

1812.10. An action on a contract under the provisions of this chapter shall be commenced in the county in which the contract was in fact signed by the buyer, in the county in which the buyer resided at the time the contract was entered into, in the county in which the buyer resides at the commencement of the action, or in the county in which the goods purchased pursuant to such contract have been so affixed to real property as to become a part of such real property.

CHAPTER 793

An act to add Sections 14002.5 and 14002.6 to the Elections Code, relating to polling places.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 14002.5 is added to the Elections Code, to read:

14002.5. The county clerk shall furnish to each polling place a sufficient number of cards, but no less than five, containing the telephone number of the office to which an elector may call to obtain information about his precinct location. The card shall also set forth the fact that an elector may call the number collect during the polling hours. The county clerk shall accept all calls, the cost of which shall be a charge against the general fund of the county.

If the precinct board is unable to find an elector's affidavit in the book of original affidavits of registration or his name upon the index of registration and is unable to call the clerk's office on behalf of the elector, the precinct board shall furnish the elector a copy of the card set forth in this section.

SEC. 2. Section 14002.6 is added to said code, to read:

14002.6. The county clerk shall assign a qualified person in the county clerk's office who shall receive the phone calls provided for by Section 14002.5 and who shall answer those questions concerning voting which those persons at the polling place are unable to accurately answer.

CHAPTER 794

An act to add Section 324 to the Elections Code, relating to the registration of voters.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 324 is added to the Elections Code, to read:

324. In lieu of the form of affidavit of registration provided for in this article, the county clerk may cause the information required by Section 310 to be printed on tabulating cards, and may use such cards for the registration of voters.

Tabulating cards used pursuant to this section shall follow the same format set forth in Section 321, but the type size may be reduced to such extent as may be necessary for use on such cards.

Whenever reference is made in this code to affidavits of registration, it shall be construed to include cards used under this section.

CHAPTER 795

An act to amend Sections 1822.4, 1823, 19590, 21754, and 27955 of the Education Code, and to amend Sections 25211.14, 25211.15, 29908 and 43614 of the Government Code, relating to bonded indebtedness.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 1822.4 of the Education Code is amended to read:

1822.4. The indebtedness, referred to Sections 1822, 1822.1, 1822.2, and 1822.3, is assumed if at the election on assumption provided for in such sections two-thirds of the votes cast on the question of assumption favor the assumption, or if at such an election 60 percent of the votes cast on the question of assumption favor the assumption and the election is a primary or general election.

SEC. 2. Section 1823 of said code is amended to read:

1823. No territory which comprises the whole or a part of a district and which is made a part of another district or of a new district through any proceeding involving any affirmative action taken by the residents of such territory shall be liable for any of the then outstanding bonded indebtedness of the district of which it is made a part unless such liability is specifically authorized by a vote of two-thirds of the electors of the territory or district voting at an election called for that purpose in accordance with Section 1644.1 or Sections 1822, 1822.1, 1822.2, 1822.3, and 1822.4, or by a vote of 60 percent of such electors voting at a primary or general election.

SEC. 3. Section 19590 of said code is amended to read:

19590. No apportionment to a school district shall become final unless: (a) the total amount of outstanding bonds of the district exceeds ninety-five percent (95%) of the maximum amount of bonds which the district could have had outstanding under any law on the date the conditional apportionment is made, or (b) if the total amount of the bonds of the district outstanding and unpaid is less than ninety-five percent (95%) of the amount of the bonds permitted to be issued by the district, the amount of district bonds outstanding is within twenty-five thousand dollars ($25,000) of the total bond limit permitted, as of the date on which the conditional apportionment is made. At the time the board makes a conditional apportionment pursuant to Section 19571, it shall determine what portion of the total amount of bonds which a district is permitted to issue and sell by law shall be issued and sold by such district, the proceeds of which shall be applied toward the cost of the project for which the apportionment is sought; provided, that in the event the school district has previously received apportionments, such proceeds shall first be applied toward the reduction, in chronological order beginning with the earliest, of any apportionments previously made to the district, before being applied toward the cost of the project for which an apportionment is sought, provided further that no such proceeds shall be applied toward the reduction of any apportionment for a site made pursuant to Section 19577 prior to the combination of such site apportionment with a construction apportionment pursuant to subsection (d) of Section 19577. The portion so determined by the board shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 19571 shall be conditioned upon the approval and sale of such bonds by the district. The amount of any apportionment for a construction project made as a consequence of applying district bond proceeds toward the reduction of prior apportionments pursuant to this section instead of applying the district bond proceeds toward the cost of such construction project, shall be excluded in determining the amount chargeable against the apportionments authorized by the electorate of the district to be accepted, expended and repaid. It is hereby declared that this

provision, added by the amendment to this section enacted at the 1958 First Extraordinary Session of the Legislature, is not intended as a change in the law, but rather as a declaration of existing law.

Any provision of this code to the contrary notwithstanding, whenever the electors of a district, subsequent to any requirement by the board for the sale of bonds in connection with an apportionment, authorize the issuance of bonds for any purpose for which an apportionment could lawfully be made, such authorization shall, in addition to the purposes specified, be deemed to constitute the consent of the electors to apply the proceeds of the bonds so required to be sold by the board toward the reduction of any apportionment previously made to such district. Any bond funds used to reduce any apportionment pursuant to this section shall be transferred to the State School Building Aid Fund and shall be available for reapportionment by the board. The portion so determined by the board shall be not less than the minimum amount required for such apportionment to become final under this section. Any apportionment made by the board pursuant to Section 19571 shall be conditioned upon the approval and sale of such bonds by the district.

No apportionment to a school district under this chapter shall become final, nor any agreement authorized by Section 19579.1 be entered into unless at an election called by the governing board of the district, two-thirds of the qualified electors of the district voting thereat, or unless such an election is a primary or general election and 60 percent of such electors voting thereat, have authorized the governing board to accept, expend and repay as provided in this chapter an apportionment under the provisions thereof or, with respect to said agreement, to obligate the district in an amount equal to or in excess of the maximum amount which the district could be obligated by said agreement, or by any act of its governing board or for which it is responsible, contemplated or permitted thereby. Said election shall be called, held and conducted in the same manner as are elections to authorize the issuance of school district bonds, except that the ballot shall contain substantially the following words:

"Shall the governing board of the district be authorized (1) to accept and expend an apportionment from the State of California under and subject to the provisions of Chapter 10 of Division 14 of the Education Code, which amount is subject to repayment as provided by said chapter, or (2) to enter into an agreement or agreements with the state pursuant to Section 19579.1 of the Education Code, which will at the time of such agreement or agreements (or at the time of any subsequent act of the governing board, or for which it is responsible, contemplated or permitted thereby) commit the district to a total expenditure in connection with all such agreements of not more than _____ dollars, or both. Yes _____ No _____."

SEC. 4. Section 21754 of said code is amended to read:

21754. If it appears from the certificate of election results that two-thirds of the votes cast on the proposition of issuing bonds of the district are in favor of issuing the bonds, or that the election is a primary or general election and 60 percent of the votes so cast on the proposition are in favor of issuing the bonds, the governing board of the school district shall cause an entry of that fact to be made upon its minutes. The governing board shall then certify to the board of supervisors of the county whose superintendent of schools has jurisdiction over the district, all proceedings had in the premises. The county superintendent of schools shall send a copy of the certificate of election results to the board of supervisors of the county.

SEC. 4 5. Section 27955 of said code is amended to read:

27955. The board of library trustees shall meet on the seventh day after the election, at 8 o'clock p.m., and canvass the returns. If it appears that two-thirds of the votes cast at the election were cast in favor of issuing the bonds or that the election is a primary or general election and 60 percent of the votes so cast on the proposition are in favor of issuing the bonds, the board shall enter the fact upon its minutes and shall certify all the proceedings to the supervising board of supervisors. Thereupon the board of supervisors shall issue the bonds of the district, in the number and amount provided in the proceedings, and the district shall be named on the bonds. The bonds shall be paid out of the building fund of the district.

The money for the redemption of the bonds and the payment of interest thereon shall be raised by taxation upon the taxable property in the district.

SEC. 5. Section 25211.14 of the Government Code is amended to read:

25211.14. The vote specified by the Constitution shall be required for the issuance of general obligation bonds.

SEC. 6. Section 25211.15 of said code is amended to read:

25211.15. If the proposition receives the necessary vote at the election on incurring the indebtedness, the board may by resolution, at the time or times it deems proper, provide for the following:

(a) The form of the bonds.

(b) The execution of the bonds.

(c) The issuance of any part of the bonds.

SEC. 7. Section 29908 of said code is amended to read:

29908. If the proposition receives the vote required by the Constitution, the bonds in an amount not exceeding that specified in said proposition may be issued. When two or more propositions are submitted at the same election, the votes cast for and against each proposition shall be separately counted

SEC. 8. Section 43614 of said code is amended to read:

43614. If the proposition receives the vote required by the Constitution the bonds may be issued. This act shall not be-

come operative unless and until Assembly Constitutional Amendment No. 8 of the 1965 Regular Session of the Legislature is approved by the electors.

CHAPTER 796

An act to add Section 155.2 to the Revenue and Taxation Code, Section 43006 to the Government Code and Section 17708 to the Education Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 155.2 is added to the Revenue and Taxation Code, to read:

155.2. Notwithstanding anything in this code to the contrary, the board of supervisors may by ordinance provide that every person who at 12 o'clock meridian of the first Monday in March, 1964, was the owner of, or had in his possession or under his control, any taxable property, which property was thereafter damaged or destroyed as a result of any forest fire occurring prior to September 30, 1964, in an area or region subsequently proclaimed by the Governor to be in a state of disaster due to major and widespread fires, may, within 30 days after the effective date of this section, make application for reassessment of such property and deliver to the assessor a written statement under oath, accompanied by a certificate of a disinterested competent person or authority, showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown therein to be in excess of five hundred dollars ($500). The assessor shall, within 60 days after the effective date of this section, assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the board a description of the property so reassessed, the name of the person making the application in connection with the property, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled. If the tax-

payer has already paid the tax previously computed, such difference shall be refunded to him pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of this division, as an erroneously collected tax.

For the purposes of this section, the term "forest fire" shall mean a fire which burns 100 contiguous acres or more.

SEC. 2. Section 43006 is added to the Government Code, to read:

43006. Notwithstanding any other contrary provisions of law, the city council may by ordinance provide that every person who at 12 o'clock meridian of the first Monday in March, 1964, was the owner of, or had in his possession or under his control, any taxable property, which property was thereafter damaged or destroyed as a result of any forest fire occurring prior to September 30, 1964, in an area or region subsequently proclaimed by the Governor to be in a state of disaster due to major and widespread fires, may, within 30 days after the effective date of this section, make application for the reassessment of such property and deliver to the assessing official of the city a written statement under oath, accompanied by a certificate of a disinterested competent person or authority showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown thereon to be in excess of five hundred dollars ($500). The assessor shall, within 60 days after the effective date of this section, assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the assessor, if he reassesses the property, shall transmit to the board a description of the property so reassessed, the name of the person making the application in connection with the property, and the value of the property as so reassessed. Upon such notice as it may find to be proper, the local board of equalization shall equalize any such assessment or reassessment.

The tax rate fixed for property on the roll on which the property so assessed appears or the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the equalized assessment or reassessment determined in accordance with the preceding paragraph. In the event that the resulting figure is less than the tax theretofore computed, the taxpayer shall be liable for tax only for the lesser amount, and the difference shall be canceled. If the taxpayer has already paid the tax previously computed, such difference shall be refunded to him, as an erroneously collected tax.

For purposes of this section, the term "forest fire" shall mean any fire which burns 100 contiguous acres or more.

This section shall apply to all cities, whether operating under a charter or the general laws of this state.

SEC. 3. Section 17708 is added to the Education Code, to read:

17708. If a board of supervisors or city council has adopted an ordinance pursuant to Section 155.2 of the Revenue and Taxation Code or Section 43006 of the Government Code, the county superintendent of schools, on behalf of any school district under his jurisdiction, when such district or portion of a district is located in a county situated in an area proclaimed by the Governor to be in a state of disaster as a result of a forest fire occurring prior to September 30, 1964, may file an application with the Superintendent of Public Instruction to compute district aid for the district under this section.

The application shall be forwarded to the Superintendent of Public Instruction on or before May 15, 1965, in the form and manner prescribed by the Superintendent of Public Instruction.

Upon receipt of such a request, the Superintendent of Public Instruction shall, in computing district aid, reduce the amount of the total assessed valuation in the district as shown by the equalized assessment roll for the fiscal year 1964–1965 by the amount that such assessed valuation is reduced pursuant to Section 155.2 of the Revenue and Taxation Code and Section 43006 of the Government 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 disastrous and extensive forest fires which occurred in several counties of the state in September of 1964, which counties were proclaimed by the Governor to be in a state of disaster, destroyed and damaged property to such an extent that unless partial relief from taxation is given to the owners thereof, there is grave danger that they may be unable to pay the taxes currently levied thereon. Section 2.8 of Article XIII of the Constitution authorizes the Legislature to provide for appropriate relief from ad valorem taxation in such situations. In order that such relief may be afforded at the earliest possible time to the people in these stricken areas, it is necessary that this act go into immediate effect.

CHAPTER 797

An act to amend Section 601 of the Business and Professions Code, relating to birth control.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 601 of the Business and Professions Code is amended to read:

601. Every person who willfully writes, composes or publishes any notice or advertisement of any medicine or means for producing or facilitating a miscarriage or abortion, or for the prevention of conception, or who offers his services by any notice, advertisement, or otherwise, to assist in the accomplishment of any such purpose is guilty of a felony and shall be punished as provided in the Penal Code. It shall not, however, be unlawful for information about the prevention of conception to be disseminated for purposes of public health education by any person who is not commercially interested, directly or indirectly, in the sale of any medicine or means which may be used for the prevention of conception.

CHAPTER 798

An act to amend Sections 4160, 4161, and 4164 of the Business and Professions Code, relating to classification of glue or cement as a poison.

[Approved by Governor July 6, 1965 Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 4160 of the Business and Professions Code is amended to read:

4160. "Poison" means and includes the compositions of the following schedules:

SCHEDULE "A"

(a) Arsenic compounds and preparations.

(b) Cyanides and preparations, including hydrocyanic acid.

(c) Fluorides soluble in water, and preparations.

(d) Mercury compounds and preparations, except preparations made and labeled for external use only and containing not more than five-tenths percent (0.5%) total mercury, and except ointments or soaps containing not more than two percent (2.0%) total mercury or not more than ten percent (10.0%) ammonium mercuric chloride or mercuric oxide.

(e) Phosphorus and preparations.

(f) Thallium compounds and preparations.

(g) Aconite, belladonna, cantharides, cocculus, conium, digitalis, gelsemium, hyoscyamus, nux vomica, santonica, stramonium, strophanthus, veratrum, or their contained or derived active compounds and preparations, except preparations made and labeled for external use only, and except preparations containing not more than four-thousandths percent (0.004%) total belladonna alkaloids or not more than two-hundredths percent (0.02%) total nux vomica alkaloids, and except preparations in dosage forms each containing not more than two-

tenths milligram (0.20 mg.) total belladonna alkaloids or not more than one milligram (1.0 mg.) total nux vomica alkaloids.

(h) Zinc phosphide and preparations.

(i) Sodium fluoroacetate and preparations.

SCHEDULE "B"

(a) Antimony, barium, copper, lead, silver or zinc compounds soluble in water, and preparations containing five percent (5.0%) or more of these compounds.

(b) Bromine or iodine and preparations.

(c) Hypochlorous acid, free or combined, and preparations that yield ten percent (10.0%) or more of available chlorine, excepting chloride of lime or bleaching powder.

(d) Permanganates soluble in water, and preparations containing five percent (5.0%) or more of these compounds.

(e) Nitric acid and preparations containing five percent (5.0%) or more of the free acid.

(f) Hydrochloric, hydrobromic or sulfuric acids, and preparations containing ten percent (10.0%) or more of the free acids.

(g) Oxalic acid or oxalates, and preparations containing ten percent (10.0%) or more of these compounds.

(h) Acetic acid and preparations containing twenty percent (20.0%) or more of the free acid.

(i) Potassium or sodium hydroxides, and preparations containing ten percent (10.0%) or more of the free alkalies.

(j) Ammonia solutions or ammonium hydroxide, and preparations containing five percent (5.0%) or more of free ammonia.

(k) Chloroform or ether, and preparations containing five percent (5.0%) or more of these compounds, except preparations made and labeled for external use only.

(*l*) Methyl alcohol or formaldehyde, and preparations containing one percent (1.0%) or more of these compounds, except when used as a preservative and not sold to the general public.

(m) Phenol or carbolic acid, cresols or other phenol derivatives, soluble in water, and preparations containing five percent (5.0%) or more of these compounds

(n) Nitroglycerine and nitrites.

(o) Nicotine and preparations containing nicotine expressed as alkaloid more than two percent (2.0%).

(p) Ergot, cottonroot, pennyroyal and larkspur, or their contained or derived active compounds or mixtures thereof.

SCHEDULE "C"

(a) Carbon tetrachloride.

(b) Camphorated oil.

(c) Boric acid.

SCHEDULE "D"

(a) Any glue or cement containing toluene.

(b) Any glue or cement containing a substance which the Department of Public Health has determined by regulations adopted pursuant to the Administrative Procedure Act (Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11371), and Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2, Government Code) has toxic qualities similar to toluene and should, in the interest of public safety, be subject to the provisions of this article.

Subdivisions (a) and (b) of Schedule "D" shall not apply to any glue or cement which has been certified by the Department of Public Health as containing a substance which makes such glue or cement malodorous or causes such glue or cement to induce sneezing, nor shall subdivisions (a) and (b) of Schedule "D" apply where the glue or cement is sold, delivered, or given away simultaneously with or as part of a kit used for the construction of model airplanes, model boats, model automobiles, model trains, or other similar models.

SEC. 2. Section 4161 of said code is amended to read:

4161. No person shall vend, sell, give away or furnish, either directly or indirectly, any poisons enumerated in Schedules "A," "B," "C," and "D" in Section 4160, unless there is affixed a poison label to the package, box, bottle or paper in which the "A" or "B" poison is contained and a caution label affixed to the package, box, bottle, or paper in which the "C" or "D" poison is contained. The poison or caution label shall be substantially in the form provided in this chapter.

SEC. 3. Section 4164 of said code is amended to read:

4164. No poison enumerated in Schedules "A," "B" and "D" in Section 4160, shall be sold or delivered to any person who is less than 18 years of age.

CHAPTER 799

An act to amend Sections 10703.5 and 25425 of the Education Code, relating to student body funds and collection of fees declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 10703.5 of the Education Code is amended to read:

10703.5. In addition to deposit or investment pursuant to Section 10703, the funds of a student body organization may be loaned or invested in any of the following ways:

(a) Loans, with or without interest, to any student body organization established in another school of the district for a period not to exceed three years.

(b) Invest money in permanent improvements to any school district property including, but not limited to, buildings, automobile parking facilities, gymnasiums, swimming pools, stadia and playing fields, where such facilities, or portions thereof, are used for conducting student extracurricular activities or student spectator sports, or when such improvements are for the benefit of the student body. Such investment shall be made on condition that the principal amount of the investment plus a reasonable amount of interest thereon shall be returned to the student body organization as provided herein. Any school district approving such an investment shall establish a special fund in which moneys derived from the rental of school district property to student body organizations shall be deposited. Moneys collected by the governing board for automobile parking facilities as authorized by Section 25425 shall be deposited in the special fund if the parking facilities were provided for by investment of student body funds under this section. Moneys shall be returned to the student body organization as contemplated by this section exclusively from such special fund and only to the extent that there are moneys in such special fund. Whenever there are no outstanding obligations against the special fund, all moneys therein may be transferred to the general fund of the school district by action of the local governing board.

Two or more student body organizations of the same school district may join together in making such investments in the same manner as is authorized herein for a single student body. Nothing herein shall be construed so as to limit the discretion of the local governing board in charging rental for use of school district property by student body organizations as provided in Section 10701.

SEC. 2. Section 25425 of said code is amended to read:

25425. The governing board of a district maintaining a junior college may require of pupils in attendance in grades 13 and 14, the payment of fees in a total amount of not more than ten dollars ($10) for the regular school year, for the following services afforded the pupils:

(a) The health supervision and services, and the medical and hospitalization services, authorized by Article 1 (commencing with Section 11701) of Chapter 4 of Division 9.

(b) The use of automobile parking facilities.

The two types of fees shall be separately assessed, and the fee for use of automobile parking facilities shall be required only of the pupils using such facilities.

Any such fees collected shall be deposited in the general fund of the district, and shall be expended only for the purposes set forth in subparagraphs (a) and (b) of this section. Fees collected for use of automobile parking facilities provided

for by investment of student body funds under the authority of Section 10703.5 shall be deposited in a special fund for repayment to the student organization.

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

A number of school districts have determined that it is essential and desirable that available student body funds be invested to provide urgently needed parking facilities, and that substantial savings to the taxpayers will result by such undertakings. In order that the necessary authority to so invest student body funds and the implementing fiscal procedures provided for by this act will be operative on on before the forthcoming school year, it is necessary that this act take effect immediately.

CHAPTER 800

An act to repeal Sections 13835, 13908, 13911, 13913, 13914 and 13915, and to amend Sections 13851, and 13853, and to amend and renumber Sections 13909, 13910 and 13912 of the Education Code, relating to the Teachers' Retirement Board.

[Approved by Governor July 6, 1965 Filed with Secretary of State July 6, 1965]

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

SECTION 1. Section 13835 of the Education Code is repealed.

SEC. 2. Section 13851 of said code is amended to read:

13851. The retirement system shall be managed by the Teachers' Retirement Board. The members of the board shall be as follows:

(a) The Superintendent of Public Instruction.

(b) The State Controller.

(c) The Director of Finance.

(d) One member, who, at the time of appointment, is a member of the governing board of a school district.

(e) Three members of the State Teachers' Retirement System, at least two of whom at time of appointment are classroom teachers in grades kindergarten through 14.

(f) One official of a life insurance company appointed by the Governor for a term of four years, subject to confirmation by the Senate.

(g) One official of a bank appointed by the Governor for a term of four years, subject to confirmation by the Senate.

The members of the board provided by subdivisions (d) and (e) shall be appointed by the Governor from a list submitted by the Superintendent of Public Instruction. One

member shall be appointed for a term expiring July 1, 1964. One member shall be appointed for a term expiring July 1, 1965. One member shall be appointed for a term expiring July 1, 1966. One member shall be appointed for a term expiring July 1, 1967. Successors to those appointed as stated above shall be appointed for four-year terms by the Governor from lists submitted by the Superintendent of Public Instruction.

At the first meeting of the retirement board, provided in this section, and annually thereafter, the members shall elect a chairman and vice chairman.

SEC. 3. Section 13853 of said code is amended to read:

13853. The retirement board shall set policy and make rules and it has the sole power and authority to hear and determine all facts pertaining to application for benefits under the retirement system or any matters pertaining to administration thereof The retirement board shall meet at least once every calendar quarter or as often as the retirement board deems necessary.

The board may appoint a committee of two or more of its members to perform any act within the power of the board itself to perform. The board may also delegate authority to the executive officer to perform any such act. Except where the board, in delegating such authority, provides that the committee or the executive officer may act finally, all acts of the committee or the executive officer shall be reported to the board at its next regular meeting and shall be subject to review and ratification or reversal by the board.

The executive officer has the authority and responsibility for the administration of the system pursuant to the policies and rules adopted by the board. He may delegate to his subordinates any act or duty unless the board by motion or resolution recorded in its minutes has required him to act personally.

SEC. 4. Section 13908 of said code is repealed.

SEC. 5. Section 13909 of said code is amended and renumbered to read:

13853.1 The retirement board shall have exclusive control of the investment of the Teachers' Retirement Fund, including the purchase of securities and the sale thereof. Investments shall be confined to securities approved in this state for the investment of funds of savings banks.

SEC. 6. Section 13910 of said code is amended and renumbered to read:

13853.3. Notwithstanding the provisions of Section 13853.1, investments may be made in bonds issued pursuant to the Improvement Bond Act of 1915; provided, that an ad valorem tax on all property taxable by the public agency which authorized the issuance of such bonds, at a rate not exceeding ten cents ($0.10) for each one hundred dollars ($100) of assessed value, computed as of the date of such investment, would produce an amount equal to at least 100 percent of the

principal and interest payable in any year thereafter on the issue of bonds in which such investment is made.

SEC. 7. Section 13911 of said code is repealed.

SEC. 8. Section 13912 of said code is amended and renumbered to read:

13853.2. The retirement board shall have exclusive control of the administration of the funds. No transfers or disbursements of any amount from the funds shall be made except upon the authorization of the retirement board for the purpose of carrying into effect the provisions of this chapter (commencing at Section 13801).

SEC. 9. Section 13913 of said code is repealed.

SEC. 10. Section 13914 of said code is repealed.

SEC. 11. Section 13915 of said code is repealed.

CHAPTER 801

An act to amend Sections 21681, 21682, 21683, 21684, 21685, and 21686 of the Public Utilities Code, relating to airports.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 21681 of the Public Utilities Code is amended to read:

21681. Out of the fund, the sum of fifteen thousand dollars ($15,000) per year shall first be available to the division for expenditure in aiding and assisting cities, counties, airport districts, port districts and the University of California in the administration and expenditure of funds received pursuant to this article. Payments made pursuant to this section shall be made prior to payments pursuant to Section 21682.

SEC. 2. Section 21682 of said code is amended to read:

21682. (a) The division shall, subject to the provisions of Section 21683, pay from the fund to each city, county, airport district, and port district owning and operating an airport or airports under a valid permit issued by the division or its successor the sum of two thousand five hundred dollars ($2,500) annually for each such airport, to be expended solely for airport and aviation purposes.

(b) The division shall, subject to the provisions of Section 21683, pay from the fund to the University of California the sum of two thousand five hundred dollars ($2,500) annually for each airport, used by the general public and owned and operated by the university under a valid permit issued by the division, to be expended solely for the airport and for aviation purposes related to such airport.

(c) If, in any year, there is insufficient money in the fund to make the payments specified in subdivisions (a) and (b), the

division shall, subject to the provisions of Section 21683, pay to each such city, county, airport district, or port district and to the University of California an amount which is equal to the total amount of money in the fund, less the payment to the division specified in Section 21681, multiplied by a percentage equivalent to the proportion which the airport or airports of the city, county, district or university for which payment is required to be made pursuant to subdivisions (a) and (b) bear to the total number of airports for which payment is required to be made pursuant to subdivisions (a) and (b).

SEC. 3. Section 21683 of said code is amended to read:

21683. (a) No payment shall be made to a city, county, airport district, or port district pursuant to Section 21682 unless the city, county, airport district, or port district has established a special aviation fund and deposits in such fund each year, for expenditure solely for airport and aviation purposes, a sum at least equal to the amount to be paid by the division pursuant to Section 21682. Payments received by a city, county, airport district, or port district shall be deposited in its special aviation fund.

(b) No payment shall be made for any airport to the University of California pursuant to Section 21682 unless the university has established a special aviation fund and unless a city located within 10 miles of the airport or the county within which the airport is located pays to the university a sum at least equal to the amount to be paid by the division pursuant to Section 21682. The payments received from a city or county pursuant to this section are to be expended solely for the airport and for aviation purposes related to such airport. Payments received by the university shall be deposited in its special aviation fund.

(c) Allocated and matching funds under this program may be accrued for a period of not more than three years. Extension of time for accrual of these funds for major projects must be obtained from the Division of Aeronautics.

(d) Payments made to public entities from the Airport Assistance Fund and matching funds must be expended upon the airport for which funds are requested. If a public entity owns more than one airport, allocated and matching funds for other airports cannot be expended or accrued for expenditure on one selected airport, provided, however, that the division may grant a waiver of the provisions of this subdivision in extenuating circumstances.

SEC. 4. Section 21684 of said code is amended to read:

21684. Any remaining balance in the fund, after making the payments provided for by Section 21682, shall be expended by the division in making allocations, pursuant to Section 21685, to cities, counties, airport districts, port districts and the University of California for the acquisition and development of airports.

The division shall establish, by rules and regulations, policies and standards to be followed in making allocations so as to

further the proper development and maintenance of a statewide system of airports.

SEC. 5. Section 21685 of said code is amended to read:

21685. Any city, county, airport district, or port district and the University of California may apply to the Division of Aeronautics during the first six months of the year for the allocation of funds for the acquisition and development of airports. The Division of Aeronautics may make an allocation to a city, county, airport district, or port district and the University of California if it determines that the proposed acquisition and development is feasible and in accordance with the policies and standards established by the Division of Aeronautics.

No allocation shall be made to a city, county, airport district, or port district unless it has established a special aviation fund and has deposited in such fund, for expenditure solely for acquisition and development of airports, a sum at least equal to the allocation which the Division of Aeronautics is to make. All moneys received by a city, county, airport district, or port district pursuant to this section shall be deposited in its special aviation fund and shall be expended solely for the acquisition and development of airports. No money allocated under Section 21684 or money appropriated by the city, county, airport district, or port district for matching this allocation shall be expended for operation or maintenance of an airport.

No allocation shall be made to the University of California unless it has established a special aviation fund and unless a city located within 10 miles of the airport to be acquired or developed or the county in which the airport to be acquired or developed is located pays to the university a sum at least equal to allocation the division is to make. All moneys received by the university pursuant to this section shall be deposited in its special aviation fund and shall be expended solely for the acquisition and development of airports to be used by the general public. No money allocated under Section 21684 or money paid by a city or county for matching this allocation shall be expended for operation or maintenance of an airport.

SEC. 6. Section 21686 of said code is amended to read:

21686. Any city, county, airport district, or port district may pay any part of the money in its special aviation fund to a state college or branch of the University of California located within its boundaries to be expended for the same purposes as the city, county, airport district, or port district may expend such money. Any money paid to a state college or branch of the University of California shall be expended within the city, county, airport district, or port district paying the money.

CHAPTER 802

An act to add Chapter 15 (commencing with Section 7471) to Division 6 of the Education Code, relating to diplomas.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Chapter 15 (commencing with Section 7471) is added to Division 6 of the Education Code, to read:

CHAPTER 15. DIPLOMAS

7471. No diploma, certificate or other document which is conferred upon a pupil as evidence of his completion of a prescribed course of study or training shall bear any distinctive marking or words which indicate that the pupil upon whom it was conferred was, for purposes of his course of study or training, placed within a particular classification based upon his intellectual or mental capacity.

The provisions of this section shall not be construed to prevent a diploma, certificate or other document from indicating that the pupil upon whom it is conferred maintained exceptionally high grades during his course of study or training, or that he completed his course with honors, or to prevent the governing board of any school district from publicizing such information.

CHAPTER 803

An act to amend Section 69591 of the Government Code, relating to the courts.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 69591 of the Government Code is amended to read:

69591. In the County of Orange there shall be 18 judges of the superior court. On and after July 1, 1966, there shall be 19 judges.

CHAPTER 804

An act to amend Section 2983.2 of the Civil Code, relating to conditional sales of motor vehicles.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 2983.2 of the Civil Code is amended to read:

2983.2. Any provision in any conditional sale contract for the sale of a motor vehicle to the contrary notwithstanding, at least five days' written notice of intent to sell a repossessed motor vehicle must be given to all persons liable on the contract. The notice shall be given in person or shall be sent by mail directed to the address of the persons shown on the contract, unless such persons have notified the holder in writing of a different address. The notice shall set forth that there is a right to redeem the motor vehicle and the total amount required as of the date of the notice to redeem; may inform such persons of their privilege of reinstatement of the contract, if the holder extends such privilege; shall give notice of the holder's intent to resell the motor vehicle at the expiration of five days from the date of giving or mailing the notice, or if given by mail and either the place of deposit in the mail or the place of address is outside of this state, the period of notice shall be 10 days instead of five days; shall disclose the place at which the motor vehicle will be returned to the buyer upon redemption or reinstatement; and shall designate the name and address of the person to whom payment shall be made. During the period provided under said notice, the person or persons liable on the contract may pay in full the indebtedness evidenced by the contract. Such persons shall be liable for any deficiency after sale of the repossessed motor vehicle only if the notice prescribed by this section is given within 60 days of repossession and includes the following:

1. A notice, in at least eight-point bold type if the notice is printed, reading as follows: "Notice: You are subject to suit and liability if the amount obtained upon sale of the vehicle is insufficient to pay the contract balance and any other amounts due."

2. An itemization of the contract balance and of any delinquency, collection or repossession costs and fees. In addition, the notice shall either set forth the computation or estimate of the amount of any credit for unearned finance charges or canceled insurance as of the date of the notice or shall state that such a credit may be available against the amount due.

SEC. 2. Section 2983.2, as amended in the 1965 Regular Session of the Legislature shall be operative on March 15, 1966, however, a notice given prior thereto pursuant to its provisions shall be effective in all respects.

CHAPTER 805

An act to amend Sections 11010 and 11018.1 of, and to add Section 11018.4 to, the Business and Professions Code, relating to subdivided lands.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 11010 of the Business and Professions Code is amended to read:

11010. Prior to the time when subdivided lands are to be offered for sale or lease, the owner, his agent or subdivider shall notify the commissioner in writing of his intention to sell or lease such offering.

The notice of intention shall contain the following information:

(a) The name and address of the owner

(b) The name and address of the subdivider.

(c) The legal description and area of lands.

(d) A true statement of the condition of the title to the land, particularly including all encumbrances thereon.

(e) A true statement of the terms and conditions on which it is intended to dispose of the land, together with copies of any contracts intended to be used.

(f) A true statement of the provisions, if any, that have been made for public utilities in the proposed subdivision, including water, electricity, gas and telephone facilities.

(g) A true statement of the use or uses for which the proposed subdivision will be offered.

(h) A true statement of the provisions, if any, limiting the use or occupancy of the parcels in the subdivision.

(i) A true statement of the maximum depth of fill used, or proposed to be used on each lot, and a true statement on the soil conditions in the subdivision supported by engineering reports showing the soil has been, or will be, prepared in accordance with the recommendations of a registered civil engineer.

(j) Such other information as the owner, his agent, or subdivider, may desire to present.

SEC. 2. Section 11018.1 of said code is amended to read:

11018.1. A copy of the public report of the commissioner, when issued, shall be given to the prospective purchaser by the owner, subdivider or agent prior to the execution of a binding contract or agreement for the sale or lease of any lot or parcel in a subdivision. The requirement of this section extends to lots or parcels offered by the subdivider after repossession.

SEC. 3. Section 11018.4 is added to said code, to read:

11018.4. In addition to the grounds for the denial of a public report as set forth in Section 11018, the commissioner shall deny the issuance of a public report if the subdivider fails to

demonstrate that the soil within the subdivision has been, or will be, prepared in accordance with the recommendations of a registered civil engineer in such a manner that structural damage is not likely to result.

SEC. 4. 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 806

An act to amend Section 13521 of the Education Code, relating to school districts.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 13521 of the Education Code is amended to read:

13521. Each salary payment for any calendar month shall be paid not later than the fifth day of the succeeding calendar month except that teachers employed for less than full time in classes for adults, in a day or evening high school, in a day or evening junior college, or in a special day or evening class maintained in connection with an elementary school may be paid on or before the 10th day of the succeeding calendar month.

If the school district provides for the payment of the salary of employees employed in positions requiring certification qualifications once each two weeks, or once each four weeks, pursuant to Section 13517, each salary payment shall be made not later than the eighth working day of the following payroll period.

CHAPTER 807

An act to amend Section 14628 of the Elections Code, relating to absentee ballots.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 14628 of the Elections Code is amended to read:

14628. If an absent voter returns to his home precinct on election day, he shall not vote until he surrenders to the inspector of the precinct board the absent voter's ballot and

other supplies mailed to him. The inspector of election shall return the absent voter's ballot with the unused ballots of the precinct.

CHAPTER 808

An act to amend Section 5075 of the Penal Code, relating to membership of the Adult Authority.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 5075 of the Penal Code is amended to read:

5075. The Adult Authority shall be composed of nine members, each of whom shall be appointed by the Governor, with the advice and consent of the Senate, 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 Adult Authority shall be designated by the Governor from time to time The chairman of the authority shall be the administrative head of the authority and shall exercise all duties and functions necessary to insure that the responsibilities of the authority are successfully discharged He shall be the appointing authority for all civil service positions of employment in the Adult Authority.

The terms of the members shall expire as follows: one on March 15, 1952, two on March 15, 1953, two on March 15, 1955, one on March 15, 1956, one on March 15, 1958, one on March 15, 1966, and one on March 15, 1968. Their successors shall hold office for terms of four years, each turn to commence on the expiration date of the term of the predecessor. The Governor shall fill every vacancy for the balance of the unexpired term.

Persons appointed to the Adult Authority shall have a broad background in and ability for appraisal of law offenders and the circumstances of the offense for which convicted Insofar as practicable members shall be selected who have a varied and sympathetic interest in corrections work including persons widely experienced in the fields of corrections, sociology, law, law enforcement, and education.

It is the further intent of this section that the Adult Authority shall adopt such policies and practices as will permit continuing operations and improvements without any further increase in the number of its members.

CHAPTER 809

An act to amend Section 70 of the Agricultural Code, relating to California State Fair.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 70 of the Agricultural Code is amended to read:

70. The California State Fair and Exposition is a state institution within the Department of General Services, and consists of a board of directors of 14 members.

CHAPTER 810

An act to amend Section 28155 of the Government Code, relating to county officers' salaries.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 28155 of the Government Code is amended to read:

28155. In a county of the 55th 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, four thousand five hundred dollars ($4,500) a year.

(b) The district attorney, nine thousand six hundred dollars ($9,600) a year.

(c) Each supervisor, four thousand eight hundred dollars ($4,800) a year, for all services required of him by law in any capacity, and ten cents ($0.10) a mile (1) for each mile actually and necessarily traveled when traveling within or without the county on county business. (2) In lieu of mileage, supervisors may use automobiles provided and maintained by the county in connection with the performance of their official duties.

(d) Grand jurors shall be paid seven dollars ($7) a day, and jurors in the superior court shall be paid six dollars ($6) for each day's attendance. Grand and trial jurors shall receive ten cents ($0.10) for each mile actually traveled each way while serving as such grand or trial juror. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each juror. The auditor

shall draw his warrant for the fees and mileage due the juror, and the treasurer shall pay the warrant.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 811

An act to add Section 5236 to the Streets and Highways Code, relating to special assessment proceedings.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 5236 is added to the Streets and Highways Code, to read:

5236. After construction has begun, the legislative body, or the superintendent of streets if authorized by the legislative body, may order changes in the work without the necessity of a hearing. The order shall be in writing, and the amount of any change ordered shall not exceed five hundred dollars ($500) when the total amount of the contract does not exceed fifty thousand dollars ($50,000), nor 1 percent of the amount of any original contract which exceeds fifty thousand dollars ($50,000). No change shall exceed four thousand five hundred dollars ($4,500).

CHAPTER 812

An act to amend Sections 15651, 15652, 15654, 15655, 15657 and 15659 of, and to add Section 15660 to, the Financial Code, relating to dissolution of credit unions.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965]

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

SECTION 1. Section 15651 of the Financial Code is amended to read:

15651. If the dissolution of the credit union is voted the board of directors of the credit union shall elect a committee of three members or may by resolution appoint a liquidating agent to liquidate the assets of the credit union.

SEC. 2. Section 15652 of said code is amended to read:

15652. The board of directors shall immediately execute a certificate stating that the credit union has elected to wind up and dissolve and showing by what vote or consent such election was made. The certificate shall be signed and verified by the president and secretary. The certificate shall be filed in the office of the Secretary of State, and copies of the certificate

certified by the Secretary of State shall be filed with the commissioner and the county clerk of the county in which the principal office of the credit union is located.

SEC. 3. Section 15654 of said code is amended to read:

15654. The committee or the liquidating agent in charge of liquidation may sue in the name and on behalf of the credit union, and may sell or otherwise dispose of the assets of the credit union, in whole or in part, at public or private sale, subject to confirmation by the board of directors.

SEC. 4. Section 15655 of said code is amended to read:

15655. After determining that all known debts and liabilities of the credit union have been paid or adequately provided for, the committee or the liquidating agent in charge of liquidation shall distribute all the remaining assets of the credit union among the members or shareholders. Each share is entitled to its proportionate amount of the assets according to the amount paid on that share.

SEC. 5. Section 15657 of said code is amended to read:

15657. When a credit union has completely wound up, all of its known debts and liabilities actually paid or adequately provided for or paid as far as its assets permit, and its known assets distributed, a majority of the committee or the liquidating agent in charge of liquidation shall sign and acknowledge a certificate stating that the credit union has been completely wound up, its known assets distributed, any tax or penalty due under the Bank and Corporation Franchise Tax Law paid, and its other known debts and liabilities actually paid or adequately provided for or paid as far as its assets permit and that the credit union is dissolved.

SEC. 6. Section 15659 of said code is amended to read:

15659. At any time during the liquidation process, the committee or the liquidating agent in charge of liquidation may be relieved of their duties at the discretion of the commissioner and the commissioner shall thereafter act as the liquidating agent or appoint a liquidating agent to complete the dissolution of the credit union.

SEC. 7. Section 15660 is added to said code, to read:

15660. Where the commissioner finds that on the date of filing with the Secretary of State of the certificate of election to wind up and dissolve, the credit union does not have sufficient assets to return to its shareholders their investment in full, the credit union shall not be liable for the costs of administration assessed under Chapter 9 (commencing with Section 16000) of this division.

CHAPTER 813

An act to amend Section 28121 of the Government Code, relating to salaries of county officers.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 28121 of the Government Code is amended to read:

28121. In a county of the 21st 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, nineteen thousand dollars ($19,000) a year.

(b) The district attorney, twenty-four thousand dollars ($24,000) a year.

He shall devote his entire time to the duties of his office and shall not engage in private law practice during his term of office.

(c) Each supervisor, eight hundred dollars ($800) a month and eight cents ($0.08) for each mile necessarily and actually traveled in attending meetings of the board or in the discharge of county business within the county.

Each supervisor shall be allowed his actual and necessary expenses incurred while traveling to and from the annual convention of the supervisor's association, not to exceed fifty dollars ($50) for each in any one year.

(d) Trial jurors, five dollars ($5) per day.

(e) Each grand juror, five dollars ($5) per day for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, and eight cents ($0.08) for each mile actually and necessarily traveled in the performance of such duties.

SEC. 2. This act shall become operative on January 1, 1967.

CHAPTER 814

An act to add Section 5782.24 to the Public Resources Code, relating to recreation and park districts.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 5782.24 is added to the Public Resources Code, to read:

5782.24. A knowing and willful violation of a regulation or ordinance of a district relating to property, improvements, or

facilities under its management or belonging to the district which is adopted pursuant to Section 5782.21, to fire protection which is adopted pursuant to Section 5782.22, or to garbage collection or disposal which is adopted pursuant to Section 5782.23, is a misdemeanor, punishable by fine not to exceed one hundred dollars ($100), or by imprisonment in the county jail for not to exceed one month, or both.

CHAPTER 815

An act to amend Section 3000.5 of the Harbors and Navigation Code, relating to the San Francisco Port Authority.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 3000.5 of the Harbors and Navigation Code is amended to read:

3000.5. In devoting property to the purposes set forth in subdivision (d) of Section 3000, the authority may enter into leases for a period not to exceed 99 years. All such leases shall be made upon competitive bids after such public advertising, inviting proposals or bids therefor, as the authority deems sufficient. The lease shall be awarded to the person whose proposal or bid will develop the property in the best interests of the state, taking into consideration uses of adjacent property, maximum profits, and length of term. Nothing in this section or in subdivision (d) of Section 3000 shall authorize the authority to pay any of the costs of construction.

CHAPTER 816

An act to amend Section 226a of the Civil Code, relating to adoptions.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 226a of the Civil Code is amended to read:

226a. Once given, consent of the natural parents to the adoption of the child by the person or persons to whose adoption of the child the consent was given, may not be withdrawn except with court approval. Request for such approval may be made by motion, or a natural parent seeking to withdraw such consent may file with the clerk of the superior court where the petition is pending, a petition for approval of withdrawal

thereof, without the necessity of payment of any fee for the filing of such petition. The petition shall be in writing, and shall set forth the reasons for withdrawal of consent, but otherwise may be in any form.

The clerk of the court shall set the matter for hearing, and shall give notice thereof to the State Department of Social Welfare, to the persons to whose adoption of the child the consent was given, and to the natural parent or parents by certified mail to the address of each as shown in the proceeding, at least 10 days before the time set for hearing.

The State Department of Social Welfare or the licensed county adoption agency shall, prior to the hearing of the motion or petition for withdrawal, file a full report with the court and shall appear at the hearing to represent the interests of the child.

At the hearing, the parties may appear in person or with counsel. The hearing shall be held in chambers, but the court reporter shall report the proceedings and his fee therefor shall be paid from the county treasury on order of the court. If the court finds that withdrawal of the consent to adoption is reasonable in view of all the circumstances, and that withdrawal of the consent will be for the best interests of the child, the court shall approve the withdrawal of the consent; otherwise the court shall withhold its approval. If the court approves the withdrawal of consent, the adoption proceeding shall be dismissed.

Any order of the court granting or withholding approval of a withdrawal of a consent to an adoption may be appealed from in the same manner as an order of the juvenile court declaring any person to be a ward of the juvenile court.

CHAPTER 817

An act to add Section 12331 to the Government Code, relating to the deposit of pledged money with the State Treasurer.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965]

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

SECTION 1. Section 12331 is added to the Government Code, to read:

12331. Notwithstanding any general or specific law to the contrary, whenever any law or whenever any state agency or officer requires that a pledge of money be made to secure the performance of an act or duty, the pledges shall first be approved by the governing or administrating state agency or officer and, upon the written order of the state agency or officer, shall be deposited with the State Treasurer in accordance with Sections 16305 to 16305.7, inclusive.

All money deposited with the State Treasurer pursuant to this section shall be held by him subject to law and the written order or instructions of the state agency or official making or authorizing the deposit and the state shall be responsible for the safe return thereof.

CHAPTER 818

An act to add Section 25505.9 to the Education Code, relating to refund of fees at junior colleges.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 25505.9 is added to the Education Code, to read:

25505.9. The State Board of Education may adopt rules providing for refunds of any of the following nonresident tuition and dormitory fees:

(a) Those collected in error.

(b) Those refundable as a result of a reduction of the educational program at the junior college for which the fees have been paid.

(c) Those refundable as a result of a student's withdrawal from an education program at the junior college for which fees have been paid, where the withdrawal is for reasons deemed sufficient by the governing board of the junior college district.

Pending adoption of such rules by the State Board of Education, governing boards of junior college districts may adopt rules providing for such refunds.

CHAPTER 819

An act to amend Section 28115 of the Government Code, relating to county officers.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 28115 of the Government Code is amended to read:

28115. In a county of the 15th class the following shall receive as full compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, sixteen thousand dollars ($16,000) a year. The auditor shall devote his full working time to the duties of his office.

(b) The district attorney, twenty-four thousand dollars ($24,000) a year, and his actual traveling expenses while away from his office on county business. The district attorney may be assigned an automobile or compensated at a mileage rate designated in the salary ordinance for employees using personal automobiles on official business. He shall not personally engage in private law practice.

(c) Each supervisor, nine thousand four hundred dollars ($9,400) a year and his necessary expenses when attending to the business of the county. When traveling in his own car on county business he shall receive nine cents ($0.09) for each mile actually traveled.

(d) For acting as a grand juror for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of a grand jury to make individual investigations, five dollars ($5). For every mile actually traveled as a grand juror in attending court, grand jury meetings, regularly called committee meetings, or when properly appointed by the foreman of the grand jury to make individual investigations, nine cents ($0.09) for each mile actually traveled.

CHAPTER 820

An act to amend Sections 430, 665, and 5901 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 430 of the Vehicle Code is amended to read:

430. A "new vehicle" is a vehicle that has never been sold and operated, or registered with the department, or registered with the appropriate agency of authority, or sold and operated upon the highways of any other state, District of Columbia, territory or possession of the United States or foreign state, province or country. The word "sold" shall not be deemed to include or extend to any sale made by a manufacturer or a distributor to a dealer or by a dealer to another dealer licensed under this code.

SEC. 2. Section 665 of said code is amended to read:

665. A "used vehicle" is a vehicle that has been sold and operated on the highways of this state, or has been registered with the department, or has been sold and operated upon the highways, or has been registered with the appropriate agency of authority, of any other state, District of Columbia, territory or possession of the United States or foreign state, province or country, or unregistered vehicles regularly used or operated as demonstrators in the sales work of a dealer. The

word "sold" shall not be deemed to include or extend to any sale made by a manufacturer or a distributor to a dealer or by a dealer to another dealer licensed under this code.

SEC. 3. Section 5901 of said code is amended to read:

5901. Every dealer upon transferring by sale, lease or otherwise any vehicle, whether new or used, of a type subject to registration under this code, shall, not later than the end of the third business day thereafter of the dealer, give written notice of the transfer to the department upon an appropriate form provided by it, but a dealer need not give the notice when selling or transferring a new unregistered vehicle to another dealer.

A "sale" shall be deemed completed and consummated when the purchaser of that vehicle has paid the purchase price, or, in lieu thereof, has signed a purchase contract or security agreement, and taken physical possession or delivery of that vehicle.

CHAPTER 821

An act to amend Sections 3543, 3545, 3631, 3772, 3773, 5282, and 5283 of, and to repeal Section 3544 of, the Public Utilities Code, relating to motor vehicles.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 3543 of the Public Utilities Code is amended to read:

3543. No highway carrier shall operate any motor vehicle over any public highway unless there is displayed on the vehicle a distinctive identifying symbols in the form prescribed by the commission, showing the classification to which the carrier belongs. No such identifying symbols shall be displayed on any vehicle until a permit under this chapter, or a certificate of public convenience and necessity under Part 1 of Division 1 has been issued to the carrier. The identifying symbols displayed by highway carriers subject to the Interstate Commerce Commission Order Ex Parte No. MC-41, Identification of Motor Carrier Vehicles, November 17, 1954, effective January 3, 1955, shall serve in lieu of the display requirements of this section, provided such identifying symbols have been recorded by the highway carrier with the commission.

SEC. 2. Section 3544 of said code is repealed.

SEC. 3. Section 3545 of said code is amended to read:

3545. Upon the cancellation, revocation, or other termination of any certificate or permit, the highway carrier to whom the permit or certificate was issued shall thereupon remove identifying symbols from all motor vehicles operated thereunder. Upon the sale or other disposal of any vehicle upon

which identifying symbols have been placed, all such identifying symbols shall be removed, unless reassigned by the commission.

SEC. 4. Section 3631 of said code is amended to read:

3631. The commission shall, in granting permits pursuant to this chapter, require the highway carrier to procure, and continue in effect during the life of the permit, adequate protection, as provided in Section 3632, against liability imposed by law upon the highway carrier for the payment of damages for personal bodily injuries, including death resulting therefrom, in the amount of not less than fifteen thousand dollars ($15,000) on account of bodily injuries to, or death of, one person; and protection against a total liability of the highway carrier on account of bodily injuries to, or death of, more than one person, as a result of any one accident, in the amount of not less than thirty thousand dollars ($30,000); and protection in an amount of not less than ten thousand dollars ($10,000) for one accident resulting in damage or destruction of property whether the property of one, or more than one claimant.

The commission may, upon its own motion or upon the application of any interested party, and after hearing, require any highway carrier to procure and maintain cargo insurance in such amounts and upon such terms as the commission may determine.

Nothing in this chapter shall be construed to prohibit the suspension of accident liability insurance coverage on a portion of the highway carrier's vehicles covered by a certificate filed with the commission when such vehicles are not in use. This paragraph shall apply only to a highway carrier's vehicles which are laid up due to off-season conditions. Any highway carrier who desires to obtain a suspension of coverage under the provisions of this section shall remove his motor vehicle license plates and remove the identification symbols on vehicles not in use and shall notify in writing the agent or broker who wrote his insurance policy. The notification to the insurance broker or agent shall contain a complete description of all vehicles from which the license plates and identification symbols have been removed. The agent or broker shall immediately forward the notification to the commission and shall notify the insurer and the commission of the suspension of coverage on the specified vehicles. Before resuming trucking operations, the highway carrier shall apply to his agent or broker for reinstatement of his insurance. The application shall contain a complete description of the vehicles to be placed in operation again and shall contain a certification that the license plates and identification symbols have been placed on all vehicles The agent or broker shall forward the application to the commission and advise the insurer and the commission that the insurance coverage on the specified vehicles has been resumed. It shall be unlawful for any highway carrier to operate any vehicle over the public highways when

his insurance coverage is suspended pursuant to the provisions of this section.

SEC 5. Section 3772 of said code is amended to read:

3772. Upon such suspension of a permit the commission shall thereupon require the removal from any vehicle operated thereunder of any identifying symbols which have been placed thereon.

SEC 6. Section 3773 of said code is amended to read:

3773. Upon the termination of the period of suspension the commission shall restore the permit and the carrier shall again place on all vehicles the identifying symbols removed pursuant to the suspension.

SEC. 7. Section 5282 of said code is amended to read:

5282. Upon such suspension of a permit the commission shall thereupon require the removal from any vehicle operated thereunder of any identifying symbols which have been placed thereon.

SEC. 8 Section 5283 of said code is amended to read:

5283. Upon the termination of the period of suspension the commission shall restore the permit and the carrier shall again place on all vehicles the identifying symbols removed pursuant to the suspension.

CHAPTER 822

An act to add Section 31703.4 to the Water Code, relating to county water districts.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 31703.4 is added to the Water Code, to read:

31703.4. Upon request of the Apple Valley Heights County Water District, the board of supervisors shall levy the bond tax and taxes for loans and other indebtedness in proportion to the assessed valuation of the land in the district or improvement district benefited by the purposes of the bonded debt and other indebtedness. The tax levied pursuant to this section constitutes a lien on all property, both real and personal, located on the land benefited by the purposes of the bonded debt.

The provisions of this section apply only with respect to bonds and other indebtedness issued by the Apple Valley Heights County Water District, in San Bernardino County.

This special provision is necessary because the Apple Valley Heights County Water District is located in a desert area where water primarily benefits only land.

CHAPTER 823

An act to amend the chapter heading of Chapter 3 (commencing with Section 34200) of Division 1 of Title 4, Sections 34200, 34201, 34204, 34210, and 34211 of the Government Code, and to repeal Section 2 of Chapter 1809 of the Statutes of 1963, relating to urban affairs, and making an appropriation therefor.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. The chapter heading of Chapter 3 (commencing with Section 34200) of Division 1 of Title 4 of the Government Code is amended to read:

CHAPTER 3. INTERGOVERNMENTAL COUNCIL ON URBAN GROWTH

SEC. 2. Section 34200 of the Government Code is amended to read:

34200. There is hereby created in the office of the Governor an advisory body, the Intergovernmental Council on Urban Growth, to be composed of three members representing the cities and who shall be city officers, three members representing the counties and who shall be county officers, two members representing the school districts and who shall be school district officers, six members representing the state and who shall be state officers, and four public members with an interest in state and regional affairs. All members shall be appointed by the Governor. The Governor shall appoint the city members from a list of six names submitted by the League of California Cities, the county members from a list of six names submitted by the County Supervisors Association of California, and the school district members from a list of four names submitted by the State Board of Education. The Governor shall designate the chairman from among the four public members.

SEC. 3. Section 34201 of said code is amended to read:

34201. If a member appointed to represent the state, or a city, county, or school district ceases to be an officer of the agency he is appointed to represent, his membership in the council shall terminate and there shall be a vacancy in the membership. A vacancy in the membership of the council shall be filled in the same manner and subject to the same limitations as the initial appointment.

SEC 4. Section 34204 of said code is amended to read:

34204. The council shall meet at the call of the chairman and at such places as he may designate. The executive secretary of the council shall notify the chairman of the Assembly Committee on Municipal and County Government and the

Senate Committee on Local Government of the time and place of each regular meeting of the council. A copy of the agenda of the meeting shall be enclosed with the notice. Similar notice shall be given to the chairman of any other committee of the Legislature upon request.

SEC. 5. Section 34210 of said code is amended to read:

34210. The council shall have responsibility for the following functions:

(a) Developing long-range policies to assist the state and local agencies in meeting the problems presented by the growth and development of urban areas and defining the complementary roles of the state, cities, counties, school districts and special districts with respect to such growth.

(b) Serving as a continuing council on intergovernmental relations in order to coordinate the activities of state agencies and agencies of local government by encouraging voluntary cooperation, increased use of the Joint Exercise of Powers Act and area and regional planning.

(c) Informing and advising the Governor and the Legislature respecting the council's activities and recommending policies and programs for meeting the problems described in this section.

SEC. 6. Section 34211 of said code is amended to read:

34211. In performing its functions under Section 34210, the council shall to the extent possible and whenever practicable make use of such studies and research which has been completed by existing state agencies and commissions, and contract with public agencies or private persons or organizations.

SEC. 7. The Intergovernmental Council on Urban Growth is a continuation of the Coordinating Council on Urban Policy and the members of the Coordinating Council on Urban Policy shall continue to serve as members of the Coordinating Council on Urban Growth for the terms for which they were appointed.

SEC. 8. Section 2 of Chapter 1809 of the Statutes of 1963 Regular Session of the Legislature is repealed.

SEC. 9. There is hereby appropriated to the Coordinating Council in Urban Policy from the General Fund in the State Treasury the amount of fifty thousand dollars ($50,000), or so much thereof as may be necessary, to carry out the purposes of this act, provided, the said amount shall be reduced by an amount equal to any amount appropriated pursuant to Item 30 of the Budget Act of 1965.

CHAPTER 824

An act to amend Section 31680.1 of the Government Code, relating to retirement.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 31680.1 of the Government Code is amended to read:

31680.1. Any person who has retired under this chapter may, without reinstatement from retirement or loss or interruption of benefits under this chapter, serve as a juror, election officer, field deputy for registration of voters, or member of the board of the association and receive any fees payable for such service.

CHAPTER 825

An act to amend Sections 1197.5 and 1199 of the Labor Code, relating to the equal pay law for women

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 1197.5 of the Labor Code is amended to read:

1197.5. (a) No employer shall pay any female in his employ at wage rates less than the rates paid to male employees in the same establishment for the same quantity and quality of the same classification of work; provided, that nothing herein shall prohibit a variation of rates of pay for male and female employees engaged in the same classification of work based upon a difference in seniority, length of service, ability, skill, difference in duties or services performed, whether regularly or occasionally, difference in the shift or time of day worked, hours of work, or restrictions or prohibitions on lifting or moving objects in excess of specified weight, or other reasonable differentiation, factor or factors other than sex, when exercised in good faith.

(b) Any employer who violates subdivision (a) of this section is liable to the employee affected in the amount of the wages of which such employee is deprived by reason of such violation.

(c) The provisions of this section shall be administered and enforced by the Division of Industrial Welfare. After receipt of a complaint alleging a violation of this chapter, made by an employee, authorized representatives of the division shall

have authority to inspect payrolls and other employment records, to compare character of work and operations in which employees are engaged, to question such persons and to obtain such other information as is reasonably necessary in the enforcement of this section. If the division finds that an employer has violated Section 1197 5, it may supervise the payment of any sums found to be due and unpaid to women employees under subdivision (a) of this section. Acceptance of payment of sum or sums made by an employer and approved by the division shall constitute a waiver on the part of the employee of her cause of action under subdivision (g) of this section.

(d) Every employer of male and female employees shall maintain records of the wages and wage rates, job classifications and other terms and conditions of employment of the persons employed by him. All such records shall be kept on file for a period of two years.

(e) Any affected woman employee may register with the Division of Industrial Welfare a complaint that the wages paid to her are less than the wages to which she is entitled under subdivision (a) of this section. The division shall take all proceedings necessary to enforce the payment of any sums found to be due and unpaid to such women employees.

(f) The department or division may, with the consent of the employee or employees affected, commence and prosecute a civil action to recover unpaid wages under subdivision (a) of this section, and in addition to such wages shall be entitled to recover costs of suit. The consent of any employee to the bringing of any such action shall constitute a waiver on the part of the employee of her cause of action under subdivision (g) unless such action is dismissed without prejudice by the department or the division.

(g) Any woman receiving less than the wage to which she is entitled under this section may recover in a civil action the balance of such wages, together with the costs of suit, notwithstanding any agreement to work for a lesser wage.

(h) The burden of proof in any civil action shall be upon the person bringing the claim to establish that the differentiation in rate of pay is based upon the factor of sex and not upon other differences, factor or factors

(i) A civil action to recover wages under subdivision (a) of this section may be commenced no later than two years after the cause of action occurs, if the female employee does not have knowledge of such violation, and not later than 180 days after the cause of action occurs if the employee has knowledge of such violation.

SEC. 2. Section 1199 of said code is amended to read:

1199. Every employer or other person acting either individually or as an officer, agent, or employee of another person is guilty of a misdemeanor and is punishable by a fine of not less than fifty dollars ($50) or by imprisonment for not less than 30 days, or by both, who does any of the following:

(a) Requires or causes any woman or minor to work for longer hours than those fixed, or under conditions of labor prohibited by an order of the commission.

(b) Pays or causes to be paid to any woman or minor a wage less than the minimum fixed by an order of the commission.

(c) Violates or refuses or neglects to comply with any provision of this chapter or any order or ruling of the commission.

(d) Pays or causes to be paid any woman employee a wage less than the rate paid to a male employee as required by Section 1197.5 of this code.

CHAPTER 826

An act to add Section 24041.5 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 24041.5 is added to the Business and Professions Code, to read:

24041.5. The provisions of this division do not prohibit the issuance of an off-sale general license for use on part of the same premises for which an off-sale beer and wine license has been issued and is in force, when the two licenses would be held by different persons, provided that such issuance shall be pursuant to rules adopted by the department.

CHAPTER 827

An act to add Section 17536 to the Business and Professions Code, relating to false or misleading advertising.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 17536 is added to the Business and Professions Code, to read:

17536. Any person who violates any provision of this chapter, except Section 17530, shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2,500) for each violation, which shall be assessed and recovered in a civil action brought in the name of the people of the State of California by the Attorney General or by any district attorney in any court of competent jurisdiction. If brought by the Attorney General, one-half of the penalty collected shall be paid to

the treasurer of the county in which the judgment was entered, and one-half to the State Treasurer. If brought by a district attorney, the entire amount of penalty collected shall be paid to the treasurer of the county in which the judgment was entered.

CHAPTER 828

An act to amend Sections 4600, 4602.4, 4603, 4605, 4606, 4607, 4609, 4611, 4612, 4614.1, 4614.2, 4614.5, 4614.11, 4615, 4616, 4623, 4625, 4627, 4634, 4636, 4636.8, 4640, 4641, and the headings of Part 3 (commencing with Section 4600), Division 5, and Chapter 1 (commencing with Section 4600), Part 3, Division 5 of the Health and Safety Code, and to add Section 13 to Chapter 78 of the Statutes of 1935, relating to municipal water projects.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. The heading of Part 3 (commencing with Section 4600), Division 5 of the Health and Safety Code is amended to read:

PART 3. SEWER AND WATER FACILITIES

SEC. 1.5. The heading of Chapter 1 (commencing with Section 4600), Part 3, Division 5 of the Health and Safety Code is amended to read:

CHAPTER 1. MUNICIPAL SEWER AND WATER FACILITIES LAW OF 1911

SEC. 2. Section 4600 of said code is amended to read:

4600. This chapter shall be known as the Municipal Sewer and Water Facilities Law of 1911.

SEC. 3. Section 4602.4 of said code is amended to read:

4602.4. Improvement means any or all of the following:

(a) The acquisition or construction of sanitary sewers of all types, including, but not limited to, outfall, trunk, intercepting, connecting, lateral, and house connection sewers.

(b) The acquisition or construction of sewage treatment plants, works, or system.

(c) The acquisition or construction of other improvements, works, or system for the collection, transmission, treatment, or disposal of sewage or industrial waste.

(d) The acquisition or construction of sewers, drains, pipelines, conduits, culverts, or ditches for the collection, transmission, or disposal of surface or storm water.

(e) The acquisition or construction of other improvements, works, or system for the purpose of surface or storm water drainage or for the purpose of flood control.

(f) The acquisition, construction or extension of waterworks, water systems or water distribution systems.

(g) The acquisition or construction of works or improvements appurtenant or related to any of the works, improvements, or systems described in subdivisions (a) to (f), inclusive, of this section.

(h) Additions to, or the reconstruction or improvement of, any of the works, improvements, or systems described in subdivisions (a) to (g), inclusive, of this section.

(i) The acquisition of any land, rights-of-way, capacity rights, rights of use, or other property needed for any of the works, improvements, or systems described in subdivisions (a) to (h), inclusive, of this section.

SEC. 4. Section 4603 of said code is amended to read:

4603. This chapter does not affect any other law under which improvements may be made within or by any city but it provides an alternate system of proceedings for sewer work or improvement. Improvements may be made either pursuant to this chapter, or pursuant to any other law. If, however, any proceedings are commenced pursuant to this chapter, its provisions apply to any improvement made under those proceedings until such improvement is completed.

If, after an improvement has been made pursuant to this chapter, the governing body of any city determines that it is necessary or convenient to make any additional improvement, the governing body may proceed to do so either pursuant to this chapter or under any other appropriate law. If the additional improvement is made pursuant to this chapter for the same district, the procedure shall be the same as that which is provided under this chapter for the making of the initial improvement. It is not necessary to reform the district if the governing body finds, following the hearing which is provided for by Section 4611 that the additional improvement is of benefit to the entire district which was previously formed under this chapter as such district is then constituted. As an alternative method, the governing body may make such additional improvement by forming a new district pursuant to this chapter which may include, in whole or in part, territory which is included in any district previously formed pursuant to this chapter.

SEC. 5. Section 4605 of said code is amended to read:

4605. The governing body of any city may create an improvement district within the city pursuant to this chapter whenever in its judgment the district is necessary or convenient for proper sanitation, drainage, or flood control.

SEC. 6. Section 4606 of said code is amended to read:

4606. A district may be formed to make any improvement and to provide for the incurring of indebtedness to pay for the costs and expenses of such improvement.

SEC. 7. Section 4607 of said code is amended to read:

4607. Whenever the governing body of a city determines that the public interest or convenience requires the making of any improvement in any part of the territory of the city, it may pass a resolution to that effect. The resolution shall be passed by a vote of at least two-thirds of the members of the governing body. It shall describe the improvement in general terms. For the purpose of such description, reference may be made to maps, plats, plans, or other documents on file in the office of the clerk of the city. Any improvements may be combined into a single project, the indebtedness for which is to be submitted to the electors as a single proposition.

The resolution shall also contain the total dollar amount of a general estimate of the costs and expenses of the proposed improvement. In arriving at such estimate, the governing body may include the estimated amounts of any or all of the items which are set forth in Section 4625. The resolution need not, however, itemize or separately state any of the items included in the costs and expenses.

SEC. 8. Section 4609 of said code is amended to read:

4609. The resolution shall do all of the following:

(a) Describe the boundaries of the proposed district. The district may consist of two or more noncontiguous parcels.

(b) Designate the district by a distinctive name and number.

(c) Declare the district to be the district benefited by the proposed improvement.

(d) Name a time and place for the hearing of objections by any person interested in the formation of the district, in the inclusion within the district of any land within the boundaries described in the resolution or in the making of the proposed improvement.

SEC. 9. Section 4611 of said code is amended to read:

4611. On the day fixed for the hearing, or any day to which the hearing is continued, the governing body shall hear and consider all written and oral objections presented to the formation of the district, the inclusion of any lands in the district, or the making of the improvement which is proposed.

At the hearing, the governing body may make changes in the improvement but the estimated costs and expenses of the improvement as changed, as determined by the governing body at the time of the change, shall not exceed by more than 10 percent the amount determined under Section 4607.

At the hearing, the governing body may exclude from the district any territory that in its opinion would not be benefited by the improvement as finally determined. The governing body shall not, however, modify the boundaries of the proposed district so as to exclude from it any land which would in the judgment of the governing body be benefited by the improvement as finally determined nor shall the governing body include in the proposed district any lands which will not in its judgment be so benefited.

SEC. 10. Section 4612 of said code is amended to read.

4612. After making all necessary and proper changes in the boundaries, or in the improvement, the governing body may, by a resolution which is passed by a vote of two-thirds of all of its members, establish the district, fix and determine its boundaries, and generally describe the improvement as finally determined. This resolution, together with the names of the members of the governing body voting for and against it shall be spread upon the minutes of the governing body.

SEC. 11. Section 4614.1 of said code is amended to read:

4614.1. Districts may be formed pursuant to this article for the purpose of making any improvement which will be of benefit to territory partially within the initiating city and partially within any other city or within unincorporated area of the same county, or both.

SEC. 12. Section 4614.2 of said code is amended to read:

4614.2. Any city may initiate proceedings for the formation of a district and the making of improvements pursuant to this article whenever the governing body of such city determines that it is desirable that a district be organized pursuant to this article. Except as otherwise provided in this article, the procedure for the formation of a district pursuant to this article shall be the same as the procedure which is provided in this chapter where the district is within a single city.

SEC. 13. Section 4614.5 of said code is amended to read:

4614.5. Whenever the governing body of each city which is included in whole or in part within the district which is to be organized, and the board of supervisors if the district includes any unincorporated territory, has consented to the formation of the district by filing a resolution of concurrence with the governing body of the initiating city, the governing body of the initiating city has full jurisdiction to proceed with the formation of the proposed district. Upon the filing with the governing body of the initiating city of all necessary concurring resolutions of the governing body of any city or of the board of supervisors of the county, as the case may be, the governing body of the initiating city has the sole and exclusive jurisdiction to proceed with the formation of the district, to conduct all hearings on the formation of the district, to make all necessary changes in the boundaries of the proposed district or improvement, to conduct all proceedings on the formation of the district and to take any other action permitted by this chapter with like force and effect as though such district were wholly within the boundaries of the initiating city. The governing body of the initiating city shall not, however, add to the district at the hearing which is provided for by Section 4611 any territory within another city or within unincorporated territory unless it first obtains a consent to such addition which is expressed by a resolution adopted by the governing body of such other city or by the board of supervisors, as the case may be.

SEC. 14. Section 4614.11 of said code is amended to read:

4614.11. Upon the formation of any district pursuant to this article, the district shall be governed by and under the jurisdiction of the governing body of the initiating city. The governing body of the initiating city may conduct all of the affairs of the district, call and hold bond elections in the district, construct all improvements in the district, cause taxes to be levied and collected upon all taxable property in the district, and pass such necessary legislation as may be required for proper sanitation, sewage, and flood control purposes, with the same force and effect as though all of the area in the district were included within the boundaries of the initiating city.

SEC. 15. Section 4615 of said code is amended to read:

4615. At any meeting after the passage and recording of the resolution establishing the district, the governing body may, by a resolution passed by a vote of two-thirds of all its members, call an election to be held in the district for the purpose of voting on the question of incurring indebtedness for the purpose of making the improvement as finally determined.

SEC. 16. Section 4616 of said code is amended to read:

4616. The resolution calling the special election shall do all of the following:

(a) Describe the boundaries of the district as finally determined and refer to the district by its name and number.

(b) Describe in general terms the improvement as finally determined and state the dollar amount of the estimated cost and expenses of the proposed improvement, which amount shall not exceed by more than 10 percent the amount determined under Section 4607.

(c) State the amount of the principal of the indebtedness to be incurred for the purpose of paying the costs and expenses, which amount shall not exceed the estimate under subdivision (b) of this section.

(d) State the rate of interest or a maximum rate of interest to be paid on the indebtedness, which rate shall not be more than the rate specified in this chapter.

(e) Fix the date on which the special election shall be held.

(f) Determine the manner of holding the election, and the manner of voting for or against the incurring of the indebtedness.

SEC. 17. Section 4623 of said code is amended to read:

4623. The governing body may issue and sell the bonds at not less than their par value. The proceeds of the sale shall be placed in the city treasury to the credit of the proper improvement district fund and shall be applied exclusively to the purposes and objects specified in the resolution calling the election.

SEC. 18. Section 4625 of said code is amended to read:

4625. In determining the amount of bonds to be issued, the legislative body may include all of the following:

(a) All costs and expenses and estimated costs and expenses incidental to or connected with the acquisition, construction, improving, or financing of the improvement.

(b) All engineering, inspection, legal, and fiscal agent's fees, expenses in connection with the formation of the district, costs of the bond election and of the issuance of the bonds, bond reserve funds and working capital, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction.

SEC. 19. Section 4627 of said code is amended to read:

4627. Any contract for the construction of any improvement may be let and entered into as other contracts for similar work are let and entered into by the city. If the improvement includes the acquisition of any property, the city may acquire such property by purchase, gift, eminent domain, or otherwise.

SEC. 20. Section 4634 of said code is amended to read:

4634. Instead of letting contracts for the improvement, the city may itself construct or complete the improvement, and buy the necessary materials, and employ the necessary labor.

SEC. 21. Section 4636 of said code is amended to read:

4636. The governing body of each city in which an improvement is being made or acquired pursuant to this chapter may make all needful rules and regulations for carrying out and maintaining the improvement, and may appoint all agents, superintendents, and engineers necessary properly to look after the construction and operation of the improvement. However, in any city operating under a charter framed pursuant to Section 8 of Article XI of the Constitution of the state which has a board or department of public works, the powers and duties of the governing body which are stated in this section may be exercised and performed by the city board or department of public works.

SEC. 22. Section 4636.8 of said code is amended to read:

4636.8. The city may contract with the federal government of the United States or any branch of it, or with any county, city and county, municipal corporation, district, or other public corporation, or with any person, firm, or corporation, for the joint acquisition or construction or use of any improvement to serve the district and such other area as may be designated in the contract, when, in the judgment of the governing body of the city, it is for the best interests of the district so to do. Any such contract may provide for the acquisition, construction, or maintenance of such improvement and for the payment by or for the parties to the contract of such proportionate part of the cost of such asquisition, construction, or maintenance as may be stated in the contract. The payments shall be made at such times and in such amounts as may be provided by said contract. Any such contract may provide for the joint use of any improvement upon such terms and conditions as may be agreed upon by the parties to the contract, and

for the flowage, treatment, or disposal of sewage, industrial waste, surface water, or storm water from such area for each of the parties to the contract as may be described in the contract.

Any city which has acquired or constructed, or which proposes to acquire or construct, any improvement for the benefit of a district may contract with the federal government of the United States or any branch of it, or with any county, city and county, municipal corporation, district, or other public corporation, or with any person, firm, or corporation for the use of any such improvement by any such county, city and county, municipal corporation, district, or other public corporation, or for the flowage, treatment or disposal of sewage, industrial waste, surface water, or storm water from any area designated by such person, firm, or corporation so contracting, upon such terms and conditions as may be provided in the contract.

SEC. 23. Section 4640 of said code is amended to read:

4640. The governing body of the city may, at the time of fixing and in the manner provided for the general city tax levy, levy and collect in any year upon the taxable property in the district, and upon that property only, a tax not to exceed twenty cents ($0.20) on each one hundred dollars ($100) of assessed valuation, for any of the following purposes:

(a) Paying the costs of maintenance and operation of any improvement made for the benefit of the district.

(b) Paying the costs and expenses of any improvement for the benefit of the district or any addition to or improvement of the improvement previously made for the benefit of the district.

(c) Paying or reimbursing the city for any of the costs and expenses listed in Section 4625 not previously paid or reimbursed.

The taxes levied pursuant to this section shall be in addition to all other taxes levied for city purposes and in addition to the taxes levied pursuant to Section 4639 and the proceeds thereof shall be used for no purpose other than the purposes permitted by this section.

SEC. 24. Section 4641 of said code is amended to read:

4641. Territory which is either within or without the boundaries of the city and which is not within the boundaries of any other improvement district formed pursuant to this chapter may be annexed to any existing improvement district by the governing body of the city.

SEC. 25. Section 13 is added to Chapter 78 of the Statutes of 1935, to read:

Sec. 13. No municipal water district shall be formed pursuant to this act after September 17, 1965, except in a city in which one or more such districts have been formed prior to January 1, 1965.

CHAPTER 829

An act to add Section 37115 to the Government Code, relating to the antipoverty program, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 37115 is added to the Government Code, to read:

37115. The legislative body may, within the powers otherwise conferred by law upon the city, do and perform all acts necessary to enable the city to participate in the "Economic Opportunity Act of 1964" (P.L. 88-452; 78 Stat. 508), including the authorization of the expenditure by the city 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 cities 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 830

An act to amend Section 6359 of the Revenue and Taxation Code, relating to exemptions from sales and use taxes.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 6359 of the Revenue and Taxation Code is amended to read:

6359. There are exempted from the taxes imposed by this part the gross receipts from the sale of and the storage, use, or other consumption in this state of food products for human consumption.

"Food products" include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products other than candy and confectionery, coffee and coffee substitutes, tea, cocoa and cocoa products other than candy or confectionery.

"Food products" include milk and milk products, milkshakes, malted milks and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

"Food products" do not include spirituous, malt or vinous liquors, soft drinks, sodas, or beverages such as are ordinarily dispensed at bars and soda fountains or in connection therewith, medicines, tonics, and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

None of the exemptions provided for in this section shall apply: (a) when the food products are served as meals on or off the premises of the retailer, or (b) when the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, or (c) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer.

CHAPTER 831

An act to add Article 6 (commencing with Section 50140) to Chapter 1, Part 1, Division 1, Title 5 of the Government Code and to amend Section 11543.5 of, and to add Section 11543.6 to, the Business and Professions Code, relating to local agencies.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Article 6 (commencing with Section 50140) is added to Chapter 1, Part 1, Division 1, Title 5 of the Government Code, to read:

Article 6. Reimbursement for Use of Drainage Structures

50140. Whenever any statute, ordinance, or regulation requires that as a condition to the erection of one or more buildings or structures, sewers, drains, or other facilities for sewers or drains, or both, be installed, and where, in the opinion of the legislative body of the local agency in which such buildings or structures will be located, laterals or other facilities must be constructed which can be or will be used for the benefit of property other than that on which such buildings or structures are, or will be erected and such sewers, drains, or other facilities are dedicated to the public, the legislative body or bodies of the local agency or agencies in which any portion of such other properties are situated may by contract with the person erecting such buildings or structures agree to reimburse and may reimburse such person for such lateral or other facility. Such contract shall provide that each governing body may collect from any person using the lateral or other facility for the benefit of property subject to the jurisdiction of such governing body but other than the property on which such buildings or structures are erected, a reasonable charge for such use.

50141. Whenever the legislative body of a local agency pursuant to this article has reimbursed or agreed to reimburse a builder for the construction of a lateral or other facility, which can or will be used by persons for the benefit of property other than the property on which such buildings or structures are or will be erected, such governing body may impose and collect for such use within its jurisdiction, a reasonable charge.

50142. The word "person" as used in this article in reference to a person liable to pay a charge includes districts formed for the purpose of constructing or maintaining sewers. Charges imposed on such districts pursuant to this article shall be included in assessments levied for district purposes and in any bonds which may be issued by such districts.

SEC. 2. Section 11543.5 of the Business and Professions Code is amended to read:

11543.5. A local ordinance may require the payment of a fee as a condition of approval of a final subdivision map for purposes of defraying the actual or estimated costs of constructing planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas.

Such local ordinances may require payment of fees pursuant to this section if:

(1) The ordinance has been in effect for a period of 30 days prior to the filing of the tentative map of any subdivision for which payment of a fee is required;

(2) The ordinance refers to a drainage plan adopted for a particular drainage area, which contains an estimate of the total costs of constructing the local drainage facilities required

by the plan, and a map of the drainage area showing its boundaries and the location of planned drainage facilities;

(3) The drainage plan, in the case of a city, situated in a county having a countywide general drainage plan, has been determined by resolution of the governing body of the county to be in conformity with the county drainage plan, or in the case of a city situated in a county not having a countywide general drainage plan but in a district having a general drainage plan, has been determined by resolution of the governing body of the district to be in conformity with the district general plan, or in the case of a city situated in a county having a countywide general drainage plan and in a district having a general drainage plan, has been determined by resolution of the governing body of the county to be in conformity with the county drainage plan and by resolution of the governing body of the district to be in conformity with the district general plan;

(4) The costs, whether actual or estimated, are based upon findings by the governing body that subdivision and development of property within the planned local drainage area will require construction of the facilities described in the drainage plan, and that the fees are fairly apportioned within the local drainage area either on the basis of benefits conferred on property proposed for subdivision or on the need for local drainage facilities created by the proposed subdivision and development of other property within the local drainage area;

(5) The fee as to any property proposed for subdivision within a local drainage area does not exceed the pro rata share of the amount of the total actual or estimated costs of all facilities within the local drainage area which would be assessable on such property if such costs were apportioned uniformly on a per acre basis.

(6) The drainage facilities planned are in addition to existing local drainage facilities serving the area at the time of the adoption of the drainage plan for the area.

Fees required by an ordinance adopted pursuant to this section shall be paid into a "planned local drainage facilities fund." A separate fund shall be established for each local drainage area. Moneys in such fund shall be expended solely for the construction or reimbursement for construction of local drainage facilities within the planned local drainage area from which the fees comprising the fund were collected. An ordinance adopted pursuant to this section may provide for the acceptance of cash or other consideration in lieu of the payment of fees.

A county or city imposing fees pursuant to this section may advance money from its general fund to pay the costs of constructing drainage facilities within a local drainage area and reimburse the general fund for such advances from the planned local drainage facilities fund for the local drainage area in which the drainage facilities were constructed.

A county or city imposing fees pursuant to this section may incur an indebtedness for the construction of drainage facilities within a local drainage area; provided that the sole security for repayment of such indebtedness shall be moneys in the planned local drainage facilities fund.

SEC. 3. Section 11543.6 is added to said code, to read:

11543.6. Any city or county within a drainage area may adopt the plan and map designated in Section 11543.5 and impose a reasonable charge on property within the area which, in the opinion of the legislative body, is benefited by the drainage facilities. The charge collected must be paid to the county, city, or subdivider constructing the drainage facilities pursuant to Sections 11543 or 11543.5, and any city or county within the drainage area may enter into a reimbursement agreement with the subdivider.

CHAPTER 832

An act to amend Section 511 of the Probate Code, relating to executors and administrators.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 511 of the Probate Code is amended to read:

511. In case any one of several executors or administrators to whom letters are granted dies or resigns, or in case the letters testamentary or of administration are revoked or annulled with respect to any one executor or administrator, the remaining executors or administrators must proceed to complete the execution of the will or administration. In any such case, the court upon the filing of a verified petition alleging such fact, may order the clerk to issue appropriate amended letters to the remaining executors or administrators.

CHAPTER 833

An act to amend Section 110 of the Vehicle Code, relating to alleys.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 110 of the Vehicle Code is amended to read:

110. "Alley" is any highway having a roadway not exceeding 25 feet in width which is primarily used for access to

the rear or side entrances of abutting property; provided, that the City and County of San Francisco may designate by ordinance or resolution as an "alley" any highway having a roadway not exceeding 25 feet in width.

SEC. 2. The Legislature hereby finds and declares that due to circumstances peculiar to the City and County of San Francisco, it is necessary that such city and county be authorized to designate highways with roadways not exceeding 25 feet in width as alleys, as provided in this act.

CHAPTER 834

An act to repeal Section 24828 of, and to add Section 24828 to, the Public Utilities Code, relating to transit districts.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965]

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

SECTION 1. Section 24828 of the Public Utilities Code is repealed.

SEC. 2. Section 24828 is added to said code, to read:

24828. Except as otherwise provided in this division, the provisions of the Elections Code prescribed for independent nominations shall substantially govern as to the manner of appointment of verification deputies, the form of nomination papers and the securing of signatures, the filing of the candidate's affidavit, and all other things necessary to get the name of the candidate upon the ballot; provided, however, that verification deputies may obtain signatures to the nomination paper of any candidate at any time not more than 85 days nor less than 60 days prior to the election, and all nomination papers shall be filed with the secretary of the district not more than 80 nor less than 60 days before the date of the election and shall be examined by him. Each candidate, at least 60 days prior to the election, shall file a sufficient candidate's affidavit. The secretary of the district shall certify the names of all candidates to be placed upon the ballot to the county clerk or county clerks within the territory affected at least 53 days prior to the date of election.

CHAPTER 835

An act to add Sections 2614.5 and 2913.5 to the Revenue and Taxation Code, relating to payment lists.

[Approved by Governor July 6, 1965 Filed with Secretary of State July 6, 1965]

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

SECTION 1. Section 2614.5 is added to the Revenue and Taxation Code, to read:

2614.5. The tax collector may, when approved by resolution of the board of supervisors of such county, adopt a procedure showing the fact and date of payment on machine-prepared lists.

SEC. 2. Section 2913.5 is added to said code, to read:

2913.5. The tax collector may, when approved by resolution of the board of supervisors of such county, adopt a procedure showing the fact and date of payment on machine-prepared lists.

CHAPTER 836

An act to amend Section 27606 of the Education Code, relating to library districts.

[Approved by Governor July 6, 1965 Filed with Secretary of State July 6, 1965]

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

SECTION 1. Section 27606 of the Education Code is amended to read:

27606. Not less than 30 days before the election, the trustees shall post notices in three public places in the district, one of which places shall be the public library and copies shall be posted in each branch library, and cause such notice to be published in a newspaper of general circulation in the district. The notices shall specify the time and place of election, and the hours during which the polls will be kept open. If within 10 days of holding the election the trustees have failed to post the notices, then any three electors of the district may give notice. In odd-numbered years, not less than 10 days before the day fixed for the election, the board of trustees shall mail to each registered voter residing within the district, a card designating the polling place, time of the election, names of candidates and containing a statement of the purpose of the election. In even-numbered years, notification of time of election and polling place shall be mailed to each registered voter residing within the district with the notification of state primary election.

CHAPTER 837

An act to amend Section 4830 of the Business and Professions Code, relating to veterinary medicine.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965]

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

SECTION 1. Section 4830 of the Business and Professions Code is amended to read:

4830. This chapter does not apply to:

(a) Veterinary surgeons while serving in any armed branch of the military service of the United States or the United States Department of Agriculture while actually engaged and employed in their official capacity.

(b) Regularly licensed veterinarians in actual consultation from other states.

(c) Regularly licensed veterinarians actually called from other states to attend cases in this state, but who do not open an office or appoint a place to do business within this state.

(d) Employees of the University of California while engaged in the performance of duties in connection with the College of Agriculture, the Agricultural Experiment Station, or the agricultural extension work of the university.

CHAPTER 838

An act to repeal Section 5585 of the Streets and Highways Code, relating to The Improvement Act of 1911.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965]

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

SECTION 1. Section 5585 of the Streets and Highways Code is repealed.

CHAPTER 839

An act to amend Section 28147 of the Government Code, relating to county officers.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965]

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

SECTION 1. Section 28147 of the Government Code is amended to read:

28147. In a county of the 47th class the following shall receive as compensation for services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eight hundred dollars ($800) a year.

(b) The district attorney, nine thousand six hundred dollars ($9,600) a year.

(c) Each supervisor, four thousand two hundred dollars ($4,200) a year and mileage from his residence to the county seat at each sitting of the board, at twenty-five cents ($0.25) a mile. Each supervisor is, in addition, allowed three hundred dollars ($300) a year to cover mileage expenses at twenty-five cents ($0.25) a mile in viewing the roads. This salary and mileage are in full for all services.

(d) Grand jurors and trial jurors shall receive the following fees and mileage:

(1) Grand jurors and jurors in the superior court shall be paid six dollars ($6) a day for each day's attendance, and fifteen cents ($0.15) for each mile actually traveled each way while acting as jurors. The judge of the court shall certify to the auditor the number of days' attendance of each juror and his mileage. The auditor shall draw his warrant on the treasurer in favor of each juror and the treasurer shall pay the warrant.

(2) Trial jurors in any justice court shall receive four dollars ($4) for each day's attendance, and fifteen cents ($0.15) for each mile actually traveled each way. The judge of the justice court shall certify to the auditor the number of days' attendance of each juror, and the auditor shall draw his warrant therefor, and the treasurer shall pay the warrant.

(e) Witnesses legally required to appear before the grand jury or the superior court shall receive four dollars ($4) for each day's attendance, and ten cents ($0.10) per mile for each mile actually traveled each day, in going only.

(f) Witnesses legally required to appear in any justice court or before a coroner's jury shall receive three dollars ($3) for each day's attendance, and ten cents ($0.10) per mile for each mile actually traveled each day, in going only

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CHAPTER 840

An act to amend Section 22425 of the Water Code, relating to irrigation districts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 22425 of the Water Code is amended to read:

22425. A district may acquire by any means any property or interest in property to carry out its purposes, including any of the following:

(a) Property for the construction, improvement, and operation of works in this state or in any other state or in a foreign nation.

(b) Works being constructed.

(c) Stock of domestic or foreign corporations owning water, water rights, canals, waterworks, franchises, concessions, or rights.

(d) Works by which land has been or may be supplied with water for irrigation.

(e) Property not otherwise authorized herein that may be required as a condition to obtaining state financial assistance for local projects as set forth in Chapter 5 (commencing with Section 12880), of Part 6, Division 6, of the Water Code.

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 laws applying to an irrigation district, as now worded, do not clearly confer upon a district all of the power conferred upon the district by this act, although such power, if not expressly, is impliedly conferred and intended to be so conferred. Public funds have heretofore been voted and provided to construct for certain irrigation districts dams and reservoirs which are now under construction and which will not only furnish water for beneficial uses but have already and will continue to prevent substantial flood damage to property. The development of these pending projects by irrigation districts which now include areas and facilities intended for the purposes specified in this act will serve a necessary and desirable public purpose and effect material economies in the cost if such lands are acquired at the same time as the lands for the reservoir and dam sites are being acquired, and to accomplish these purposes it is necessary that this act take effect immediately.

CHAPTER 841

An act to amend Section 607 of the Code of Civil Procedure, relating to civil jury trials.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 607 of the Code of Civil Procedure is amended to read:

607. When the jury has been sworn, the trial must proceed in the following order, unless the court, for special reasons otherwise directs:

1. The plaintiff may state the issue and his case;
2. The defendant may then state his defense, if he so wishes, or wait until after plaintiff has produced his evidence;
3. The plaintiff must then produce the evidence on his part;
4. The defendant may then open his defense, if he has not done so previously;
5. The defendant may then produce the evidence on his part;
6. The parties may then respectively offer rebutting evidence only, unless the court, for good reason, in furtherance of justice, permit them to offer evidence upon their original case;
7. When the evidence is concluded, unless the case is submitted to the jury on either side or on both sides without argument, the plaintiff must commence and may conclude the argument;
8. If several defendants having separate defenses, appear by different counsel, the court must determine their relative order in the evidence and argument;
9. The court may then charge the jury.

CHAPTER 842

An act to amend Section 20802.8 of, to add Chapter 5.5 (commencing with Section 5701), to Division 6 of, and to add Article 12 (commencing with Section 6321) to Chapter 6 of Division 6 of, and to repeal Sections 5555, and 5556 of, and to repeal Article 1 (commencing with Section 5751), Article 5 (commencing with Section 6001), Article 6 (commencing with Section 6051), Article 7 (commencing with Section 6102), Article 12 (commencing with Section 6351), and Article 12.5 (commencing with Section 6385) of Chapter 6, Division 6 of, the Education Code, relating to adult and special schools.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Chapter 5.5 (commencing with Section 5701) is added to Division 6 of the Education Code, to read:

CHAPTER 5 5. ADULT SCHOOLS

Article 1. Secondary Schools Generally

5701. Adult schools, evening high schools and evening junior colleges shall consist of classes for adults. Minors may be admitted to such classes pursuant to Section 5706.

5702. The governing board of any school district maintaining secondary schools shall have power with the approval of the State Department of Education to establish and maintain classes for adults, except programs and classes in outdoor science education and conservation education as the term is employed in Section 8425, for the purpose of providing instruction in civic, vocational, literacy, health, homemaking, technical and general education.

5706. Such classes shall be open for the admission of adults and of such minors as in the judgment of the governing board may be qualified for admission thereto.

5707. Such classes may be convened at such hours and for such length of time during the day or evening and at such period and for such length of time during the school year as may be determined by the governing authority.

5708. The State Department of Education shall establish standards including standards of attendance, curriculum, administration, and guidance and counseling service for such classes as a basis for the several apportionments of state funds provided herein for the support of such classes.

5709. Governing boards shall have the authority to provide for granting appropriate credits, certificates, diplomas or other recognition of skill or accomplishment in such classes which such districts are otherwise authorized to grant.

5716. Classes for adults may be maintained in conjunction with day or evening high schools or day or evening junior colleges, or day or evening adult schools.

5717. The governing board of any high school district or unified school district may provide for the maintenance on Saturday of classes for adults.

5718. High schools and junior colleges maintained in any state institution for adults or in any city, county, or city and county jail, road camp or farm shall consist only of classes for adults.

Article 2. Use of Hospitals

5721. The governing board of any district offering a nursing program, either in regular graded classes or in classes for adults, may maintain classes in such a program at hospitals located within or without the district for the purpose of providing the hospital training for students in such classes.

5722. Anything in this chapter to the contrary notwithstanding, whenever any county or city and county maintains a tuberculosis ward, hospital or sanatorium in another county of this state, the governing board of any school district of the county or city and county maintaining such institution, if authorized to maintain classes for adults, may establish and maintain such classes in such institution for pretuberculous, tuberculous, and convalescent minors and adults, and the attendance of pupils in the classes shall be credited to the district maintaining the classes.

Article 3. Special Day and Evening Classes in Elementary District

5723. The governing body of any elementary school district may establish and maintain, in connection with any school under its jurisdiction, special day and evening classes and summer schools, consisting of special day classes or special evening classes or both, for the purpose of giving instruction in any of the branches of study prescribed and authorized for the elementary schools.

5724. These classes may be convened at such hours and for such length of time during the school day or evening, and at such period and for such length of time during the school year as may be determined by the governing authority in accordance with rules and regulations of the State Board of Education and with the prior written approval of the State Superintendent of Public Instruction.

5725. The evening elementary schools and the special day and evening classes of the elementary schools of any school district shall be open for the admission of such minors and adults as in the judgment of the governing board of the school district maintaining the schools or classes may profit from the instruction offered.

Article 4. Classes for Adults Deficient in English

5726. Upon application of 20 or more persons above the age of 21 years residing in a high school district who cannot speak, read, or write the English language to a degree of proficiency equal to that required for the completion of the sixth grade of the elementary schools, the governing board of the high school district shall establish classes in English.

5727. Application for classes shall be made in time to permit the board to arrange to meet the expenses of the classes.

5728. The board may establish the classes without demand and with a lesser number of students.

5729. The classes shall be held at least twice a week for a two-hour period.

5730. If the enrollment in any class falls to 10 or less for a one-month period, the governing board may discontinue the class for that year.

Article 5. Classes in Citizenship and English for Minors

5731. The governing board of each high school district in which there are living, within a radius of three miles of any high school, located in the district, 20 or more persons over 18 and under 21 years of age who expect to remain in the district for a period of two or more months, who are not in attendance for at least four 60-minute hours per week upon regular full-time public or private day schools or suitable part-time classes, and who cannot speak, read, or write the English language, to

a degree of proficiency equal to that required for the completion of the sixth grade of the elementary schools, shall establish and maintain classes for such persons.

5732. Classes shall provide instruction in citizenship for at least four 60-minute hours per week for at least 36 weeks of the school year.

5733. The board shall provide, for persons who cannot speak, read, or write the English language to a degree of proficiency equal to that required for the completion of the sixth grade of the elementary schools, instruction in the English language and in the duties and responsibilities of citizenship.

Article 6. Classes in Citizenship for Persons Seeking Citizenship

5736. In counties in which the U.S. district courts are located, the superintendent of schools of the county or city and county shall obtain monthly from the clerk of the U.S. district court the names and addresses of all persons filing their declarations of intention to become citizens of the United States or their petitions for naturalization.

5737. The superintendent of schools of the county or city and county, after obtaining the names and addresses of the applicants, shall send a written or printed notice to the applicants, stating that this article authorizes the governing board of any school district to establish upon application classes in training for citizenship. The form of this notice shall be furnished by the Superintendent of Public Instruction.

5738. Upon application of 25 or more persons desiring training for citizenship and residing in a high school district, the governing board shall establish special classes in training for citizenship. Upon demand the board may establish the classes with a lesser number of applicants.

5739. Application for classes shall be made in time to permit the governing board to arrange to meet the expenses of the classes.

5740. Upon satisfactory evidence that any school district required to do so has failed to establish and maintain classes in training for citizenship, the Superintendent of Public Instruction and county superintendent of schools may withhold 5 percent of state and county apportionments until the district has complied with the provisions of this article.

5741. The course of study in training for citizenship shall consist of the teaching of U.S. history, state and community civics, and the Constitution of the United States, with special reference to those sections in the Constitution which relate directly to the duties, privileges, and rights of the individual, and such allied subjects, including English for foreigners, or activities as will properly prepare the applicants to understand and assume the responsibilities of citizenship.

5742. The classes shall be held at least twice a week for three months. At the close of this period, if the enrollment in

any class has fallen to 10 or less for the month, the governing board of the district may discontinue the class for that year.

Article 7. Education of Handicapped Adults

5746. The governing board of any school district maintaining secondary schools shall have the power, with the approval of the State Department of Education, to establish special classes for adults designed to serve the educational needs of handicapped adults. Such classes shall be directed to providing instruction in civic, vocational, literary, homemaking, technical, and general education.

5747. Special classes for handicapped adults may be conducted under the direction of the governing board of the school district in workshop and training facilities provided by nonprofit organizations, or in public school facilities.

Article 8. Restrictions

5753. No class for adults shall be maintained by any district: (1) if the district receives compensation for such class from any public or private agency, individual or group of individuals, except fees authorized by Section 5757 and apportionments from the state and federal government; or (2) if such classes are not open to the general public; or (3) if the pupils attending such classes are paid for such attendance. The State Board of Education may adopt such regulations as may be necessary to define "payment" and "payment for attendance" as used in this section.

No classes for adults shall be maintained by any district if the cost of such class is paid entirely from federal funds.

5754. No class for adults in dancing or recreational physical education shall be maintained by any district for which the district receives money from the State School Fund.

Article 9. Finances

5756. For the purpose of crediting attendance for apportionments from the State School Fund during the 1964–1965 fiscal year and thereafter, "adult" means any person who has attained his 21st birthday on or before September 1st or February 1st of the semester for which he has enrolled, and who has enrolled in less than 10 class hours as defined in Section 11451 for junior college districts or 10 periods of not less than 40 minutes each per week for high school districts.

5757. Adults enrolled in all classes, except classes maintained in English and citizenship for foreigners and classes in elementary subjects, where no charge of any kind shall be made, may be required by the governing board of the district maintaining the class to pay a tuition for such classes. The total of the tuition required and the apportionments from the State School Fund for all attendance in the classes shall not exceed the estimated cost of all such classes maintained.

5758. The governing board of a school district conducting classes for adults may establish an account in a bank for each school of the district in which classes for adults are maintained. The account shall be known as "The Incidental Expense Account of (insert name of school) school of (insert name of district) District." The governing board may establish regulations providing for the collection of an incidental fee from each pupil enrolled in such classes for adults as the governing board may determine. The fee collected from each pupil shall not exceed fifty cents ($0.50) in any school year. All fees shall be deposited in the account for that school and shall be expended only for (1) materials, services, or supplies for the operation of classes for adults in such school; and (2) activities of particular benefit to pupils in classes for adults in such school.

For the purposes of Section 5757, and Sections 5758 to 5760, inclusive, classes for adults maintained in connection with a school shall be deemed to be maintained in such school.

5759. The governing board of the district shall designate an employee or employees of the district to have custody of the incidental expense account, or accounts, who shall be responsible for the payment into the account, or accounts, of all moneys required to be paid into the account or accounts, and for all expenditures therefrom, subject to such regulations as the governing board prescribes.

5760. The regulations of the governing board may provide for the sale of materials purchased from the incidental expense account to pupils in classes for adults, for use in connection with such classes. The proceeds of all such sales shall be deposited in that account and shall be available for the purposes of that account.

SEC. 2. Article 12 (commencing with Section 6321) is added to Chapter 6 of Division 6 of said code, to read:

Article 12. Community Service Classes

6321. The governing board of any school district maintaining secondary schools is authorized without the approval of the State Department of Education to establish and maintain community service classes in civic, vocational, literacy, health, homemaking, technical and general education, including but not limited to classes in the fields of music, drama, art, handicraft, science, literature, nature study, nature contacting, aquatic sports and athletics. Such classes shall be designed to provide instruction and to contribute to the physical, mental, moral, economic, or civic development of the individuals or groups enrolled therein.

6321.5. Community service classes shall be open for the admission of adults and of such minors as in the judgment of the governing board may profit therefrom.

6322. Community service classes may be convened at such hours and for such length of time during the day or evening

and at such period and for such length of time during the school year as may be determined by the governing board of the district.

6322.5. Governing boards shall have the authority to provide for granting appropriate certificates or other recognition of skill or accomplishment in such classes.

6323. Attendance or average daily attendance in community service classes pursuant to this article shall not be reported to the State Department of Education for apportionment. No apportionment from state funds shall be made to establish or maintain such classes.

6324. Governing boards may expend from the general fund of the district any money which is budgeted for community services to establish and maintain community service classes and may charge student fees not to exceed the cost of maintaining such classes or may provide instruction in such classes for remuneration by contract, or with contributions or donations of individuals or groups.

SEC. 3. Section 5555 of said code is repealed.

SEC. 4. Section 5556 of said code is repealed.

SEC. 5. Section 20802.8 of said code is amended to read:

20802.8. The maximum rate of school district tax for any school year is hereby increased by such amount as will produce the amount of the proposed expenditures of the school district for adult education purposes as shown by the budget of the district for such school year less state apportionment, as finally adopted by the governing board of the district, less any unencumbered balances remaining at the end of the preceding school year derived from the revenue from the increase in the rate of tax provided by this section.

The increase provided by this section shall not exceed ten cents ($0.10) per each one hundred dollars ($100) of the assessed value of property within the district, and the increase shall be in addition to any other school district tax authorized by law to be levied.

If at the end of any school year there remains an unencumbered balance derived from the revenue of the increase in tax rate hereby provided, such balance shall be used exclusively in the following school year for the expenditures of the school district during that year for adult education purposes.

No district funds shall be used for adult education purposes except the proceeds of the tax rate herein provided and any other available district funds other than those derived from the proceeds of the statutory maximum tax rate prescribed in Section 20801.

As used in this section, "adult education purposes" means all current expenses of the district, excluding the expenses for which district taxes may be levied under Sections 14214, 14657, 20801.5, 20802.6 and 20806 of this code and Section 20532 of the Government Code, for classes for adults, as such classes are authorized under Chapter 5.5 (commencing with Section 5701) of Division 6 of this code, except under Articles 4, 5

and 6, inclusive, thereof. "Adult education purposes" does not include classes for adults authorized under Articles 4, 5 and 6, inclusive, of Chapter 5.5 (commencing with Section 5701) of Division 6 of this code.

SEC. 6. Article 1 (commencing with Section 5751) of Chapter 6 of Division 6 of said code is repealed.

SEC. 7. Article 5 (commencing with Section 6001) of Chapter 6, Division 6 of said code is repealed.

SEC. 8. Article 6 (commencing with Section 6051) of Chapter 6, Division 6 of said code is repealed.

SEC. 9. Article 7 (commencing with Section 6102) of Chapter 6, Division 6 of said code is repealed.

SEC. 10. Article 12 (commencing with Section 6351) of Chapter 6, Division 6, of said code is repealed.

SEC. 11. Article 12.5 (commencing with Section 6385) of Chapter 6, Division 6 of said code is repealed.

CHAPTER 843

An act to repeal Article 3 (commencing with Section 23471) of Chapter 3, Division 17 of, and to add Article 3 (commencing with Section 23471) to Chapter 3 of Division 17 of, the Education Code, relating to affiliation of California College of Medicine and the University of California.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Article 3 (commencing with Section 23471) of Chapter 3, Division 17 of the Education Code is repealed.

SEC. 2. Article 3 (commencing with Section 23471) is added to Chapter 3 of Division 17 of the Education Code, to read:

Article 3. California College of Medicine

23471. The existing institution known as the California College of Medicine, located in the City of Los Angeles, is affiliated with the University of California pursuant to that certain Agreement of Affiliation dated March 31, 1965, between the Regents of the University of California and the California College of Medicine.

23472. The college shall afford facilities for the acquisition of medical learning in all fields of medicine.

23473. The college shall be administered in accordance with the provisions of said Agreement of Affiliation.

SEC. 3. The Affiliation Agreement dated March 31, 1965, between the Regents of the University of California and the California College of Medicine, to be effective January 1, 1965, is hereby approved and the parties are authorized to carry out its terms.

SEC. 4. The Affiliation Agreement dated March 31, 1965, between the Regents of the University of California and the California College of Medicine meets the requirements of Items 106 and 107 of the Budget Act of 1964.

CHAPTER 844

An act to amend Section 28125 of the Government Code, relating to county officers.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965]

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

SECTION 1. Section 28125 of the Government Code is amended to read:

28125. In a county of the 25th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, thirteen thousand two hundred dollars ($13,200) a year.

(b) The district attorney, eighteen thousand dollars ($18,000) a year. He shall not engage in the private practice of law.

(c) Each member of the board of supervisors, six thousand dollars ($6,000) a year. Each supervisor shall also be furnished with necessary transportation while engaged in the business of the county. Whenever it is necessary for any supervisor to leave the county for the purpose of performing any of his duties, he shall be allowed his actual expenses.

(d) Grand jurors and trial jurors in the superior court shall receive three dollars ($3) for each day's attendance, and ten cents ($0.10) for each mile actually and necessarily traveled from their residence to the county seat, in going only, to be allowed but once during each session the jurors are required to attend.

Any officer entitled to receive mileage for distances traveled by him in the discharge of his official duties shall receive mileage at the rate of eight cents ($0.08) in a mile traveled.

The salaries and fees provided in this section are in full compensation for all services of every kind and description rendered by the officers named, either as officers or ex officio officers, their deputies and assistants. All fees, commissions, per diem, and expenses provided for by law, and all other money coming into the hands of the officers mentioned, no matter from what source derived or received, shall be the property of the county, and shall be paid into the county treasury by such officers at the same time and in the same manner that other money is required by law to be paid into the county treasury, except, that the district attorney is ex-

pressly exempted from this provision, and shall receive the salaries, fees, and commissions, provided by law.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 845

An act to amend Section 28144 of the Government Code, relating to county officers' compensation.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 28144 of the Government Code is amended to read:

28144. In a county of the 44th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, three thousand dollars ($3,000) a year.

(b) The district attorney, seven thousand five hundred dollars ($7,500) a year.

(c) Each supervisor, three thousand dollars ($3,000) a year and twenty cents ($0.20) a mile for traveling expenses from his residence to the county seat, and also necessary expenses when on official business outside the county.

(d) Grand jurors, six dollars ($6) for each day's attendance while engaged in the performance of the duties required of them, and ten cents ($0.10) a mile for the first 500 miles actually traveled, and eight cents ($0.08) for each mile actually traveled thereafter, during any one month, while acting as such jurors. The judge of the superior court shall make an order directing the auditor to draw his warrant on the treasurer in favor of the juror for the per diem and mileage, and the treasurer shall pay the warrant.

(e) Trial jurors in the superior court, six dollars ($6) for each day's attendance while engaged in the performance of the duties required of them, and ten cents ($0.10) a mile for the first 500 miles actually traveled, and eight cents ($0.08) for each mile actually traveled thereafter, during any one month, while acting as such jurors. The judge of the superior court shall make an order directing the auditor to draw his warrant on the treasurer in favor of the juror for the per diem and mileage, and the treasurer shall pay the warrant.

CHAPTER 846

An act to amend Section 28148 of the Government Code, relating to compensation for public service in counties.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 28148 of the Government Code is amended to read:

28148. In a county of the 48th class the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums:

(a) The auditor, seven thousand five hundred dollars ($7,500) a year.

(b) The district attorney, nine thousand six hundred dollars ($9,600) a year.

(c) Each supervisor shall receive three thousand nine hundred dollars ($3,900) a year, and mileage for each regular or special meeting of the board for each day's attendance, at ten cents ($0.10) a mile actually traveled. Each supervisor shall also receive his necessary expenses when the performance of his duty as supervisor takes him out of the county.

(d) Grand jurors and trial jurors in the superior court shall receive six dollars ($6) for each day's attendance, and eight cents ($0.08) for each mile actually traveled for each day's attendance.

CHAPTER 847

An act to amend Section 28143 of the Government Code, relating to compensation of county officers.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 28143 of the Government Code is amended to read:

28143. In a county of the 43d class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, seven thousand eight hundred dollars ($7,800) a year.

(b) The district attorney, seven thousand eight hundred dollars ($7,800) a year.

(c) Each supervisor, four hundred dollars ($400) a month and mileage at the rate of twenty cents ($0.20) for each mile actually traveled in the discharge of his duties as supervisor,

not to exceed six hundred dollars ($600) a year. Each supervisor shall also receive his necessary expenses when the performance of his duty as supervisor takes him out of the county.

(d) Grand jurors and trial jurors in the superior court shall receive five dollars ($5) for each day's attendance, and fifteen cents ($0.15) for each mile actually and necessarily traveled from their residence to the county seat, to be allowed but once during each session the jurors are required to attend.

CHAPTER 848

An act to amend Section 4650 of the Corporations Code, relating to winding up and dissolution of corporations.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 4650 of the Corporations Code is amended to read:

4650. A complaint for involuntary winding up or dissolution of a corporation other than one subject to the Bank Act, the Public Utilities Act, the Building and Loan Association Act, or Article 14 (commencing with Section 1010) of Chapter 1 of Part 2 of Division 1 of the Insurance Code may be filed in the superior court of the county in which the principal office is located by the persons described in any of the following subdivisions:

(a) One-half of the directors.

(b) A shareholder or shareholders who have been record holders for a period of not less than six months and who hold not less than 33⅓ percent of the number of outstanding shares, exclusive of shares owned by persons who are alleged in the complaint and subsequently found by the court to have personally participated in any of the transactions enumerated in subdivision (e) of Section 4651.

(c) Any shareholder if the reason for dissolution is that the period for which the corporation was formed has terminated without extension thereof.

CHAPTER 849

An act to add Section 1551.1 to the Labor Code, relating to employment agencies.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 1551.1 is added to the Labor Code, to read:

1551.1. The provisions of this chapter shall not apply to any person engaged in the business of management consulting and who in the course of said business acts solely on behalf of, and is compensated solely by, an employer to identify, appraise or recommend an individual or individuals for consideration for an executive or professional position, provided that:

(a) The compensation for each such position is at the rate of not less than fifteen thousand dollars ($15,000) per year.

(b) In no instance is the individual who is identified, appraised or recommended for consideration for such position charged a fee directly or indirectly in connection with such identification, appraisal or recommendation, or for preparation of any résumé, or on account of any other personal service performed by the person engaged in the business of management consulting and who in the course of said business is retained by the employer to identify, appraise or recommend individuals for executive or professional positions.

CHAPTER 850

An act to amend Section 6520.5 of the Health and Safety Code, relating to sanitary districts.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 6520.5 of the Health and Safety Code is amended to read:

6520.5. It may, by an order approved by a two-thirds vote of the members of the board, prescribe, revise and collect, fees, tolls, rates, rentals, or other charges for services and facilities furnished by it in connection with its sanitation or sewerage systems. Revenues derived by the district under the provisions of this section may be used for any purpose except the acquisition or construction of additional local street sewers or laterals which are an augmentation to an existing sewer system.

CHAPTER 851

An act to add Section 10177.1 to the Business and Professions Code, relating to real estate licensees.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 10177.1 is added to the Business and Professions Code, to read:

10177.1. The commissioner may, without hearing, suspend the license of any real estate licensee who procured a real estate license for himself by fraud, misrepresentation or deceit, or by making any material misstatement of fact in his application for a real estate license, pending final determination made after hearing.

The right to suspend a license without a hearing under the provisions of this section shall expire ninety (90) days after issuance of an original license.

An accusation shall be served on the real estate licensee at the same time as service of such order of suspension is made.

Within 15 days after receipt of the order of suspension and accusation, the real estate licensee may 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 has not commenced within 15 days after 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 made within 15 days thereafter, the order of suspension shall be rescinded.

CHAPTER 852

An act to add Section 827.9 to the Agricultural Code, relating to apples.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 827.9 is added to the Agricultural Code, to read:

827.9. Containers of apples labeled with the term "gift pack" shall conform to the "extra fancy grade" for apples, except that russeting on the Newtown pippin variety shall not be considered damage unless it would be "appreciable damage" for russeting in the fancy grade.

The containers shall be of rigid construction, may contain mixed varieties of apples, and at least 75 percent of the contents of each such container shall be apples. Also, the container shall be conspicuously marked on one outside surface, excluding the bottom surface, with the name of the person who first packed or authorized the packing of such gift pack apples together with a sufficiently explicit address to permit ready location of such packer, the net weight or count of the apples, and in letters not less than one inch in height the words "gift pack."

Containers of apples labeled "gift pack" as provided in this section are exempt from other container, packing and marking requirements in this chapter.

Nothing in this section shall be construed to modify any provisions of this chapter relating to deception or mislabeling.

CHAPTER 853

An act to amend Section 1661 of the Code of Civil Procedure, relating to extradition under the Uniform Reciprocal Enforcement of Support Act.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 1661 of the Code of Civil Procedure is amended to read:

1661. (a) Before making the demand on the Governor of any other state for the surrender of a person charged in this state with the crime of failing to provide for the support of any person, the Governor of this state may require any prosecuting attorney of this state to satisfy him that at least 60 days prior thereto the obligee brought an action for support under this title, or that the bringing of an action would be of no avail.

(b) When under this or a substantially similar law, a demand is made upon the Governor of this state by the Governor of another state for the surrender of a person charged in the other state with the crime of failing to provide support, the Governor may call upon any prosecuting attorney to investigate or assist in investigating the demand, and to report to him whether any action for support has been brought under this title or would be effective.

(c) If an action for support would be effective and no action has been brought, the Governor shall delay honoring the demand for a reasonable time to permit prosecution of an action for support.

(d) If an action for support has been brought, and the person demanded has prevailed in that action, the Governor shall decline to honor the demand.

(e) If an action for support has been brought, and pursuant thereto the person demanded is subject to a support order, the Governor shall decline to honor the demand so long as the person demanded is complying with the support order.

CHAPTER 854

An act to add Section 4.15 to the Placer County Water Agency Act (Chapter 1234, Statutes 1957), relating to the incurring of indebtedness for the acquisition or construction of works or property, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 4.15 is added to the Placer County Water Agency Act (Chapter 1234, Statutes 1957), to read:

Sec. 4.15. Notwithstanding the provisions of Section 13 of this act and in addition to the other powers provided in this act, the agency by agreement authorized by resolution of the board may incur indebtedness for acquisition or construction of any works or property, including water or water rights, for any purposes of the agency, to be repaid and liquidated as to both principal and interest only from revenues designated in such agreement which are produced from the collection of rates, tolls or charges for any water or services or facilities furnished, sold or leased by the agency, provided the proposal to incur such indebtedness is first approved at an election at which there is submitted to the qualified voters of the agency the proposition whether such indebtedness shall be incurred. Such election shall be held as nearly as practicable in accordance with the procedures set forth in Section 15 of this act except that the incurring of such indebtedness shall be approved if a majority or more of the votes cast on such proposition are in favor thereof. In the agreement incurring said indebtedness, the agency may pledge to the payment of the amounts to become due thereunder all or any part of the revenue from which such amounts are payable. In connection with such pledge the agreement may contain such covenants, promises, restrictions and provisions as the agency may deem necessary or desirable, including, but not limited to, covenants, promises, restrictions and provisions relating to (a) the operation, maintenance and preservation of the works or property so acquired or constructed, (b) the rates, tolls or charges from which said indebtedness is to be repaid, (c) the incurring of additional indebtedness payable from the revenue pledged, and (d) the establishment, maintenance and use of reserve funds, maintenance and operation funds, funds for the pay-

ment of amounts due under the agreement and other funds for the security of the one to whom the indebtedness is owed.

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:

To assist in the immediate financing of water facilities and other revenue-producing works in the Placer County Water Agency, which financing is necessary for the preservation of the public health and safety, it is imperative that this act go into effect immediately.

CHAPTER 855

An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, and to provide limitations of time within which actions may be commenced in connection therewith.

[Approved by Governor July 6, 1965 Filed with Secretary of State July 6, 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 lighting districts
Highway interchange districts
Horticultural protection districts
Horticultural development districts
Housing authorities
Improvement districts of municipal improvement districts
Irrigation district distribution districts
Irrigation district improvement districts
Irrigation districts
Joint harbor improvement districts
Joint highway districts
Joint municipal sewage disposal districts
Junior college districts
Levee districts
Library districts
Local health districts
Local hospital districts
Metropolitan water districts
Mosquito abatement districts
Municipal improvement districts
Municipal improvement assessment districts
Municipal port districts
Municipal sewer districts
Municipal utility districts
Municipal water district improvement districts
Municipal water districts of any kind
Parking authorities
Parking districts
Park, recreation and parkway districts
Permanent road divisions
Pest abatement districts
Port districts
Protection districts
Public cemetery districts
Public utility districts
Rapid transit 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
River port districts
Resort improvement districts
Road districts
Sanitary districts
Sanitary districts annexed areas
School districts of any kind or class
Separation of grade districts
Sewer maintenance districts
Soil conservation districts
Special transit service districts
Storm water districts
Transit districts
Urban renewal agencies
Unified air pollution control districts
Unified port districts
Vehicle parking districts
Veterans' memorial districts
Water agencies
Water authorities
Water conservation districts
Water districts
Water 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 or merger 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 or merger 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 and undetermined during the period of 30 days from and after the effective date of this act, and shall

not operate to confirm, validate, or legalize any act, proceeding, or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

(d) This act shall not operate to confirm, validate, or legalize a contract between any district and the United States.

SEC. 7. Any action or proceeding contesting the validity of any action or proceeding heretofore taken under any law, or under color of any law, for the formation, organization or incorporation of any public body, or for any annexation thereto, exclusion therefrom or other change of boundaries thereof, or for the consolidation or merger 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 Third Validating Act of 1965.

CHAPTER 856

An act to amend Sections 21337 and 21365.5 of the Government Code, relating to death benefits, under the State Employees' Retirement System.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 21337 of the Government Code is amended to read:

21337. If a member who is a local fireman or policeman dies prior to retirement but after having qualified for retirement by age and length of service, in circumstances in which

the basic death benefit is payable, and leaving a surviving wife or one or more children under age 18, or both, in lieu of the basic death benefit a monthly allowance equal to one-half of the unmodified retirement allowance which the member would have been entitled to receive if he had retired on the date of his death shall be payable:

(a) To the surviving wife of a male member as long as she lives or until her remarriage; or

(b) To the children under age 18 collectively of a female member, or of a male member if there is no surviving wife or if the surviving wife dies or remarries before all children of the deceased member attain age 18, until every child dies or attains age 18, provided that no child shall receive any allowance after marrying or attaining the age of 18.

Where a member does not have a surviving wife nor any children under the age of 18 years at the time of his death, no allowance shall be payable under this section.

A beneficiary under subdivision (a) of this section, or the legal representative of the beneficiaries under subdivision (b) of this section, may elect before the first monthly allowance is paid to receive an amount equal to the basic death benefit in lieu of the benefits provided for herein.

This section shall apply only to a contracting agency, and its employees, which elected to be subject to it before October 1, 1965, and which has not elected to be subject to Section 21365.5 of this part. A contracting agency subject to this section shall cease to be so subject on the effective date of an amendment to its contract making it subject to Section 21365.5 of this part.

SEC. 2. Sec. Section 21365 5 of said code is amended to read:

21365.5. Upon the death of a member who has attained the minimum age for voluntary service retirement applicable to him in his last employment preceding death, and who is credited with 20 or more years of state service, and in circumstances in which the basic death benefit is payable other than solely that of membership in a county retirement system, or a retirement system maintained by the university, a monthly allowance equal to one-half of and derived from the same source as the unmodified retirement allowance which the member would have been entitled to receive if he had retired for service on the date of his death shall be payable:

(a) To the surviving wife of a male member as long as she lives or until her remarriage; or

(b) To a dependent surviving husband of a female member as long as he lives or until remarriage.

(c) To the children under age 18 collectively if there is no surviving spouse or if the surviving spouse dies or remarries before all children of the deceased member attain age 18, until every child dies or attains age 18; provided, that no child shall receive any allowance after marrying or attaining the age of 18.

Where a member does not have a surviving spouse nor any children under the age of 18 years at the time of death, no allowance shall be payable under this section.

No allowance shall be payable under this section if a special death benefit or a benefit under Section 21337 is payable.

The allowance provided by this section shall be paid in lieu of the basic death benefit but a person or such person's guardian, qualifying for the allowance may elect before the first payment on account of it to receive such basic death benefit in lieu of the allowance.

Any person who is receiving the allowance under this section on October 1, 1959, shall have the right to elect, not later than ninety (90) days after the date upon which notice of such right is mailed to him by this system, to receive in lieu of further payments of the allowance, a sum equal to the excess of the basic death benefit which was otherwise payable on account of the member's death over the sum of the monthly payments made prior to such election.

If the total of the payments made hereunder is less than the basic death benefit which was otherwise payable on account of the member's death, the amount of the basic death benefit less any payments made pursuant to this section shall be paid in a lump sum as follows:

(a) If the person last entitled to the allowance is the remarried spouse of such member, to such spouse;

(b) Otherwise, to the surviving children of the member, share and share alike, or if there are no such children, to the estate of the person last entitled to the allowance.

The board shall compute the amount by which benefits paid pursuant to this section exceed the benefits which would otherwise be payable and shall charge any such excess against the contributions of the state so that there shall be no increase in contributions of members by reason of benefits paid pursuant to this section. As used in this section, "a surviving wife" means a wife that was married to the member for at least one year prior to his death, a "dependent surviving husband" means a dependent husband that was married to the member for at least one year prior to the member's death, and "child" includes a posthumously born child of the member.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment of its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the time this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 3. This act shall become operative October 1, 1965.

CHAPTER 857

An act to repeal Sections 20528 and 20586, and to amend Section 20584 of the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 20528 of the Government Code is repealed.

SEC. 2. Section 20586 of said code is repealed.

SEC. 3. Section 20584 of said code is amended to read:

20584. The board, on the recommendation of the actuary, shall determine and, as necessary, adjust the employer contribution required for all employees who are school members, including liability for both current and prior service, as a percentage of compensation of all such employees in all counties. The county superintendent of schools, on the basis of the percentage so established, shall allocate the costs of employer contributions to this system among the employers by whom the employees who become members of this system pursuant to this chapter are actually employed, and such contributions shall be paid from the respective funds from which the compensations of the respective members are paid.

SEC. 4. This act shall become operative on October 1, 1965.

CHAPTER 858

An act to amend Section 375 of, and to add Section 25109 to, the Vehicle Code, relating to the equipment of motor vehicles.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965]

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

SECTION 1. Section 375 of the Vehicle Code is amended to read:

375. "Lighting equipment" is any of the following lamps or devices:

(a) Any headlamp, auxiliary driving, passing, or fog lamp, rear lamp, stoplamp, license plate lamp, clearance lamp, sidemarker lamp, or signal lamp or device.

(b) Any dimout or air-raid lamp, fender turning lamp, running lamp, diffused nonglaring lamp, and flashing red schoolbus lamp.

(c) Any equipment regulating the light emitted from any lamp or device in subdivisions (a) or (b) or the light sources therein.

(d) Reflectors, including red reflectors for use on bicycles and reflectors used for required warning devices.

(e) Any steady burning red warning lamps used on authorized emergency vehicles.

(f) Any flashing red warning lamps and flashing amber warning lamps used on any vehicle.

SEC. 2. Section 25109 is added to the Vehicle Code, to read:

25109. Any motor vehicle may be equipped with two white or amber running lamps mounted on the front, one at each side, which shall not be lighted during darkness except while the motor vehicle is parked.

CHAPTER 859

An act to add Section 25502.3 to the Education Code, relating to junior colleges.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 25502.3 is added to the Education Code, to read:

25502.3. Notwithstanding any provisions to the contrary, at the request of a district maintaining a junior college, the Superintendent of Public Instruction may approve a program of studies on a quarter system or a trisemester basis in accordance with rules and regulations prescribed by the State Department of Education.

CHAPTER 860

An act to add Section 25505.15 to the Education Code, relating to nonresident fees paid by apprentices.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 25505.15 is added to the Education Code, to read:

25505.15. No fee may be charged to any apprentice who is not a resident of California for attendance in a California junior college in classes of related and supplemental instruc-

tion as provided under Section 3074 of the Labor Code and in accord with the requirements as set forth in subdivision (d) of Section 3078 of that code.

CHAPTER 861

An act to add Sections 2615.3 and 2910.6 to the Revenue and Taxation Code, relating to the collection of taxes.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 2615.3 is added to the Revenue and Taxation Code, to read:

2615.3. With the approval of the board of supervisors the tax collector may establish a procedure for making and preserving a record of individual tax payments. When such a procedure is established receipts for tax payments made by mail shall only be issued when a receipt is requested by the person making payment. The tax bill shall contain a statement that receipts will not be issued for payments made by mail unless a receipt is requested by the person making payment and an appropriate place in which the taxpayer may request a receipt shall be provided on the tax bill. Receipts requested shall be furnished without cost to the taxpayer.

SEC. 2. Section 2910.6 is added to said code, to read:

2910.6. With the approval of the board of supervisors the tax collector may establish a procedure for making and preserving a record of individual tax payments. When such a procedure is established receipts for tax payments made by mail shall only be issued when a receipt is requested by the person making payment. The tax bill shall contain a statement that receipts will not be issued for payments made by mail unless a receipt is requested by the person making payment and an appropriate place in which the taxpayer may request a receipt shall be provided on the tax bill. Receipts requested shall be furnished without cost to the taxpayer.

CHAPTER 862

An act to amend Section 231 of the Code of Civil Procedure, relating to jurors.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 231 of the Code of Civil Procedure is amended to read:

231. Such jurors must be summoned from the list of persons prepared, as hereinafter stated, by notifying each orally that he is summoned and of the time and place at which his attendance is required, or by leaving a written notice to that effect at his place of residence with some person of proper age, or by mailing such notices by registered mail.

In the month of January in each year it shall be the duty of each justice court to make an order designating the estimated number of trial jurors that will, in the opinion of the court, be required for the transaction of the business of the court, and the trial of causes therein during the ensuing year. Any such court may make additional orders during the year designating the estimated number of trial jurors that will, in the opinion of the court, be required for the transaction of the business of the court, and the trial of causes therein during the balance of the year, or a portion thereof. Immediately after said order is made, the county clerk of the county in which said court is held shall select a list of men and women to serve as trial jurors in such court during the ensuing year, or until a new list of trial jurors shall be provided.

The selections and lists shall be made of persons suitable and competent to serve as jurors resident respectively in the judicial district in which the court is established, and in making such selections the county clerk shall take the names of such only as are not exempt from serving, who are in the possession of their natural faculties, are not infirm or decrepit, of fair character and approved integrity, and of sound judgment. A list of the persons selected to serve as trial jurors in each such court, certified by the county clerk, shall at once be placed in the possession of and filed with such court. The persons whose names are so returned shall be known as regular jurors and shall serve for one year and until other persons are selected and returned.

Whenever the business of such court shall require the attendance of a trial jury, the judge of the court, or any one of the judges, when there is more than one, may make an order directing the sheriff, constable, marshal, or policeman of the jurisdiction to summon trial jurors, as hereinabove provided.

Whenever, after all the persons whose names appear upon the list of jurors of such a court, have been summoned, and there is not a sufficient number of competent jurors present, the court, or judge thereof, may direct the sheriff, constable, marshal, or policeman of the jurisdiction, to summon a sufficient number of persons having the qualifications of jurors from the body of the judicial district, or if these sources do not produce a sufficient number, county in which such court is established.

In those counties in which a registrar of voters office has been established, the registrar of voters shall discharge all duties of the county clerk prescribed by this section, if the county board of supervisors so directs

CHAPTER 863

An act to amend Sections 6738 and 6757 of the Revenue and Taxation Code, relating to liens for state taxes.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 6738 of the Revenue and Taxation Code is amended to read:

6738. An abstract of the judgment or a copy may be filed for record with the county recorder of any county. From the time of the filing the amount required to be paid together with interest and penalty set forth constitutes a lien upon all the property in the county owned by the person liable or afterward and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and shall continue for 10 years from the date of the judgment so entered by the county clerk unless sooner released or otherwise discharged. The lien may within 10 years from the date of the judgment or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record in the office of the county recorder of any county an abstract or copy of the judgment and from the time of such filing the lien shall be extended to the property in such county for 10 years unless sooner released or otherwise discharged. The lien imposed by this section shall not be valid insofar as personal property is concerned as against a purchaser for value without actual knowledge of the lien.

SEC. 2. Section 6757 of said code is amended to read:

6757. If any amount required to be paid to the state under this part is not paid when due, the board may within three years after the amount is due file for record in the office of any county recorder a certificate specifying the amount, interest, and penalty due, the name and address as it appears on the records of the board of the person liable for the same, and the fact that the board has complied with all provisions of this part in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid together with interest and penalty constitutes a lien upon all property in the county owned by the person or afterward and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and shall continue for 10 years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the date of the filing of the certificate or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the property in such

county for 10 years unless sooner released or otherwise discharged. The lien imposed by this section shall not be valid insofar as personal property is concerned as against a purchaser for value without actual knowledge of the lien.

CHAPTER 864

An act to amend Section 7056 of the Revenue and Taxation Code, relating to the divulging of sales and use tax information.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965]

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

SECTION 1. Section 7056 of the Revenue and Taxation Code is amended to read:

7056. Excepting the information set forth on permits issued under Article 2 (commencing with Section 6066) of Chapter 2 of this part, it is unlawful for the board or any person having an administrative duty under this part to make known in any manner whatever the business affairs, operations, or any other information pertaining to any retailer or any other person required to report to the board or pay a tax pursuant to this part, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person. However, the Governor may, by general or special order, authorize examination by other state officers, by tax officers of another state, by the federal government, if a reciprocal arrangement exists, or by any other person of the records maintained by the board under this part. The information so obtained pursuant to the order of the Governor shall not be made public except to the extent and in the manner that the order may authorize that it be made public.

When requested by resolution of the legislative body of any county, city and county or city, the board shall permit any duly authorized officer or employee of such county, city and county, or city, to examine all of the sales and use tax records of the board pertaining to sales and use taxes collected for the county, city and county or city by the board pursuant to contract entered into between the board and the county, city and county or city under the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5, commencing with Section 7200, of Division 2 of the Revenue and Taxation Code) Information obtained by examination of board records as herein permitted shall be used only for purposes related to the collection of local sales and use taxes by the board pursuant to the contract.

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

CHAPTER 865

An act to amend Section 23101 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 23101 of the Business and Professions Code is amended to read:

23101. Any bank, trust company, or financial institution owning or possessing alcoholic beverages or warehouse receipts therefor as security for an obligation or as a result of enforcement of a security interest may, after permission has been given by the department, sell the alcoholic beverages or warehouse receipts to a licensee authorized to sell for resale such alcoholic beverages or such warehouse receipts.

CHAPTER 866

An act to amend Section 4304 of the Fish and Game Code, relating to game mammals and game birds.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 4304 of the Fish and Game Code is amended to read:

4304. No person shall at any time capture or destroy any deer and detach or remove from the carcass only the head, hide, antlers, or horns; nor shall any person at any time leave through carelessness or neglect any game mammal or game bird which is in his possession, or any portion of the flesh thereof usually eaten by humans, to go needlessly to waste. The provisions of this section shall not apply to game mammals taken under the authority of Sections 4152 and 4183 of this code.

CHAPTER 867

An act to amend Sections 8202.2 and 8207 of the Elections Code, relating to state central committees.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 8207 of the Elections Code is amended to read:

8207. The Secretary of State shall deliver to the chairman of the state central committee as soon as possible on the day of the first meeting of the new state central committee a certified, alphabetical list of the names of the members of the state central committee, and a certified alphabetical list of the names of the persons duly designated as proxies by members of the new committee, together with all proxies received by him prior to 5 o'clock of the afternoon of the preceding day. He shall require the chairman's receipt for the proxies. The membership list shall be arranged in alphabetical order by congressional districts. The assembly district and senatorial district of each appointed member listed shall be indicated.

SEC. 2. Section 8202.2 of said code is amended to read:

8202.2. The Secretary of State shall enclose with the notice required by Section 8202.1 one copy of the following statement for appointment of members of the state central committee, which shall be in substantially the following form:

Appointment of Members of the State Central Committee Meeting at Sacramento in the Year 19___

I __ _____, duly qualified as a delegate to the state convention at Sacramento in the year 19___ by virtue of my (appointment by the _____ central committee) (nomination) (election to the office of _____) (strike out parts inapplicable) on the _____ day of _____ 19___ upon the _____ ticket, do hereby appoint the following voters, who party
shall be members of the state central committee:

Name	Congressional, Assembly, Senatorial District	Post office address
Name	Congressional, Assembly, Senatorial District	Post office address
Name	Congressional, Assembly, Senatorial District	Post office address

Name	Congressional, Assembly, Senatorial District	Post office address
Name	Congressional, Assembly, Senatorial District	Post office address

In witness whereof I have hereunto set my hand this _____ day of _____, 19___.

_____
(Delegate)

Signed and acknowledged before me this _____ day of _____.

_____
Notary Public

In the event the appointment of alternate or associate members is authorized, the state central committee shall supply forms to the members for the appointment of such members. The forms shall be in substantially the same language as set forth in this section, and shall contain suitable spaces wherein there can be listed the addresses and the numbers of the congressional, assembly, and senatorial districts in which the appointees reside.

CHAPTER 868

An act to amend Sections 6 and 21 of the Lassen-Modoc County Flood Control and Water Conservation District Act (Chapter 2127, Statutes of 1959), relating to district zone projects.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 6 of the Lassen-Modoc County Flood Control and Water Conservation District Act (Chapter 2127, Statutes of 1959) is amended to read:

Sec. 6. The board may institute projects for single zones and joint projects for two or more zones, for the financing, constructing, maintaining, operating, extending, repairing or otherwise improving any work or improvement for the common benefit of such zone or participating zones. "Project" includes a contract with the United States for a water supply for any purpose. For the purpose of acquiring authority to proceed with any project, the board shall adopt a resolution specifying its intention to undertake such project, together with the engineering estimate or the cost of same to be borne by the particular zones or participating zones and fixing a time and

place for public hearing of the resolution and which shall refer to a map showing the general location and general construction of the project.

Notice of such hearing shall be given by publication once a week for two consecutive weeks prior to the hearing. The last publication of the notice shall be at least seven days before the hearing in a newspaper of general circulation designated by the board, circulated in such zone or each of the participating zones, if there be such a newspaper. If there is no such newspaper, then by posting notice for two consecutive weeks prior to the hearing in five public places designated by the board, in such zone or in each of the participating zones. The notice must designate a public place in such zone or in each of the participating zones where a copy or copies of the map or maps of the joint project may be seen by any interested person; such map must be posted in each of the public places so designated in the notice at least two weeks prior to the hearing.

At the time and place fixed for the hearing, or at any time to which the hearing may be continued, the board shall consider all written and oral objections to the proposed project. Upon the conclusion of the hearing the board may abandon the proposed project or proceed with the same, unless prior to 30 days after the conclusion of the hearing written protests against the proposed project, signed by a majority in number of landowners, if the project is a contract with the United States for a water supply, or by either a majority in number of the registered voters or freeholders residing within such zone or participating zones if the project is for some other purpose, are filed with the board. In that event, further proceedings relating to such project must be suspended for not less than six months following the date of the conclusion of the hearing, or the proceeding may be abandoned in the discretion of the board.

SEC. 2. Section 21 of said act is amended to read:

SEC. 21. If after the hearing provided for in Section 6 of this act, the board determines to proceed with any project, the board shall call a special election and submit to the qualified voters of said zone or zones, two propositions:

1. Shall the report adopted by the board be ratified?

2. Shall the district incur a bonded indebtedness for the purpose of providing for the control and disposition of flood and storm waters of the zone and to protect from damage from such storm and flood waters, the waterways, property, public highways, and public places in the district, and for any other purpose set forth in Section 3 hereof?

If no bonded indebtedness is proposed to be incurred and the project to be undertaken is a contract with the United States for a water supply for any purpose, only the first proposition set forth above shall be submitted to the qualified voters of the zone or zones.

The resolution calling the special election shall state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefore, if any, and shall fix the maximum rate of interest to be paid on said indebtedness which shall not exceed 5 percent per annum, and shall fix the date on which the special election shall be held and the manner of voting for and against the ratification of the report adopted by the board, and for and against the incurring of such indebtedness

For the purpose of the election, the board shall, in its resolution, establish election precincts within the boundaries of the zones affected, and may form election precincts by consolidating the precincts established for general election purposes in the zones, and shall designate a polling place and appoint two inspectors, two judges and two clerks for each of such precincts.

In all particulars not recited in such resolution, the election shall be held as nearly as practicable in conformity with the general election laws of the state.

At such election all persons whose names appear on the last Great Register of Lassen County or Modoc County and who own real property within the zone or zones involved shall be entitled to vote as hereinafter provided. The number of votes shall be governed by the assessed value of all real and personal property owned by the elector within the zone involved. Every landowner shall be entitled to one vote for the first one thousand dollars ($1,000) of assessed value or fraction thereof and an additional vote for each additional one thousand dollars ($1,000) of assessed value or fraction thereof. If no bonded indebtedness is proposed to be incurred and the project to be voted upon is a contract with the United States for a water supply for any purpose, at such election only landowners, including any persons, firms, associations, organizations, partnerships, business trusts, corporations, or companies, who own real property within the zone or zones involved shall be entitled to vote and each such person shall be entitled to one vote only.

Such resolution calling such election shall be published once a day for at least seven days, in some newspaper published at least five days a week in the district, or once a week for two weeks in some newspaper published less than five days a week in such district, and one insertion each week for two succeeding weeks shall be sufficient publication in such newspaper published less than five days a week. No further notice of such election need be given.

Any defect or irregularity in the proceedings prior to the election shall not affect the validity of the bonds.

If at such election two-thirds or more of the votes are cast in favor of ratifying the adoption of the report by the board and the incurring of such bonded indebtedness, then the bonds of the district, for the amounts stated in such proceedings, shall be issued and sold as provided in this act.

If no bonded indebtedness is proposed to be incurred and the project to be approved by the voters is a contract with the United States for a water supply for any purpose, the board may proceed with the project if at the election two-thirds or more of the votes are cast in favor of ratifying the adoption of the report by the board.

CHAPTER 869

An act to amend Section 214 of, and to add Section 221 to, the Revenue and Taxation Code, relating to the welfare exemption from property taxation

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 214 of the Revenue and Taxation Code is amended to read:

214. Property used exclusively for religious, hospital, scientific, or charitable purposes owned and operated by community chests, funds, foundations or corporations organized and operated for religious, hospital, scientific, or charitable purposes is exempt from taxation if:

(1) The owner is not organized or operated for profit; provided, that in the case of hospitals, such organization shall not be deemed to be organized or operated for profit, if during the immediate preceding fiscal year the excess of operating revenues, exclusive of gifts, endowments and grants-in-aid, over operating expenses shall not have exceeded a sum equivalent to 10 percent of such operating expenses. As used herein, operating expenses shall include depreciation based on cost of replacement and amortization of, and interest on, indebtedness;

(2) No part of the net earnings of the owner inures to the benefit of any private shareholder or individual;

(3) The property is used for the actual operation of the exempt activity;

(4) The property is not used or operated by the owner or by any other person so as to benefit any officer, trustee, director, shareholder, member, employee, contributor, or bondholder of the owner or operator, or any other person, through the distribution of profits, payment of excessive charges or compensations or the more advantageous pursuit of their business or profession;

(5) The property is not used by the owner or members thereof for fraternal or lodge purposes, or for social club purposes except where such use is clearly incidental to a primary religious, hospital, scientific, or charitable purpose;

(6) The property is irrevocably dedicated to religious, charitable, scientific, or hospital purposes and upon the liquidation,

dissolution or abandonment of the owner will not inure to the benefit of any private person except a fund, foundation or corporation organized and operated for religious, hospital, scientific, or charitable purposes;

(7) The property, if used exclusively for scientific purposes, is used by a foundation or institution which, in addition to complying with the foregoing requirements for the exemption of charitable organizations in general, has been chartered by the Congress of the United States (except that this requirement shall not apply when the scientific purposes are medical research), and whose objects are the encouragement or conduct of scientific investigation, research and discovery for the benefit of the community at large.

The exemption provided for herein shall be known as the "welfare exemption." This exemption shall be in addition to any other exemption now provided by law. This section shall not be construed to enlarge the college exemption. Property used exclusively for school purposes of less than collegiate grade and owned and operated by religious, hospital or charitable funds, foundations or corporations, which property and funds, foundations or corporations meet all of the requirements of this section, shall be deemed to be within the exemption provided for in Section 1c of Article XIII of the Constitution of the State of California and this section.

Property used exclusively for nursery school purposes and owned and operated by religious, hospital or charitable funds, foundations or corporations, which property and funds, foundations or corporations meet all of the requirements of this section, shall be deemed to be within the exemption provided for in Section 1c of Article XIII of the Constitution of the State of California and this section.

SEC. 2. Section 221 is added to said code, to read:

221. For the purposes of Section 214 a nursery school is any group facility for minors which has obtained a written license or permit to operate as such from the State Department of Social Welfare or from an inspection service approved or accredited by the State Department of Social Welfare, and which is owned and operated for one or more of the following purposes:

(a) The facility is owned and operated to provide day care for minors whose parent or parents are unable to supervise such minors due to the hours of employment of the parent or parents.

(b) The facility is owned and operated to provide training and education for minors of preschool age.

(c) The facility is owned and operated to provide instruction to parents on the subject of raising minors and to provide training and education for minors.

CHAPTER 870

An act to amend Section 12223 of the Financial Code, relating to check sellers and cashers.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 12223 of the Financial Code is amended to read:

12223. The commissioner may require a licensee engaging in the business of selling checks or receiving money for the purpose of paying bills, invoices, or accounts of an obligor, or one who accepts money for the purpose of forwarding it to others in payment of utility bills except as an authorized agent for a utility company, in addition to the bond provided in Section 12206, to obtain an adequate fidelity bond for each officer, employee, or agent having access to funds collected by or for the licensee or having authority to draw against such funds if in his opinion such a bond is necessary for the protection of the public.

In lieu of providing such bond for a licensee's agents, a licensee may deposit with the commissioner security in an amount not less than ten thousand dollars ($10,000) nor more than fifty thousand dollars ($50,000), as the commissioner may determine, for the protection of the public against loss suffered through embezzlement by any agent having access to funds collected by or for the licensee or having authority to draw against such funds, or from mysterious disappearance, holdup or burglary. Such security may only be in the form of cash, lawful money of the United States, bearer bonds issued by the United States or the State of California or evidence of deposit in banks or investment certificates issued by insured savings and loan associations authorized or licensed to do business in the State of California.

Such security shall be deposited with the commissioner and may be sold by the commissioner at public auction if it becomes necessary so to do in order to satisfy the requirements of this section. Notice of the sale shall be served upon the licensee who placed the security personally or by mail. If by mail, service shall be addressed to the licensee at its address as it appears in the records of the commissioner. Bearer bonds of the United States or the State of California without a prevailing market price must be sold at public auction. Such bonds having a prevailing market price may be sold at private sale at a price not lower than the prevailing market price thereof. Upon any sale any surplus above the amounts due shall be returned to the licensee, and licensee shall deposit with the commissioner additional security sufficient to meet the amount required by the commissioner.

CHAPTER 871

An act to amend Section 952 of the Probate Code, relating to probate vouchers

[Approved by Governor July 6, 1965 Filed with Secretary of State July 6, 1965]

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

SECTION 1 Section 952 of the Probate Code is amended to read:

952. Upon the settlement of any account of the executor or administrator after the time to file or present claims has expired, the court shall order the payment of the debts, as the circumstances of the estate permit If there are not sufficient funds to pay all of the debts, the decree shall specify the sum to be paid to each creditor. No creditor of any one class shall receive any payment until all those of a preferred class are fully paid; and if the estate is insufficient to pay all the debts of any one class, each creditor of that class must be paid a dividend in proportion to his claim. If the property of the estate is exhausted by the payment ordered, such account shall constitute a final account, and the executor or administrator shall be entitled to his discharge on proof showing that he has complied with the decree.

CHAPTER 872

An act to amend and renumber Section 20007 of, and to repeal Sections 20002 and 20005 of, the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 6, 1965 Filed with Secretary of State July 6, 1965]

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

SECTION 1. Section 20002 of the Vehicle Code is repealed.

SEC. 2. Section 20005 of said code is repealed

SEC. 3. Section 20007 of said code is amended and renumbered to read:

20002. (a) The driver of any vehicle involved in an accident resulting in damage to any property including vehicles shall immediately stop the vehicle at the scene of the accident and shall then and there either:

(1) Locate and notify the owner or person in charge of such property of the name and address of the driver and owner of the vehicle involved, or;

(2) Leave in a conspicuous place on the vehicle or other property damaged a written notice giving the name and address of the driver and of the owner of the vehicle involved

and a statement of the circumstances thereof and shall without unnecessary delay notify the police department of the city wherein the collision occurred or, if the collision occurred in unincorporated territory, the local headquarters of the Department of the California Highway Patrol.

Any person failing to stop or comply with said requirements is guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for not to exceed six months or by a fine of not to exceed five hundred dollars ($500) or by both.

(b) Any person who parks a vehicle which, prior to the vehicle again being driven, becomes a runaway vehicle and is involved in an accident resulting in damage to any property, attended or unattended, shall comply with the requirements of this section, relating to notification and reporting and will upon conviction thereof, be liable to the penalties of this section for failure to comply with said requirements.

CHAPTER 873

An act to add Section 213.5 to the Revenue and Taxation Code, relating to the public use of tax exempt property.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 213.5 is added to the Revenue and Taxation Code, to read:

213.5. In partial consideration of the public services provided to property exempted from taxation by Section 214, the owner or person in possession shall permit the free use of such property or portion thereof as a polling place at any election conducted by the registrar of voters if the registrar makes written request for the use of such property at least 60 days before the date of the election. The registrar shall not be entitled to the use of any property used for the practice of religion if the owner or possessor files with him at least 45 days before the election an affidavit that (a) the space requested will be required for the ordinary and usual purposes of the owner or possessor on the day of the election, setting forth what such use will be, or (b) by reason of any contract, or condition, or covenant in a deed, made or delivered before July 1, 1965, the use of any portion of such property by the registrar of voters would breach such contract, condition, or covenant. The registrar shall not be entitled to the use of other property if an affidavit under (b) is filed with him.

As used in this section, registrar of voters means county clerk in counties having no registrar of voters.

A county using this section shall insure itself, its employees, the owner, and the person in possession of the property against any liability for any injury connected with the use of the property as a polling place.

Use of property under this section shall be considered to be exclusively for religious, hospital, or charitable purposes.

CHAPTER 874

An act to abolish the Sacramento State Building Interest and Sinking Fund, relating to state funds.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Upon the transfer of funds to the State Treasurer sufficient to retire the remaining outstanding bonds issued under the provisions of Chapter 235 of the Statutes of 1913, the Sacramento State Building Interest and Sinking Fund is abolished. The State Controller shall thereupon transfer any balance in that fund to the General Fund.

CHAPTER 875

An act to amend Section 31900 of the Education Code, relating to school elections.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 31900 of the Education Code is amended to read:

31900. There shall appear on each card or other notice sent to voters to inform them of an election to be held pursuant to this code the following statement:

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 _____ (indicate appropriate official). Your application must reach the office of the _____ (indicate appropriate official) not earlier than _____ (indicate the earliest date for submitting applications) nor later than _____ (indicate final date for submitting applications).

CHAPTER 876

An act to amend Section 2 of, and add Sections 3, 4, 5, and 6 to, Chapter 1697 of the Statutes of 1955, relating to ferries and other toll highway crossings across the Bay of San Diego from the City of San Diego to the City of Coronado.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965]

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

SECTION 1. Section 2 of Chapter 1697 of the Statutes of 1955 is amended to read:

Sec. 2. If a toll tube or other toll highway crossing described in Section 1 of this act is constructed, and will accommodate a substantial part of the traffic served by a privately owned toll bridge, ferry, tube, or other toll highway crossing, the authority shall authorize and direct the department to acquire such ferry and its property required for its operations either through mutual agreement with the ferry owners or by the exercise of eminent domain. The authority shall provide in the mutual agreement or in the exercise of eminent domain that the owners of the ferry shall through a process of collective bargaining pay operating, maintenance and toll collection personnel the actuarial value of accrued pension rights and in addition thereto, if such toll bridge, ferry, tube or other toll highway crossing is not to be operated by the authority, shall pay not exceeding one basic month's severance pay for each year of service up to and including 25 years to any of such personnel as are not offered employment by any state agency under the conditions hereinafter set forth in Section 3 of this act. As used in this act, the term "basic month's severance pay" shall mean the employee's hourly wage at straight time multiplied by 173.3 hours. The authority shall reimburse the owners for the amounts so paid respecting accrued pension rights but not exceeding the amounts which the owners could have been required to pay under any collective bargaining agreement in effect at the time the authority authorizes construction of the toll tube or other toll highway crossing, by applying to all operating, maintenance and toll collection personnel the formula of any collective bargaining agreement in effect on April 1, 1963. The authority shall also reimburse the owners for the amounts so paid respecting severance pay but not exceeding one basic month's severance pay for each year of service with the toll bridge, ferry, tube or other toll highway crossing up to and including 25 years. In making such reimbursements respecting both accrued pension rights and severance pay, the obligation of the authority shall, notwithstanding any other provision of this act, be limited to making reimbursement for payments made by the owner to personnel who, on the date the authority authorizes construction of the proj-

ect, are not eligible, under the terms of any retirement plan then in effect, for immediate retirement.

The authority may authorize the department to operate a toll bridge, ferry, tube, or other toll highway crossing which has been acquired, with the personnel theretofore employed thereon, until such time as the authority and the department in their discretion deem it necessary or desirable to discontinue operations, in which event the authority shall authorize and direct the department to discontinue the toll bridge, ferry, tube, or other toll highway. At the time the authority directs the department to discontinue the operation of the toll bridge, ferry, tube, or other toll highway crossing, it shall also direct the department to pay the personnel engaged in the operating, maintenance and toll collection functions thereof one month's severance pay for each year of service up to and including 25 years.

SEC. 2. Section 3 is added to said chapter, to read:

Sec. 3 Severance pay shall not, however, be payable to any such personnel who are offered permanent employment and who become permanent employees of any state agency under the following conditions:

1. The rate of pay shall be substantially the same as that received at the time operations are discontinued.

2. The place of employment shall be within a radius of 50 miles of the City of San Diego unless the employee, at his option, accepts employment at a place outside said 50-mile radius.

3 Any employee who accepts employment with a state agency and whose employment is terminated by said agency prior to the expiration of his probationary period for any reason which is the fault of said employee shall not be entitled to severance pay.

SEC. 3 Section 4 is added to said chapter, to read:

Sec 4. An employee eligible for retirement under any collective bargaining agreement with the owners of a privately owned toll bridge, ferry, tube, or other highway crossing who accepts such retirement shall not be entitled to severance pay.

SEC. 4. Section 5 is added to said chapter, to read:

Sec. 5. In the employment of personnel the department shall, insofar as possible, employ persons displaced from their usual positions with a privately owned toll bridge, ferry, tube, or other highway crossing, because of the operations of the authority and department, and pay said personnel substantially the same rates of pay which such persons received in private employment.

SEC. 5. Section 6 is added to said chapter, to read:

Sec. 6. In the event that the authority determines it to be necessary or desirable in connection with the financing of the crossing, it shall authorize and direct the department to acquire by mutual agreement with the ferry owners or by the exercise of eminent domain any passenger ferry operating

across the Bay of San Diego which is engaged in the transportation of persons and property other than vehicles. If the authority directs the department to acquire any such passenger ferry, the provisions of this chapter, to the extent applicable, shall apply to such acquisition, provided, however, that no pension rights shall be created by such acquisition, and the provisions of this chapter relating to pension rights shall be applicable only with respect to pension rights in existence prior to May 1, 1965. In addition to the requirements of this chapter relating to eligibility for severance pay, no employee of such passenger ferry company shall be entitled to severance pay unless his employment with such passenger ferry company is necessarily terminated as a result of the acquisition of the passenger ferry company's facilities. Should the department be directed to acquire such passenger ferry, the department shall be required to acquire only such facilities of the passenger ferry company as are used exclusively for the operation of the passenger ferry service across the Bay of San Diego.

CHAPTER 877

An act to amend Section 740.5 of the Streets and Highways Code, relating to state highways.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 740.5 of the Streets and Highways Code is amended to read:

740.5. The department shall transmit a copy of such map, insofar as it relates to the land within a city, to the planning commission of the city, or, if the city has not created a planning commission, to the governing body of the city. The planning commission of such city, or, if the city has not created a planning commission, the governing body of such city acting as a planning commission, shall thereafter notify the department of any application for a building permit for a building costing five hundred dollars ($500) or more in sufficient time to give the department an opportunity to purchase the right-of-way from such applicant. The notices required to be given by the planning commission or by the governing body acting as a planning commission may be given by any other officer, board, commission, or department designated for that purpose by resolution of the governing body.

CHAPTER 878

An act to amend Section 20751 of the Education Code, relating to school districts declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 6, 1965 Filed with Secretary of State July 6, 1965]

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

SECTION 1. Section 20751 of the Education Code is amended to read:

20751. (1) Except as otherwise provided in this code, the maximum rate of school district tax which may be levied for all school purposes, exclusive of bond interest and redemption, for any school district in any school year on each one hundred dollars ($100) of assessed valuation within the district shall be as follows:

(a) Except as provided in subdivision (b) of this section, in any separate elementary school district the boundaries of which are not coterminous with those of a high school district, eighty cents ($0.80) for elementary school purposes, or ninety cents ($0.90) for combined kindergarten and elementary school purposes.

(b) In any separate elementary school district the boundaries of which are not coterminous with those of a high school district and whose current expenses of education for the 1963–1964 or 1964–1965 fiscal year were less than twice the amount of the foundation program applicable to the district, one dollar and twenty-five cents ($1.25) for elementary school purposes, or one dollar and thirty-five cents ($1.35) for combined kindergarten and elementary school purposes.

(c) Except as provided in subdivision (d) of this section, in any separate high school district, the boundaries of which are not coterminous with those of an elementary school district or with those of a junior college district, seventy-five cents ($0.75) for high school purposes, or one dollar and twenty cents ($1.20) for combined high school and junior college purposes.

(d) In any separate high school district, the boundaries of which are not coterminous with those of an elementary school district or with those of a junior college district, and whose current expenses of education for the high school purposes for the 1963–64 fiscal year were less than twice the amount of the foundation program computed for high school purposes, eighty-five cents ($0.85) for high school purposes, or one dollar and twenty cents ($1.20) for combined high school and junior college purposes.

(e) In any separate junior college district, the boundaries of which are not coterminous with those of a high school district, thirty-five cents ($0 35) for junior college purposes.

(f) In any unified school district one dollar and fifty-five cents ($1.55) for combined elementary school and high school

purposes; or one dollar and sixty-five cents ($1.65) for combined kindergarten, elementary school, and high school purposes; or one dollar and ninety cents ($1.90) for combined elementary school, high school, and junior college purposes; or two dollars ($2) for combined kindergarten, elementary school, high school, and junior college purposes.

(g) Any unified school district whose current expenses of education per unit of average daily attendance for the 1963–64 fiscal year where less than six hundred dollars ($600), two dollars and ten cents ($2.10) for combined elementary school and high school purposes; two dollars and twenty cents ($2.20) for combined kindergarten, elementary school, and high school purposes; or two dollars and fifty-five cents ($2.55) for combined kindergarten, elementary school, high school, and junior college purposes.

(h) In any high school and junior college district the boundaries of which are coterminous and which are governed by the same governing board, one dollar and twenty cents ($1.20) for combined high school and junior college purposes.

(2) If the maximum tax rate of a school district in effect on the effective date of the amendment to this section adopted at the 1964 First Extraordinary Session of the Legislature is, because of an increase adopted by the district electors pursuant to Section 20803, more than the applicable rate prescribed in subdivision (1) of this section, the maximum tax rate of such district shall continue to be the maximum rate prescribed by this section prior to such 1964 amendment plus the amount of the increase over such rate adopted by the district electors pursuant to Section 20803 prior to the 1964 amendment to this section, for the period for which such increase was adopted by the voters. If any such voted increase in effect on such effective date results in a maximum rate which is less than that prescribed in subdivision (1) of this section as so amended in 1964, the maximum rate of such district shall be that prescribed in subdivision (1) of this section as so amended. Nothing in this section shall be construed to prevent a change in the maximum tax rate of a school district subject to and in the manner prescribed by Section 20803.

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

Since the school district budgets and tax rates for the forthcoming school year will be prepared in the ensuing summer months, prior to the time that this act would ordinarily take effect, it is essential that this act take effect immediately.

CHAPTER 879

An act to add Section 27491.45 to the Government Code, relating to county coroners.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 27491.45 is added to the Government Code, to read:

27491.45. The coroner shall have the right to retain tissues of the body removed at the time of autopsy as may, in his opinion, be necessary or advisable for scientific investigation.

CHAPTER 880

An act to add Article 2.5 (commencing with Section 12530) to Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code, relating to health care plans.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Article 2.5 (commencing with Section 12530) is added to Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code, to read:

Article 2.5. Health Care Service Plans

12530. In this article unless the context otherwise requires:

(a) "Health care service plan" shall mean any form of organization or any arrangement whereby any person undertakes responsibility to provide, arrange for, pay for or reimburse any part of the cost of any health care service for a consideration consisting in part of prepaid or periodic charges; but the provisions of this article shall not apply to such a plan operated by an insurer, a nonprofit hospital service plan, or a fraternal benefit society, while such plan is so operated within the scope of the current certificate of authority issued by the Insurance Commissioner, or to such a plan operated under a trust fund negotiated by collective bargaining between an employer and a labor organization, as those terms are defined below or established and operated by an employer for his employees; provided that:

(1) The charges for the health care service are paid entirely by the trust fund, or entirely by the employer, or jointly by employer and employee; and

(2) No persons other than employees of the employer, or

their family dependents, are eligible to become members of the health care service plan; and

(3) The plan is not advertised nor solicited except to persons eligible to subscribe to the plan. "Employer" shall mean any person acting directly as an employer or indirectly in the interest of an employer in relation to an employee health care service plan, and includes a group or association of employers acting for an employer in such capacity. "Labor organization" shall mean any labor union which exists for the purpose, in whole or in part, of negotiating with an employer concerning an employee health care service plan, or other matters incidental to employment relationships. "Employee" shall mean any individual employed by an employer, or any family dependent of such individual.

(b) "Health care service" means any service included in the furnishing to any person of medical or dental care, treatment; or hospitalization or incident to the furnishing of such care or hospitalization, as well as the furnishing to any person of services purporting to constitute any system of alleviating, curing, or healing human illness or injury.

(c) "Member" shall mean a person who has been enrolled as a subscriber or a family dependent of a subscriber to a health care service plan and is entitled under the membership contract issued by such plan to receive health care services;

(d) "Membership contract" shall mean any contract, or in the absence of a formal contract, any other written description of rights and benefits enjoyed by members of the plan, issued by a health care service plan to its members;

(e) "Representative" shall mean any person directly or indirectly associated, whether as an officer, agent, employee, partner, associate, consultant, independent contractor or otherwise, with any health care service plan or with any provider of health care services pursuant to arrangements in effect with any health care service plan.

(f) "Healing arts" shall mean all professions or other occupations, the practice of which is governed by Division 2 of the Business and Professions Code;

(g) "Advertising" shall mean communication to the public or any segment thereof by means of radio, television, newspaper, magazine, periodical, brochure, pamphlet, circular, or any other means, information purporting to relate to or describe a health care service plan or the costs or benefits thereof, if such communication is intended to cause, or may reasonably be expected to cause, recipients to become interested in becoming members of a health care service plan; provided, however, that annual reports, written addresses, articles, statistical reports, reports of surveys or research studies and similar documents shall not be deemed to constitute advertising unless used for the purpose of attracting members to enroll in a health care service plan.

(h) "Solicitation" shall mean any communication, written or oral, in person or by means of telephone, radio, television,

newspaper, magazine, periodical, brochure, circular, or otherwise, of any offer of coverage in a health care service plan, or invitation, or request to enroll in a health care service plan, or attempt to obtain consideration for the coverage of a health care service plan, or any other device, the apparent purpose or reasonable effect of which would be to induce the recipient thereof to enroll in, or pay any consideration for the coverage provided by, a health care service plan.

The foregoing definitions are intended to apply only to the interpretation of this article and shall not alter or affect the application of any other law or regulation.

12531. For the purposes of this article:

(a) A statement or item of information shall be deemed to be untrue if it does not conform to fact in any respect which is or may be significant to a member of, or person considering enrollment in, a health care service plan;

(b) A statement or item of information shall be deemed to be misleading, whether or not it may be literally untrue, if, in the total context in which such statement is made or such item of information is communicated, such statement or item of information may be reasonably understood by a reasonable person, not possessing special knowledge regarding health care coverage, as indicating any benefit or advantage or the absence of any exclusion, limitation, or disadvantage of possible significance to a member of, or person considering enrollment in, a health care service plan, if such benefit or advantage or absence of limitation, exclusion or disadvantage does not in fact exist;

(c) A membership contract shall be deemed to be deceptive if the contract taken as a whole, and with consideration given to typography and format, as well as language, shall be such as to cause a reasonable person, not possessing special knowledge regarding health care coverage and contracts therefor, to expect benefits, services, rates or other advantages which the contract does not provide or which the health care service plan issuing such contract does not regularly make available for members covered under such contract.

12532. It shall be a violation of this article for any health care service plan or any representative of a health care service plan to use, or cause, or knowingly permit the use of:

(a) Advertising which is untrue or misleading;

(b) Solicitation which is untrue or misleading;

(c) Any form of membership contract which is deceptive.

12533. If the Attorney General shall for any reason have cause to believe that any violation of this article has occurred or is threatened, the Attorney General may give written notice to the health care service plan and to the representatives, or other persons who appear to be involved in such suspected violation, to arrange a conference with the alleged violators or their authorized representative for the purpose of attempting to ascertain the facts relating to such suspected violation, and,

in the event it appears that any violation has occurred or is threatened, to arrive at an adequate and effective means of correcting or preventing any such violation.

Proceedings under this section shall not be governed by any formal procedural requirements, and may be conducted in such manner as the Attorney General may deem appropriate under the circumstances.

12534. The Attorney General acting in the name of the state may issue an order directing a health care service plan or a representative of a health care service plan to cease and desist from engaging in any act or practice in violation of the provisions of this article.

Within 15 days after service of the order of cease and desist, the respondent may request a hearing on the question of whether acts or practices in violation of this article have occurred. Such hearings shall be conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and judicial review shall be available as provided by Section 11523 of the Government Code.

12535. In the case of any violation of the provisions of this article, if the Attorney General elects not to issue a cease and desist order, or in the event of noncompliance with a cease and desist order issued pursuant to Section 12534, the Attorney General may institute a proceeding to obtain injunctive relief, in receivership, or seeking other appropriate relief, in the superior court in and for the county in which the violation occurs, or in which the principal place of business of the plan is located. Any proceeding under 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 Attorney General shall not be required to allege facts tending to show the lack of an adequate remedy at law or tending to show irreparable damage or loss.

12536. This article does not:

(a) Authorize any person, other than a licentiate of a healing art, acting within the scope of his license, to engage directly or indirectly in the practice of any healing art;

(b) Affect in any manner the practice of any healing art by any person duly licensed to engage in such practice;

(c) Repeal, alter, modify, or otherwise affect Division 2 (commencing with Section 500) of the Business and Professions Code, or any section thereof; or any act defining, or governing, or regulating the practice of any healing art.

(d) Authorize any governmental agency to regulate rates, or prescribe or limit benefits to be provided for by membership contracts issued by health care service plans.

(e) Authorize any person to regulate, interfere or intervene in any manner in the practice of any healing art or in the relationship between the practitioner of any healing art and his patients.

(f) Authorize any governmental agency to adjust claims in which a determination must be made as to the interpretation of the contract terms, or to determine the adequacy of the services rendered pursuant to the contract, provided that this provision shall in no way modify, restrict or otherwise affect the jurisdiction of the Attorney General or other governmental agency derived from authority extrinsic to this article.

12537. The Attorney General shall maintain a register of health care service plans. On or before March 31 of the calendar year following the effective date of this article and annually thereafter, each health care service plan shall register with the Attorney General by submitting the name, organizational form and principal place of business of the plan and the following:

(a) A form of each standard membership contract which the plan proposes to issue, including standard forms in use on the date of submission.

(b) Copies of all advertising which the plan proposes to use.

(c) Such other pertinent and relevant information as the Attorney General may reasonably require for the proper administration of this article; provided, however, that

(1) Nothing in this article shall affect or modify the physician-patient relationship prescribed in Section 1881 of the Code of Civil Procedure; and

(2) All information furnished under this paragraph (c) shall be kept confidential by the Attorney General, except to the extent that it may be produced in any judicial or administrative proceeding and may be admissible in evidence therein.

12538. Every health care service plan in operation as of the effective date of this article shall register with the Attorney General on or before January 1, 1966.

Any plan which is not in operation as of the effective date of this article shall not commence to operate until 30 days after such plan has filed a complete registration with the Attorney General.

For purposes of this section, a plan shall be deemed to be in operation on the effective date of this article if and only if it has arrangements in effect with a provider of health care service and is providing health care coverage to the public generally or to some group or groups thereof

Every health care service plan shall reregister with the Attorney General annually after its initial registration on or before December 31st of each year.

12538.1. In the case of any contract covering a single individual or family unit, and in the case of any contract with a group of less than 50 individuals or family units pursuant to which there is no contribution toward prepayment from either a health and welfare trust fund or by an employer or by payroll deduction, the following provisions shall apply:

(a) Before any change in the form of such contract is made or before any new form of contract is adopted, the proposed

change or proposed new contract shall be submitted to the Attorney General who shall within 30 days forbid its use if he determines that the contract as proposed does not conform to the requirements of this article. He may issue rules prescribing the procedure for such submission. If requested, he shall confer with representatives of the plan after notifying the plan of such determination. Such notice may be mailed to the address of the plan set forth in his register or if it is nonregistered then to such address as he may have. It is a violation of this article to issue a membership contract subject to this section if the form of contract has not been submitted or has been submitted less than 30 days without notice that it conforms to the requirements of this article or after notice that it does not so conform.

(b) Any membership contract in force may be continued in force without change unless the Attorney General notifies the plan in the manner above specified that the form of the contract or the manner of use violates this article. It is a violation of this article to maintain such a contract in force more than 90 days after such notice except for the purpose of continuing to afford health care service to a member under such contract, unless prior to expiration of the 90 days the plan brings an action to nullify or vacate such notice. In case of such action, unless the court otherwise orders, it is a violation of this article to maintain the contract in force after final judgment determining that the form of the contract or the manner of its use violates this article.

12538.2. In lieu of a notice of noncompliance under Section 12538.1, the Attorney General may accept a written statement by the plan agreeing to a practice or interpretation of part or all of the contract which he determines will, if followed, obviate the effect on the members of the alleged noncompliance. He may require such a statement as a condition of withdrawing a notice of noncompliance.

12538.3. The books and records of any health care service plan shall be open to inspection or examination of the Attorney General at all times during normal business hours.

12538.4. Upon registration, each health care service plan shall pay a registration fee of six cents ($0.06) for each individual or family unit covered as of the close of its last accounting year; except that the minimum registration fee shall be one hundred dollars ($100) as it is the legislative intent that this measure be self-supporting. Any prepaid drug plan entered into by the State Department of Social Welfare for recipients of public assistance shall not be subject to said registration fee.

12538.5. The Attorney General may adopt, amend, or repeal such rules and regulations as are necessary for the enforcement of the provisions of this act Such rules and regulations shall be adopted, amended, or repealed in accordance with the provisions of the Administrative Procedure Act.

12539 This article shall be known and may be cited as the Knox-Mills Plan Act.

SEC. 2. The legislative background relating to this act includes the reports to the Legislature of the Assembly Interim Committee on Finance and Insurance dated January, 1963 and January, 1965.

CHAPTER 881

An act to add Article 2.5 (commencing with Section 439.30) to Chapter 9, Division 3 of, and to amend Section 439.90 of, the Agricultural Code, relating to dogs.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Article 2.5 (commencing with Section 439.30) is added to Chapter 9, Division 3 of the Agricultural Code, to read:

Article 2.5. Optional Provisions

439.30. The provisions of this article shall apply, and the provisions of Sections 439.18 and 439.19 do not apply, in any area of a county which has been designated by the board of supervisors for such purpose and the board has adopted a resolution to that effect.

439.31. Any person may kill any dog found in the act of killing, wounding, or persistently pursuing, or, if the dog has no readily visible identification tag or license tag prescribed by Section 439, worrying livestock or poultry on land or premises not owned or possessed by the owner of the dog.

If the dog has on him any readily visible identification tag or license tag prescribed by Section 439, any person may kill such dog found in the act of worrying livestock or poultry on land or premises not owned or possessed by the owner of the dog only if the dog has, and the owner has been notified that the dog has, previously so worried livestock or poultry.

Any person may also kill any dog if he has such proof as conclusively shows that the dog has been recently engaged in killing or wounding livestock or poultry on land or premises not owned or possessed by the dog's owner.

No action, civil or criminal, shall be maintained for killing a dog as authorized by this section.

439.32. Any dog entering any enclosed or unenclosed property wherein livestock or poultry are confined may be seized by the owner or tenant of the property or any employee of the owner or tenant and no action, civil or criminal, shall be maintained therefor against such owner, tenant or employee.

SEC. 2. Section 439.90 of said code is amended to read:

439.90. The provisions of Sections 439.01, 439.02, 439.24, 439.25, 439.26, 439 31, 439.32, 439.40, 439.41, 439.42, and 439.43, when adopted by the board of supervisors of any

county, shall also apply throughout any city located in the county, whenever the governing body of the city by ordinance requests the application of the provisions within the confines of the city.

CHAPTER 882

An act to amend Sections 160 2 and 1071.2 of, and to add Article 4 (commencing with Section 160.98) to Chapter 1a, Division 2 of, the Agricultural Code, relating to pesticides.

[Approved by Governor July 6, 1965 Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 160.2 of the Agricultural Code is amended to read:

160.2. It is unlawful for any person to engage for hire in the business of pest control without first procuring from the director a license for each calendar year or portion thereof. Applications for such license shall be in the form prescribed by the director, and shall state the name and address of the applicant and the type of pest control in which he intends to engage. The application, except as hereinafter provided, shall be accompanied by a fee of fifty dollars ($50). Each applicant shall further satisfy the director of his character, qualifications, responsibility, and good faith in seeking to carry on the business of pest control.

The director shall thereupon issue to such applicant a license entitling the applicant to conduct the business described in the application for the calendar year for which the license is issued, unless the license is sooner revoked or suspended. Such license may be renewed annually upon application to the director, accompanied by the proper fee, on or before the first day of January of the calendar year for which the license is issued. To any fee not paid when due, there shall accrue and be added a penalty of five dollars ($5).

A person not regularly engaged in the business of pest control and operating only in the vicinity of his own property and for the accommodation of his neighbors shall not be required to procure a license, but shall obtain a permit from the director, register with the commissioner as provided in Section 160.3, and be subject to all other provisions of the chapter. The determination of the director that a person is engaged in the business of pest control beyond the vicinity of his own property or for the accommodation of others than his neighbors shall be final.

The director may refuse to grant a license or renewal of license and may revoke or suspend any license, as the case may require, when, after a hearing as herein provided, he is satisfied that the applicant or licensee is not qualified to perform

the type of pest control under the conditions and in the locality in which he intends to operate, or, that he has committed any of the following acts, each of which is declared to be a violation of this chapter:

(a) Making false or fraudulent claims, or misrepresenting the effects of materials or methods to be applied, or applying worthless or improper materials, or otherwise engaging in unfair practices;

(b) Operating in a faulty, careless or negligent manner;

(c) Refusing or neglecting to comply with the provisions of this chapter, or of rules and regulations issued hereunder, or of any lawful order of the commissioner;

(d) Refusing or neglecting to keep and maintain the records required by this chapter, or to make reports when and as required;

(e) Making false or fraudulent records or reports;

(f) Operating in any county without first having registered with the commissioner, as hereinafter provided;

(g) Operating equipment with incompetent or unqualified persons in charge thereof;

(h) Fraud or misrepresentation in making application for a license or for renewal of a license;

(i) Failure to comply with the provisions of Article 4 (commencing at Section 1080) of Chapter 7 of Division 5 of this code.

SEC. 2. Article 4 (commencing with Section 160.98) is added to Chapter 1a, Division 2 of said code, to read:

Article 4 Recommendations and Usage

160.98. It is unlawful for any person to make any recommendation regarding the agricultural use of an economic poison, other than the recommendations or directions on the label or in supplementary printed directions, either in connection with a sale of an economic poison or in connection with an advisory service for hire or for a fee, unless such recommendation regarding the use of the economic poison is given in writing to the customer The written recommendation shall be delivered not later than the time of delivery of the material to the customer, or the time of use by the customer. A copy of the written recommendation shall be retained on file by the party making the recommendation for a period of a year. No written recommendation shall be in conflict with the label or with supplementary printed directions delivered therewith unless authorized by the director or the commissioner.

160.99 Unless otherwise expressly authorized by the director or the agricultural commissioner, the use of a pesticide by any person in pest control operations shall be in such a manner as to prevent any substantial drift to other crops and shall not conflict with the manufacturer's registered label or with supplementary printed directions delivered therewith and any additional limitations applicable to local conditions con-

tained in the conditions of any permit or the written recommendations issued by the director or commissioner

Violations of this article constitute a misdemeanor.

SEC. 3. Section 1071.2 of said code is amended to read:

1071.2. Each applicant for a license shall also file a statement of the brands, trademarks, and kinds of economic poisons intended to be manufactured or sold, the correct name and percentage of each active ingredient and the total percentage of inert ingredients contained therein. The director, whenever he deems it necessary for the effective administration of this article, may require the submission of the complete formula for the economic poison. Supplemental applications for registration of additional economic poisons may be submitted at any time without payment of penalty required by Section 1071.1. A change in the name or percentage, or both, of an inert ingredient shall not be construed to be a change in composition of the economic poison requiring a new registration unless the change in inert material results in a change in the use or application of the economic poison.

CHAPTER 883

An act to add Section 24871.5 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 24871.5 is added to the Business and Professions Code, to read:

24871.5. A seller may assort and allow an authorized quantity discount to a consumer who purchases a case containing 2.4 gallons or more of wine consisting of containers of the same brand and size Such a discount shall be allowed only where a quantity sale is a single transaction and is accomplished in a single delivery.

CHAPTER 884

An act to amend Section 954 of the Agricultural Code, relating to cotton.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 954 of the Agricultural Code is amended to read:

954. This article does not apply to the planting, possessing for planting, growing, picking, harvesting or ginning of

cotton by the United States Department of Agriculture or by the department, nor to the transportation of cottonseed through such districts from a point without the district to a destination without the district. The department may plant, grow, harvest, or gin cotton within such districts and designate other persons or agencies to do so for experimental purposes under the direct supervision of the department.

CHAPTER 885

An act to amend Section 15458 of the Education Code, relating to state funds.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 15458 of the Education 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 is retitled the Architecture Public Building Fund, 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.

CHAPTER 886

An act to amend Section 16754 of the Government Code, relating to state general obligation bonds.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 16754 of the Government Code is amended to read:

16754. The bonds specified in the resolution shall be sold by the State Treasurer, at such time as may be fixed by him, and upon such notice as he may deem advisable, or at the time to which the sale shall have been so continued, at public sale, upon sealed bids, to the bidder whose bid will result in the

lowest net interest cost on account of such bonds, but the State Treasurer must reject any and all bids for the bonds which shall be below the par value thereof plus the interest which shall have accrued thereon from the date thereof (or, if any past due coupon or coupons have been detached from said bonds prior to the delivery thereof, then from the due date of the latest coupon so detached) to the date of the purchaser's payment for said bonds. The net interest cost under each bid shall be determined by ascertaining the total amount of interest which the state would be required to pay under that bid, from the date of the bonds to the respective maturity dates of the bonds then offered for sale, at the coupon rate or rates specified in such bid, less the total amount of the premium, if any, offered by such bid. The bid under which the amount so ascertained is the least shall be deemed to be the bid resulting in the lowest net interest cost. Such sale shall be for cash, payable upon the delivery of the bonds in definitive form, or if the right to deliver temporary securities has been reserved, then upon the delivery of such temporary securities.

CHAPTER 887

An act to add Section 1815.5 to the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 1815.5 is added to the Revenue and Taxation Code, to read:

1815.5. As used in this article, the phrase "locally assessable tangible property" means all tangible property required by Section 601 to be assessed by the county assessor, except baled cotton and tangible personal property which is classified by law for the purpose of assessment in a different proportion to its value than is applicable to real property.

CHAPTER 888

An act to add Section 18538.1 to the Government Code, relating to powers of the State Personnel Board.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 18538.1 is added to the Government Code, to read:

18538.1. The board may provide by rule the instances in which "month" or "calendar month" as used in this part shall be construed as calendar month, monthly pay period, or both.

CHAPTER 889

An act to add Section 72623 to the Government Code, relating to a central traffic index of violations.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 72623 is added to the Government Code, to read:

72623. By majority vote the judges of the municipal courts established in Los Angeles County may establish and maintain a central traffic index for the purpose of mutually preserving records and supplying information to the municipal courts regarding violations of law relating to the operation of motor vehicles occurring within their jurisdiction. Participation in the program of the central traffic index system shall be optional with each municipal court district within the county. For the purpose of implementing such program, the judges of the municipal courts participating shall, by rule or bylaw provide for the supervision and operation of such central traffic index, the cost of operation of which shall be a county charge. Clerks of the municipal courts participating in such program shall transmit such records as may be deemed necessary to the central traffic index.

The actions of participating courts prior to the effective date of this section which were taken in substantial compliance with the provisions of this section are as valid and effective as if taken pursuant to the provisions of this section.

CHAPTER 890

An act to amend Section 3380 of the Health and Safety Code, relating to vaccination.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 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 his first admission to

school in California 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

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CHAPTER 891

An act to add Sections 4150.5 and 5600.5 to the Vehicle Code, relating to registration and transfer of ownership of motor vehicles.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 4150.5 is added to the Vehicle Code, to read:

4150 5. Ownership of title to a vehicle subject to registration may be held by two (or more) coowners as provided in Section 682 of the Civil Code, except that:

(a) A vehicle may be registered in the names of two (or more) persons as coowners in the alternative by the use of the word "or." A vehicle so registered in the alternative shall be deemed to be held in joint tenancy. Each coowner shall be deemed to have granted to the other coowners the absolute right to dispose of the title and interest in the vehicle. Upon the death of a coowner the interest of the decedent shall pass

to the survivor as though title or interest in the vehicle was held in joint tenancy unless a contrary intention is set forth in writing upon the application for registration.

(b) A vehicle may be registered in the names of two (or more) persons as coowners in the alternative by the use of the word "or" and if declared in writing upon the application for registration by the applicants to be community property, or tenancy in common, shall grant to each coowner the absolute power to transfer the title or interest of the other coowners only during the lifetime of such coowners.

(c) A vehicle may be registered in the names of two (or more) persons as coowners in the conjunctive by the use of the word "and" and shall thereafter require the signature of each coowner or his personal representative to transfer title to the vehicle, except where title to the vehicle is set forth in joint tenancy, the signature of each coowner or his personal representative shall be required only during the lifetime of the coowners, and upon death of a coowner title shall pass to the surviving coowner.

(d) The department may adopt suitable abbreviations to appear upon the certificate of registration and certificate of ownership to designate the manner in which title to the vehicle is held if set forth by the coowners upon the application for registration.

SEC. 2. Section 5600.5 is added to said code, to read:

5600.5. Ownership of title to a vehicle subject to registration may be transferred to two (or more) coowners as transferee to be held provided in Section 682 of the Civil Code, except that:

(a) A vehicle may be registered in the names of two (or more) persons as coowners in the alternative by the use of the word "or." A vehicle so registered in the alternative shall be deemed to be held in joint tenancy. Each coowner shall be deemed to have granted to the other coowners the absolute right to dispose of the title and interest in the vehicle. Upon the death of a coowner the interest of the decedent shall pass to the survivor as though title or interest in the vehicle was held in joint tenancy unless a contrary intention is set forth in writing upon the request for transfer of registration.

(b) A vehicle may be registered in the names of two (or more) persons as coowners in the alternative by the use of the word "or" and if declared in writing upon the application for a transfer of registration by the applicants to be community property, or tenancy in common, shall grant to each coowner the absolute power to transfer the title or interest of the other coowners only during the lifetime of such coowners.

(c) A vehicle may be registered in the names of two (or more) persons as coowners in the conjunctive by the use of the word "and" and shall thereafter require the signature of each coowner or his personal representative to transfer title to the vehicle, except where title to the vehicle is set forth in joint tenancy, the signature of each coowner or his personal repre-

sentative shall be required only during the lifetime of the coowners, and upon death of a coowner title shall pass to the surviving coowner.

(d) The department may adopt suitable abbreviations to appear upon the certificate of registration and certificate of ownership to designate the manner in which the interest in or title to the vehicle is held if set forth by the coowners upon the application for transfer of registration.

CHAPTER 892

An act to amend Section 2192 of the Business and Professions Code, relating to the practice of medicine.

[Approved by Governor July 6, 1965 Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 2192 of the Business and Professions Code is amended to read:

2192. Each applicant shall show by evidence satisfactory to the board that he has successfully completed a medical curriculum extending over a period of at least four academic years in a school or schools located in the United States or Canada, approved by the board, and total number of hours of all courses shall consist of a minimum of 4,000 hours. The curriculum shall provide for adequate instruction in the following:

Anatomy
Embryology
Histology
Neuroanatomy

Physiology

Psychobiology

Biochemistry

Pathology, Bacteriology and Immunology

Pharmacology

Preventive Medicine
Hygiene and Sanitation

Medicine
Pediatrics
Psychiatry
Neurology
Dermatology
Physical Medicine
Therapeutics
Tropical Medicine

Surgery, including
Orthopedic Surgery
Urology
Ophthalmology
Radiology
Anesthesia
Otolaryngology
Obstetrics and Gynecology

Before a physician's and surgeon's license may be issued each applicant must show by evidence satisfactory to the board that he has completed a year's service satisfactory to the board in a hospital approved by the board for the training

of interns. At the discretion of the board the written examination provided for in Section 2288 may be taken following completion of his medical course and prior to the granting of a degree by the school; provided, that a certificate shall not be issued to any applicant until satisfactory evidence is filed with the board that a degree has been issued to him by the school.

CHAPTER 893

An act to add Section 31116 to the Government Code, relating to county civil service systems.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965]

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

SECTION 1. Section 31116 is added to the Government Code, to read:

31116. For the purpose of facilitating the recruitment of professional and technically trained persons to fill positions for which there is a shortage of qualified applicants, a county may expend county funds to pay reasonable travel expenses of applicants for county or judicial district employment in traveling, from any point within the continental United States, to and from the place or places at which the applicants are to be examined or interviewed. Such payments shall be authorized only upon a determination by the board of supervisors that the expenditure is necessary to recruit qualified persons needed by the county or judicial district.

CHAPTER 894

An act to amend Sections 861.1 and 862 of the Code of Civil Procedure, relating to validating proceedings.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965]

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

SECTION 1. Section 861.1 of the Code of Civil Procedure is amended to read:

861.1. The summons shall be directed to "all persons interested in the matter of [specifying said matter]," shall contain a notice to all persons interested in said matter to appear and answer the complaint not later than the date specified in the summons, which date shall be 10 or more days after the completion of publication of said summons. Except as otherwise specified in this section such summons shall be in the form prescribed in Section 407 of this code.

SEC. 2. Section 862 of said code is amended to read:

862. Jurisdiction shall be complete after the date specified in the summons. Any party interested may, not later than the date specified in the summons, appear and contest the legality or validity of the matter sought to be determined.

CHAPTER 895

An act to amend Sections 7604, 7700, 9958 and 9959 of, and to add Sections 9310.5 and 10013 to, the Education Code, relating to educational courses and materials.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 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.

The study of the role and contributions of American Negroes and other ethnic groups in the history of this country and this state shall be an integrated part of the required courses in the history of the United States and California.

SEC. 2. Section 7700 of said code is amended to read:

7700. The course of study for grades 7 and 8 of each elementary school, and for each junior high school, high school, or grades 11 and 12 of a four-year junior college shall be prepared under the direction of the governing board having control thereof and shall be subject to the approval of the State Board of Education. The course of study shall meet the requirements of this section. In addition, the course of study for grades 7 and 8 of a junior high school shall meet the requirements for instruction in a foreign language or languages prescribed by Section 7604 for grades 7 and 8 of an elementary school. In addition to courses otherwise required by law, the course of study shall require of all pupils in grades 7 to 12, inclusive:

(a) Five years of instruction in the use of English, designed to teach the student to read rapidly and perceptively, to write clearly and correctly, and to present ideas orally. Such instruction shall include the principles of grammar and punctuation as instruments of reading and writing. Also a core of reading designed to familiarize the student with the variety of literary forms and to improve his reading ability shall be taught.

(b) Five years of history commencing with grade 7, to include all of the following:

(1) Twenty semester periods of American history emphasizing American institutions and ideals, and California history.

(2) Twenty semester periods of world history, the history of Western civilization, and world geography.

(3) Ten semester periods of American government emphasizing principles of the Constitution and the Declaration of Independence, and the principles of state and local government under the Constitution of this state.

For purposes of the history requirements prescribed by subdivision (b), in the case of schools which are not operated on the basis of semester periods, the time devoted to the respective courses shall be, as nearly as practicable, the equivalent of the required time as measured in terms of semester periods, and the State Board of Education shall, by regulation, prescribe the manner in which time during the school year shall be allocated for such purposes in those schools.

The courses in history prescribed by subdivision (b) shall include a study of the role and contributions of American Negroes and other ethnic groups in the history of this country and this state.

SEC. 3. Section 9310.5 is added to said code, to read:

9310.5. When adopting the textbook and teachers' manuals for use in elementary schools for the teaching of courses in civics and the history of the United States and California,

the State Board of Education shall include only such textbooks which conform with the required courses and correctly portray the role and contribution of the American Negro and members of other ethnic groups in the total development of the United States and of the State of California.

SEC. 4. Section 9958 of said code is amended to read:

9958. The bond shall further provide that the publisher will pay the costs in a sum not to exceed five hundred dollars ($500) of any investigation of the merits of any textbook offered and sold by him for use as a textbook in any public high school in the state if a commission of impartial experts finds, after public hearing, that such textbook contained sectarian or denominational doctrine contrary to law, or propaganda injurious, in the judgment of the commission, to the schools, or material that does not correctly portray the role and contribution of the American Negro and members of other ethnic groups in the total development of the United States and of the State of California.

SEC. 5. Section 9959 of said code is amended to read:

9959. When, in the judgment of the State Board of Education, there exists sufficient evidence that a textbook offered and sold by a publisher for use as a textbook in any public high school in the state contains sectarian or denominational doctrine contrary to law or contains propaganda injurious to the welfare of the public schools, the board shall cause the book to be investigated by a committee of impartial experts. The committee shall be constituted and shall conduct its investigation under such rules and regulations as may be prescribed by the State Board of Education. If, in the opinion of the committee, the textbook does contain sectarian or denominational doctrine contrary to law or does contain propaganda injurious to the welfare of the public schools, or does not correctly portray the role and contribution of the American Negro and members of other ethnic groups in the total development of the United States and of the State of California, the Board of Education may order that the publisher shall cease to offer and sell such textbook for use as a textbook in any public high school in the state If the State Board of Education shall make such an order, it shall be illegal for any district to purchase copies of such textbook for use as a textbook in any high school or to continue the use of the book as a textbook beyond the close of the current school year.

SEC. 6. Section 10013 is added to said code, to read:

10013. When adopting the textbooks and teachers' manuals for use in high schools for teaching of the required courses in civics and the history of the United States and California, the governing board of each high school district shall include only such textbooks which conform with the required courses and correctly portray the role and contributions of the American Negro and members of other ethnic groups in the total development of the United States and of the State of California.

CHAPTER 896

An act to amend Sections 20016, 20017, 20019 and 20027 of, and to add Sections 20572, 30067 and 34054 to, the Water Code, relating to the Districts Securities Commission.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 20016 of the Water Code is amended to read:

20016. The commission consists of the following seven members:

(a) The Attorney General.

(b) The Director of Water Resources.

(c) The Superintendent of Banks.

(d) The State Treasurer.

(e) Three other members appointed by the Governor, subject to confirmation by the Senate.

SEC. 2. Section 20017 of said code is amended to read:

20017. One member appointed to the commission by the Governor shall at the time of his appointment have had at least five years actual experience as an officer, attorney, engineer, or employee in the affairs of a district in this state that is supplying water for domestic use. The other two members of the commission appointed by the Governor shall, at the time of their appointment, have had at least five years actual experience as an officer, attorney, engineer, or employee in the affairs of an irrigation district of this state.

SEC. 3. Section 20019 of the Water Code is amended to read:

20019. The members of the commission appointed by the Governor shall be entitled to receive as compensation fifty dollars ($50) for each day while on official business of the commission not to exceed a maximum of one thousand dollars ($1,000) in each calendar year. In addition to such compensation all members shall be entitled to receive their actual necessary expenses while on official business of the commission.

SEC. 4. Section 20027 of said code is amended to read:

20027. The commission shall periodically establish a fee schedule which shall result in the collection of amounts sufficient to cover the estimated costs incurred by the commission in performing its functions pursuant to this chapter and Divisions 11, 12, and 13 of this code. The commission may adjust the fees as to any particular district to meet special circumstances in relation to that district. The commission shall charge and collect fees from districts and other local agencies for whom services are performed in accordance with the schedule. All funds collected by the commission shall be deposited in the General Fund. All funds for the support of the commission shall come from the General Fund.

The benefit of any services performed and any data obtained by any member of the commission or any other public official in pursuance of the requirements of any law other than this chapter shall be available for the use of the commission without charge to the district whose affairs are under investigation.

SEC. 5. Section 20572 is added to said code, to read:

20572. Fees payable to the California Districts Securities Commission pursuant to this division shall be those established by the commission pursuant to Section 20027 of this code.

SEC. 6. Section 30067 is added to said code, to read:

30067. Fees payable to the California Districts Securities Commission pursuant to this division shall be those established by the commission pursuant to Section 20027 of this code.

SEC. 7. Section 34054 is added to said code, to read:

34054. Fees payable to the California Districts Securities Commission pursuant to this division shall be those established by the commission pursuant to Section 20027 of this code

SEC. 8. 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 Assembly Interim Committee Reports to the 1965 Legislature.

CHAPTER 897

An act to add Chapter 2.5 (commencing with Section 58750) to Division 1 of Title 6 of the Government Code, and to amend Section 20027 of the Water Code, relating to district securities.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Chapter 2.5 (commencing with Section 58750) is added to Division 1 of Title 6 of the Government Code, to read:

CHAPTER 2.5. DISTRICT SECURITIES INVESTIGATION

58750. This chapter may be cited as the District Securities Investigation Law of 1965.

58751. As used in this chapter, unless the context requires otherwise:

"Assessed value" means, in the case of (i) a district, the total assessed value of real property within the entire territory of the district, and (ii) a subdistrict, the total assessed value of real property within such subdistrict. Such assessed value shall be determined from the last equalized assessment roll or rolls of the county or counties within which any such district or subdistrict is located. If the boundaries of any district or

subdistrict do not conform to the property lines shown on such roll or rolls, the county assessor shall furnish the district or the commission with estimated assessed values as may be necessary to comply with this chapter.

"Bonds" means (i) any "security", as defined in subdivisions (a) to (d), inclusive, of Section 8102 of the Commercial Code, that has been or is proposed to be issued by a district or any officer thereof, the principal and interest of which is payable, in whole or in part, from any taxes or ad valorem assessments upon real or personal property, or both, and, (ii) in addition, any bonds issued or proposed to be issued under the Improvement Bond Act of 1915 (commencing at Section 8500, Streets and Highways Code). "Bonds" does not include:

(a) Any bonds, the entire principal of which is payable within a period of less than five years from the date of issuance thereof, except where any such bonds shall be a part of a larger issue or series of bonds some of which are payable after said five-year period;

(b) Any bonds, payable to or to be purchased or held by the state, the United States of America, or any city, city and county, county or district, or any agency, department or officer thereof; or

(c) Any bonds, issued under any special assessment act or law where the sole remedy of the bondholder is the enforcement of a specific lien on a specific parcel of land.

"Commission" means the California Districts Securities Commission.

"District" means any agency of the state, formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries. "District" shall not include the state, any city, city and county, county, school district, any district the majority of members of whose governing body is composed of members of boards of supervisors or city councils, or any combination of either, or is composed of members the majority of which are appointed by boards of supervisors or city councils, or any district which proposes to issue bonds pursuant to any law requiring the approval of or an investigation and report by the commission prior to the issuance of such bonds.

"District bonds" means (i) any bonds issued or proposed to be issued by the district which are payable, in whole or in part, from taxes or ad valorem assessments to be levied upon real or personal property, or both, within the entire territory of the district, and (ii) any bonds issued or proposed to be issued by the district under the Improvement Bond Act of 1915 in a proceeding where the entire territory of the district comprises the special assessment district

"Investigation, report, and approval" means the making of an investigation and report and the approval of bonds for certification, in the manner and as provided in Division 10 (commencing with Section 20000) of the Water Code.

"Issue" or "issuance" means any award or contract which obligates the district, or any of its officers, to execute and deliver bonds to any purchaser or other person entitled thereto.

"Outstanding district indebtedness" means the unpaid principal amount of all issued and outstanding (i) district bonds and (ii) subdistrict bonds issued under the Improvement Bond Act of 1915.

"Subdistrict" means any lands, consisting of less than the entire territory of a district, which have been or are proposed to be formed by the district into a special assessment district or any improvement district, zone or area within the district

"Subdistrict bonds" means (i) any bonds issued or proposed to be issued by the district which are payable, in whole or in part, from taxes or ad valorem assessments to be levied upon real or personal property, or both, within the territory of a subdistrict, and (ii) any bonds issued or proposed to be issued by the district under the Improvement Bond Act of 1915 in a proceeding where less than the entire territory of the district comprises the special assessment district.

58752. The issuance of any proposed district bonds shall be subject to prior investigation, report, and approval by the commission whenever all of the following conditions are present:

(a) There are less than 500 registered voters residing within the district; and

(b) The amount of the outstanding district indebtedness plus the principal amount of the proposed district bonds shall exceed 200 percent of assessed value of the real property within the district; and

(c) The number of registered voters within the district shall represent a ratio of less than one registered voter for each two acres of the territory within said district.

Whenever all of the foregoing conditions exist, no district bonds shall be issued until after investigation, report, and approval by the commission.

58753. The issuance of any proposed subdistrict bonds shall be subject to prior investigation, report, and approval by the commission whenever all of the following conditions are present:

(a) There are less than 500 registered voters residing within the entire district; and

(b) The sum of the following amounts shall exceed 200 percent of the assessed value of real property within the subdistrict:

(1) An amount equal to the subdistrict's share of any outstanding district indebtedness, such share being in the proportion that the assessed value of real property within the territory of such subdistrict bears to the assessed value of real property within the entire territory of the district;

(2) An amount equal to the unpaid principal amount of all subdistrict bonds theretofore issued for said subdistrict;

(3) The principal amount of the proposed bonds; and

(c) The number of registered voters within the subdistrict shall represent a ratio of less than one registered voter for each two acres of territory within said subdistrict.

Whenever all of the foregoing conditions exist, no subdistrict bonds shall be issued until after investigation, report, and approval by the commission.

If the proposed subdistrict bonds are to be issued under the Improvement Bond Act of 1915 and there is any outstanding district indebtedness represented by bonds theretofore issued under said act in a proceeding where the prior special assessment district is coterminous with the present subdistrict, the amount of any such outstanding district indebtedness shall be excluded from clause (1) of subdivision (b) above, and included in clause (2) of said subdivision (b).

58754. If any bonds proposed to be issued under the Improvement Bond Act of 1915 will, upon their issuance, be eligible for investment of funds in the Retirement Fund, under and pursuant to the provisions of the State Employees' Retirement Law, such bonds shall not be subject to prior investigation, report, and approval by the commission.

58755. If the board of directors of a district determines that the proposed issuance of any district or subdistrict bonds is subject to prior investigation, report, and approval by the commission, application and proceedings for such investigation, report, and approval shall be made and taken, as provided in Section 58758.

58756. If the board of directors of a district determines that the issuance of any district or subdistrict bonds is not subject to prior investigation, report, and approval, said board shall adopt a resolution so determining. Said resolution shall contain all such data and information concerning the matters referred to in Sections 58752 to 58754, inclusive, as may be necessary to ascertain the applicability of said sections. A certified copy of such resolution shall be filed with the commission at least 14 days prior to the proposed date, if any, for the issuance of all or any part of any such bonds.

58757. Within 10 days after the date of filing of the resolution provided for by Section 58756, the executive secretary of the commission shall give written or telegraphic notice to the clerk or secretary of the district or the governing body thereof stating either (i) that the proposed bonds referred to in said resolution do not appear to be subject to prior investigation, report, and approval by the commission or (ii) that there are reasonable grounds to believe that some or all of the determinations made in said resolution may be substantially in error or that there has been a change of circumstances which may substantially affect any such determinations and that the commission will hold a hearing to review such determinations, specifying the time and place of such hearing. Said hearing shall be held not earlier than 7 nor later than 35 days after the date of giving such notice unless the district shall consent to an earlier or later time for such hearing. After

receipt of any notice providing for any such hearing and review the legislative body shall not issue all or any part of the proposed bonds until (i) the commission has found that such determinations are substantially correct or have not been substantially affected by a change of circumstances, or (ii) the commission has investigated, reported, and approved the issuance of such proposed bonds. The hearing shall be concluded upon the date specified in the notice unless the district shall consent to a continuance of the hearing. At the conclusion of the hearing and any continuance thereof, the commission shall determine whether the issuance of the proposed bonds is subject to investigation, report, and approval by the commission, as provided in Section 58758, and shall immediately notify the district of such determination. The district shall be entitled to appear and be heard at any such hearings.

58758. Unless it shall be determined that the proposed issuance of bonds is not subject to investigation, report, and approval by the commission, no district shall issue any bonds until the commission shall have made an investigation, report, and approval thereon. All such investigations, reports, and approvals shall be made under and pursuant to Division 10 (commencing at Section 20000) of the Water Code. The provisions of Section 20004 of the Water Code shall apply to all investigations, reports, and approvals. The commission shall complete its investigation, report, and approval within 60 days after the date of filing with it of a resolution of application of a district for such investigation, report, and approval, unless the applicant-district gives written consent to an extension of time.

58759. If the bonds of any district shall be certified pursuant to Division 10 (commencing at Section 20000) of the Water Code, the provisions of said Division 10 shall continue to apply to such district (i) so long as any such bonds shall be outstanding, or (ii) until the legislative body of said district determines by resolution that said district is no longer subject to the jurisdiction of said commission, whichever may be earlier. Any such resolution and the determinations made therein shall be made and filed and be subject to review in accordance with Sections 58752, 58753, 58754, 58756 and 58757, except that the determinations shall be based upon the outstanding indebtedness, assessed value, population and areas within the district or the subdistrict, as the case may be, as the same exist on the date of adoption of said resolution.

58760. Failure of the board of directors of a district or of the commission to comply with the provisions of this chapter shall not invalidate any bonds issued by a district; provided, that if any bonds so issued shall be a part of a larger issue or series of bonds, no authorized but unissued portion of said bonds shall thereafter be issued except upon compliance with the provisions of this chapter.

58761. The intentional failure or refusal by any member of the board of directors of a district or any member of the

commission to comply with the provisions of this chapter shall constitute willful or corrupt misconduct in office and such member may be removed from office in the manner provided by Article 3 (commencing at Section 3060) of Chapter 7, Division 4, Title 1.

SEC. 2. Section 20027 of the Water Code is amended to read:

20027. The commission shall periodically establish a fee schedule which shall result in the collection of amounts sufficient to cover the estimated costs incurred by the commission in performing its functions pursuant to this chapter and Divisions 11, 12, and 13 of this code. The commission may adjust the fees as to any particular district to meet special circumstances in relation to that district. The commission shall charge and collect fees from districts and other local agencies for whom services are performed in accordance with the schedule. All funds collected by the commission shall be deposited in the General Fund. All funds for the support of the commission shall come from the General Fund.

The benefit of any services performed and any data obtained by any member of the commission or any other public official in pursuance of the requirements of any law other than this chapter shall be available for the use of the commission without charge to the district whose affairs are under investigation.

SEC. 3. 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 Assembly Interim Committee Reports to the 1965 Legislature.

SEC. 4. The issuance of any bonds of any district issued, or to be issued, to finance any project which has obtained the approval of a city or county prior to the effective date of this act and on which project construction has commenced prior to such date is not subject to this act and such a district is not subject to this act in relation to the issuing of such bonds.

CHAPTER 898

An act to add Sections 7512 and 7513 to the Education Code, relating to granting of credit to foreign language courses taken in private schools.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 7512 is added to the Education Code, to read:

7512. The provisions of Section 7511 giving credit for foreign language courses given in private schools and subpara-

graph 5 of Section 7604, for exclusion or exemption, shall apply to courses in the following languages: Chinese, French, German, Greek (classical and modern), Hebrew (classical and modern), Italian, Japanese, Jewish, Latin, Spanish, and Russian, and such other languages as the State Board of Education shall designate.

SEC. 2. Section 7513 is added to said code, to read:

7513. Instructors in foreign language courses meeting the requirements necessary for credit under Section 7511 or subparagraph (5) of subdivision (e) of Section 7604, for exclusion or exemption, need not be regularly credentialed teachers.

CHAPTER 899

An act to add Section 8560.1 to the Health and Safety Code, relating to cemetery land.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 8560.1 is added to the Health and Safety Code, to read:

8560.1. A county may, however, without obtaining the consent of the cemetery authority or any of the owners of interment plots, take any land dedicated to cemetery purposes, or any interest in such land, pursuant to its power of eminent domain, which is necessary to provide access to any land adjoining the cemetery, if there is no publicly owned way of access to such land and the landowner does not have any right of access to such land across any other privately owned property.

This section shall not be operative on and after September 18, 1966.

CHAPTER 900

An act to amend Section 18102 of the Government Code, relating to supplementing of temporary disability pay for state employees.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 18102 of the Government Code is amended to read:

18102. A state officer or employee who is or may be entitled to temporary disability indemnity under Division 4 or Division 4.5 of the Labor Code shall receive any accumulated sick leave,

or accumulated compensable overtime, or accumulated vacation for such absence. The appointing power shall decrease the charge of sick leave, or compensable overtime, or vacation in the amount of temporary disability payment received so that the state officer or employee shall not receive payment in excess of full salary or wage.

If a state officer or employee does not wish to use his accumulated sick leave, or accumulated compensable overtime, or accumulated vacation, he shall notify his appointing power within 15 days after the injury is reported to the appointing power. After the 15 days his accumulations shall be used until the date he notifies the appointing power in writing that he no longer wishes to use the accumulations. When computing sick leave, or overtime, or vacation under this section the employee shall be given credit for any holidays that occur during the period of absence hereunder.

He is nevertheless entitled to medical, surgical, and hospital treatment as provided in the Labor Code. When his accumulated sick leave, or overtime, or vacation, or all, are exhausted, he is still entitled to receive disability indemnity.

CHAPTER 901

An act to amend Section 19258 of the Government Code, relating to reimbursement of state employee expenses.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 19258 of the Government Code is amended to read:

19258. The department in which an employee is employed may pay the cost of replacing or repairing eyeglasses, hearing aids, dentures, watches, or articles of clothing necessarily worn or carried when damaged in the line of duty without fault of the employee. If the eyeglasses, hearing aids, dentures, watches or clothes are damaged beyond repair, the department may pay the actual value of such eyeglasses, hearing aids, dentures, watches or clothing. The value of such eyeglasses, hearing aids, dentures, watches or clothing shall be determined as of the time of the damage thereto.

CHAPTER 902

An act to amend Section 17507 of, and to add Section 1111.4 to, the Education Code, relating to the public school system.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 17507 of the Education Code is amended to read:

17507. The Superintendent of Public Instruction, in computing apportionments and allowances from the State School Fund for the Second Principal Apportionment, shall determine the following for the regular day classes of the elementary schools maintained by each school district:

(a) For grades one to three, inclusive, he shall determine the number of classes, the number of pupils enrolled in each class, the total enrollment in all such classes, the average number of pupils enrolled per class, and the total of the numbers of pupils which are in excess of thirty-three (33) in each class having an enrollment of thirty-three (33) or more.

(b) For grades four to eight, inclusive, he shall determine the total number of pupils enrolled, the number of full-time equivalent classroom teachers, and the average number of pupils per each full-time equivalent classroom teacher. He shall also determine the excess, if any, of pupils enrolled in such grades in the following manner:

(1) Determine the number of pupils by which the average number of pupils per each full-time equivalent classroom teacher for the current fiscal year exceeds the greater of the average number of pupils per each full-time equivalent classroom teacher in all the appropriate districts of the state, as determined by the Superintendent of Public Instruction, for October 30, 1964, or the average number of pupils per each full-time equivalent classroom teacher which existed in the district on October 30, 1964.

(2) Multiply the number determined in (1) above by the number of full-time equivalent classroom teachers of the current fiscal year.

(3) Reduce the number determined in (2) above by the remainder which results from dividing such number by the average number of pupils per each full-time equivalent teacher for October 30, 1964, as determined by the Superintendent of Public Instruction in (1) above.

(c) He shall compute the product obtained by multiplying the excess number of pupils, if any, under the provisions of subsection (a) of this section by ninety-seven hundredths (0.97).

(d) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty-three (33) per class pur-

suant to subdivision (a) of this section, and there is no excess number of pupils computed pursuant to subdivision (b) of this section, he shall decrease the average daily attendance reported under the provisions of Section 17601.1 by one-half of the product determined under subdivision (c) of this section.

(e) If the school district reports that it has maintained, during the current fiscal year, no classes in which there were enrolled pupils in excess of thirty-three (33) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97). He shall decrease the average daily attendance reported under the provisions of Section 17601.1 by one-half of the resulting product.

(f) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty-three (33) per class determined pursuant to subdivision (a) of this section, and there is an excess number of pupils computed pursuant to subdivision (b) of this section, he shall make the following computation:

He shall compute the product obtained by multiplying the excess number of pupils computed pursuant to subdivision (b) of this section by ninety-seven hundredths (0.97). He shall add to one-half of this product, one-half of the product determined under subdivision (c) of this section and decrease the average daily attendance reported under the provisions of Section 17601.1 by this total amount.

(g) If the school district reports that it has maintained, during the current fiscal year, any classes in which there were enrolled pupils in excess of thirty-three (33) per class determined pursuant to subdivision (a) of this section, there is an excess number of pupils computed pursuant to subdivision (b) of this section, and the average number of pupils enrolled in each class determined pursuant to subdivision (a) of this section is less than thirty (30), he shall decrease the average daily attendance reported under the provisions of Section 17601.1 by one-half of the decrease otherwise computed for the district pursuant to subdivision (f) of this section.

The governing board of each school district maintaining elementary schools shall report for the fiscal year 1964–65 and each year thereafter the information required for the determinations to be made by the Superintendent of Public Instruction under the provisions of this section in accordance with instructions provided on forms furnished and prescribed by the Superintendent of Public Instruction. Such information shall be reported by the school district together with, and at the same time as, the reports required to be filed for the Second Principal Apportionment of the State School Fund.

The forms on which the data and information is reported shall include a certification by each school district superintendent or chief administrative officer that the data is correct and accurate for the period covered, according to his best information and belief.

For purposes of this section, a "full-time equivalent classroom teacher" means an employee of an elementary, high school, or unified school district, employed in a position requiring certification qualifications and whose duties require him to teach pupils in the elementary schools of that district in regular day classes for the full time for which he is employed during the regular schoolday. In reporting the total number of full-time equivalent classroom teachers, there shall be included, in addition to those employees defined above, the full-time equivalent of all fractional time for which employees in positions requiring certification qualifications are required to devote to teaching pupils in the elementary schools of the district in regular day classes during the regular schoolday.

For purposes of this section, the number of pupils enrolled in each class means the average of the active enrollment in that class on the last teaching day of each school month which ends prior to April 15th of each school year.

Whenever the number thirty-three (33) is required to be used in any part of this section, relating to grades one to three, inclusive, of a school district for the fiscal year 1965–66, the following numbers shall be substituted during succeeding years: thirty-two (32) for the fiscal year 1966–67; thirty-one (31) for the fiscal year 1967–68, thirty (30) for the fiscal year 1968–69 and each year thereafter.

The provisions of this section are not applicable to school districts with less than 101 units of average daily attendance for the current fiscal year

Although no decreases in average daily attendance shall be made for the fiscal year 1964–65, reports are required to be filed under the provisions of this section, and the Superintendent of Public Instruction shall notify each school district the amount of the decrease in state allowances which would have been effected had such decrease in average daily attendance been applied.

The Superintendent of Public Instruction shall adopt rules and regulations which he may deem necessary for the effective administration of this section Such rules and regulations may specify that no decrease in average daily attendance reported under the provisions of Section 17601.1 shall be made for a school district on account of large classes due to instructional television or team teaching, which may necessarily involve class sizes at periods during the day larger than the standard set forth in this section

SEC 2. Section 1111 4 is added to said code, to read:

1111.4 Notwithstanding the provisions of Sections 1105 and 1111 to the contrary, when the first elected board of any newly formed district is elected on the same date that the

election is held for adopting the proposal for the formation of the new district and when the terms of several members of the first governing board would expire prior to the date on which the district becomes effective for all purposes, no election shall be held in April of that odd-numbered year, but the several members whose terms expire shall serve until June 30 of the next succeeding even-numbered year. A governing board election shall be held, on the third Tuesday in April of that even-numbered year to fill the offices of such members whose terms expire on June 30 next succeeding the election. The terms of office of the members so elected shall expire on June 30 of the second succeeding odd-numbered year. Their successors shall be elected pursuant to Section 1111.

CHAPTER 903

An act to amend Sections 73642, 73643, 73643.1 and 73648 of the Government Code, relating to municipal courts.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 73642 of the Government Code is amended to read:

73642. There shall be one clerk who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule 40.5 of the salary schedule provided in Section 74343.1. In no event shall the salary of the clerk be less than ten (10) schedule ranges higher than that specified for the position of clerk IV.

SEC. 2. Section 73643 of said code is amended to read:

73643. The clerk may appoint with the approval of the judges:

(a) Three deputy clerks IV each of whom shall receive a monthly salary at a rate specified in Schedule No. 30.5.

(b) Thirteen deputy clerks III, each of whom shall receive a monthly salary at a rate specified in Schedule No. 26.

(c) Three deputy clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule No. 23.

(d) Three deputy clerks I, each of whom shall receive a monthly salary at a rate specified in Schedule No. 19. Appointments to this position 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, and the provisions of subdivisions (a), (b), (c), and (d) of that section are applicable to the attachés appointed pursuant to this section.

SEC. 3. Section 73643.1 of said code is amended to read:

73643.1. In the event that there is an increase in the number of judges the clerk of the court may appoint one deputy clerk IV, one deputy clerk III, one deputy clerk II, and one deputy clerk I, for each additional judgeship created. Such additional deputy clerks shall receive the monthly salaries specified for their respective classifications by Section 73643 of this code. Appointment to deputy clerk I shall be at step B of the schedule.

SEC. 4. Section 73648 of said code is amended to read:

73648. (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 904

An act to amend Section 11270 of the Government Code, relating to interagency services.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 11270 of the Government Code is amended to read:

11270. As used in this article "administrative costs" means the amounts expended by the Legislature, Controller, Treasurer, the State Personnel Board, the Secretary of State, the Department of General Services, the State Board of Control, and the State Department of Finance, and a proration of any other cost to or expense of the state for services or facilities provided for the Legislature and the above agencies, for supervision or administration of the state government or for services to the various state agencies, other than those for which the Department of General Services may charge and collect pursuant to Article 3.

CHAPTER 905

An act to add Section 13914 to the Government Code, relating to the Board of Control.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965]

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

SECTION 1. Section 13914 is added to the Government Code, to read:

13914. The board shall report to the Legislature at the commencement of each regular session, with respect to the following categories of claims, a description of each claim, the contention of each claimant, and the opinion and recommendation of the agency whose act or omission is alleged to have given rise to the claim.

(1) All claims presented to it pursuant to Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3 of Division 3.6 of Title 1 of this code which, during the preceding fiscal year, the board has allowed,

pursuant to Section 965, on the ground that a sufficient appropriation therefor exists;

(2) All claims presented to the board pursuant to said Chapters 1 and 2 and which the board has during the preceding fiscal year rejected; and

(3) All claims paid by any state agency pursuant to Section 935.6 during the preceding fiscal year.

CHAPTER 906

An act to amend Section 15831 of the Education Code, relating to school security patrols.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 15831 of the Education Code is amended to read:

15831. The governing board of any school district may establish a security patrol and employ, in accordance with the provisions of Chapter 3 (commencing with Section 13580) of Division 10 such personnel as may be necessary to ensure the security of the real and personal property of the school district and to cooperate with local law enforcement agencies in all matters involving the security of the property of the school district. It is the intention of this provision that a school district security patrol shall be supplementary to city and county law enforcement agencies and shall under no circumstances be vested with general police powers.

CHAPTER 907

An act to amend Section 53210 of the Government Code, relating to insurance for volunteer workers.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 53210 of the Government Code is amended to read:

53210. The legislative body of a county may authorize payment from funds under its jurisdiction of all or such portion as it may elect of the premiums or other charges for hospital, medical, surgical, disability, death benefits, or related benefits whether provided on an insurance or a service basis for persons who on a voluntary basis and without compensation per-

form services on behalf of any county department or district of which the board of supervisors is the governing body.

Any dividends paid, premiums refunded or other rebates or refunds received under insurance or other benefits provided pursuant to this section shall be the property of the county.

CHAPTER 908

An act to amend Section 1603 of the Elections Code, relating to precinct board members.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 1603 of the Elections Code is amended to read:

1603 In precincts in which voting machines are not used the precinct board consists of one inspector, one judge, and two clerks:

(a) In any precinct at a statewide election in which the total registration does not exceed 100 voters.

(b) At any special election for selection of a board of freeholders.

(c) At any special election at which measures, not exceeding four in number, including proposals for issuance of bonds, for annexation of territory and adoption or amendment of a charter are presented to the voters

(d) At any special election where other provision is not made by law.

(e) At any election where the ballots are to be manually counted at a central place, instead of at the precincts.

(f) At every local or consolidated election not held exclusively within one or more cities.

(g) At any municipal election held under the provision of a freeholders' charter, where the charter does not otherwise provide and where a majority of the election board so determine.

(h) At every municipal election held in a general law city.

CHAPTER 909

An act to amend Section 68084 of the Government Code, relating to marshals and constables.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 68084 of the Government Code is amended to read:

68084. When any money is deposited with the clerk or judge of any court pursuant to any action or proceeding in the court, or pursuant to any order, decree, or judgment of the court, or when any money is to be paid to the treasurer pursuant to any provision of this title or the Code of Civil Procedure, such money shall be deposited as soon as practicable after the receipt thereof with such treasurer and a duplicate receipt of the treasurer for it shall be filed with the auditor. The certificate of the auditor that a duplicate receipt has been filed is necessary before the clerk, judge, or party required to deposit the money is entitled to a discharge of the obligation imposed upon him to make the deposit.

When any money so deposited is to be withdrawn or paid out, the order directing the payment or withdrawal shall require the auditor to draw his warrant for it and the treasurer to pay it. In any city governed by a charter, such withdrawals shall be made pursuant to the charter.

Notwithstanding any other provision of law, any municipal court or justice court, or marshal or constable of such court, may elect, with prior approval of the county auditor, to deposit in a bank account pursuant to Section 53679 of the Government Code all moneys deposited with such court, or with the clerk thereof, or received by a marshal or constable. All moneys received and disbursed through such bank account shall be properly accounted for under such procedures as the State Controller may deem necessary, and shall be subject to periodic settlement with the county auditor as required by law.

CHAPTER 910

An act to amend Section 3257.6 of, and to add Sections 25457.6 and 25457.7 to, the Education Code, relating to junior colleges.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 3257.6 of the Education Code is amended to read:

3257.6. The plans and recommendations for the formation of a new junior college district formulated by the county committee may include recommendations to authorize the issuance of bonds by the new district in an amount determined by the augmented county committee, all or a part of which may be used for purposes designated by the augmented committee but not in conflict with Article 1 (commencing at Section 21701) of Chapter 7 of Division 16 of this code. The acquisition by a junior college district formed in accordance with plans and recommendations adopted pursuant to this chapter from a high school district or unified school district

of junior college facilities of such high school district or unified school district shall be a purpose for which school district bonds may be issued and sold pursuant to Chapter 7 (commencing at Section 21701) of Division 16 of this code.

The transfer of funds derived from the issuance and sale of bonds by a junior college district formed as a preliminary step to the inclusion of such district in a larger junior college district pursuant to Section 25457.6, where such transfer of funds is to be made to the larger junior college district, shall be a purpose for which school district bonds may be issued and sold pursuant to Chapter 7 (commencing with Section 21701) of Division 16 of this code.

SEC. 2. Section 25457.6 is added to said code, to read:

25457.6. A county committee on school district organization may formulate plans and recommendations for the formation of a junior college district as a preliminary step to the inclusion of such district in a larger junior college district for which plans and recommendations have been or are being formulated. The plans and recommendations for the proposed district to be formed as a preliminary step and the plans and recommendations for the proposed larger district shall be submitted to and considered by the State Board of Education at the same time, as though the whole were a single proposal.

Sections 25431 and 25431.5 of this code shall not apply to the formation of a junior college district as a preliminary step to the inclusion of such district in a larger junior college district.

If plans and recommendations submitted pursuant to this section are approved by the State Board of Education, the county superintendent of schools shall call elections on the question of approval of each of the proposals on dates fixed by the county committee on school district organization, but with such dates to be no less than 60 days apart. The second election shall be held only if the first election is successful.

If an election to form a junior college district as a preliminary step to the inclusion of such a district in a larger junior college district is successful, the district shall not become effective for any purpose until the formation of the larger junior college district has been approved at an election and the election results have been certified as required by law.

SEC. 3. Section 25457.7 is added to said code, to read:

25457.7. Notwithstanding any provision of law to the contrary, the governing board of a junior college district formed as a preliminary step to the inclusion of such district in a larger junior college district pursuant to Section 25457.6, may request the county superintendent of schools to transfer to the larger junior college district any funds derived from the issuance and sale of bonds authorized by the district for transfer to the larger junior college district. The county superintendent of schools shall order the transfer to the larger junior college district as requested. Any funds so transferred may, after inclusion in the larger junior college district of the junior col-

lege district organized as a preliminary step to inclusion, be expended for purposes authorized by law, throughout the area of such larger junior college district.

CHAPTER 911

An act to amend Section 16521 of the Education Code, relating to school districts.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 16521 of the Education Code is amended to read:

16521. The governing board of a school district may pay in advance for subscriptions to, or purchases or rentals of, newspapers, magazines, periodicals, single copies of books, films, filmstrips, recordings, and other publications for the district and the schools thereof when such action will result in a decrease in the cost to the district or which cannot be secured without payment in advance.

CHAPTER 912

An act to amend Section 752 of the Welfare and Institutions Code, relating to transfers of juvenile court cases.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 752 of the Welfare and Institutions Code is amended to read:

752. Whenever a case is transferred as provided in Section 750, the order of transfer shall recite each and all of the findings, orders, or modification of orders that have been made in the case. All papers contained in the file shall be transferred to the county where such person resides. A copy of the order of transfer and of the findings of fact as required in Section 750 shall be kept in the file of the transferring county.

CHAPTER 913

An act to add Chapter 11 (commencing with Section 13100) to Division 5 of the Business and Professions Code, relating to weights and measures.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Chapter 11 (commencing with Section 13100) is added to Division 5 of the Business and Professions Code, to read:

CHAPTER 11. TEXTILE PRODUCTS

13100. It shall be unlawful to keep for the purpose of sale, offer or expose for sale, or sell, any textile yard goods put up or packaged in advance of sale in a bolt or roll, or any other textile product put up or packaged in advance of sale in any other unit, for either wholesale or retail sale, unless such bolt or roll, or such other unit, be definitely, plainly, and conspicuously marked to show its net measure in terms of yards or its net weight in terms of avoirdupois pounds or ounces, subject, however, to the following limitations and requirements:

(a) Any unit of twine or cordage may be marked to show its net measure in terms of feet. Ready-wound bobbins that are not sold separately shall not be required to be individually marked, but the package containing such bobbins shall be marked to show the number of bobbins contained therein and the net weight or measure of the thread on each bobbin. Any unit of sewing, basting, mending, darning, crocheting, tatting, hand-knitting, or embroidery thread or yarn, except nylon hand-knitting yarn, that is not composed in whole or in part of wool, the net weight of which is less than two ounces avoirdupois, shall be marked to show its net measure in terms of yards as unwound from the ball or from the spool or other holder. Any retail unit of a textile product, sold only for household use, consisting of a package containing two or more similar individual units that are not sold separately, shall be marked to show the number of individual units in the package and the net weight or net measure of the product in each individual unit, but this proviso shall not apply where the individual units are separately marked. Any unit of yarn, composed in whole or in part of wool, sold to consumers for handiwork, shall be marked to show the net weight of such yarn, except that any such unit of tapestry, mending, or embroidery yarn, the net measure of which does not exceed 50 yards, may be marked to show its linear measure only.

(b) The marking required by this section shall in all cases be in combination with the name and place of business of the

manufacturer, packer, or distributor of the product, or a trademark, symbol, brand, or other mark that positively identifies such manufacturer, packer, or distributor.

(c) Reasonable tolerances shall be permitted, and these shall be included in regulations for the enforcement of the provisions of this section that shall be issued by the director.

(d) The provisions of this section shall not apply to the following textile products when sold at wholesale in bulk by net weight: cordage, agricultural bag sewing threads, twines, yarns that are to be processed, and yarns that are to be industrially converted into end use products.

CHAPTER 914

An act to amend Section 34304.5 of, and to repeal Sections 34880 and 34881 of, the Government Code, relating to cities.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 34304.5 of the Government Code is amended to read:

34304.5. The petition may also include provisions for:

(a) Appointment of a city manager.

(b) Appointment of elective city officers, except city councilmen.

SEC. 2. Section 34880 of said code is repealed.

SEC. 3. Section 34881 of said code is repealed.

CHAPTER 915

An act to amend Sections 14903 of the Financial Code, relating to credit union loans.

[Approved by Governor July 6, 1965 Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 14903 of the Financial Code is amended to read:

14903. No credit union shall make any loan in excess of one thousand dollars ($1,000) without security.

CHAPTER 916

An act to amend Section 12851 of, to amend and renumber Section 12852 of, and to add Sections 12852, 12853, 12854, 12855, and 12856 to, the Public Utilities Code, relating to municipal utility districts.

[Approved by Governor July 6, 1965. Filed with Secretary of State July 6, 1965.]

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

SECTION 1. Section 12851 of the Public Utilities Code is amended to read:

12851. A district may from time to time issue bonds in accordance with the Revenue Bond Law of 1941, as it now reads or as hereafter amended, for the purpose of financing the construction, reconstruction, replacement, acquisition or improvement of any facility or facilities necessary or convenient for the generation, transmission or distribution of electricity or incidental to, or in connection with, the operation of the electric system or electric facilities of the district, which shall constitute an "enterprise" within the meaning of Section 54309 of the Government Code. The authority hereby granted to districts is in addition to all powers granted local agencies under the Revenue Bond Law of 1941, and Section 54310 of the Government Code, insofar as it is inconsistent with such authority, shall not apply.

SEC. 2. Section 12852 of said code is amended and renumbered to read:

12857. The authority herein contained shall be in addition to the authority conferred by Chapter 7 of this division and indebtedness incurred in accordance with the authority herein contained shall not be included in ascertaining the aggregate indebtedness specified in Section 12842.

SEC. 3. Section 12852 is added to said code, to read:

12852. The provisions of Sections 54380 through 54387, inclusive, of the Government Code shall not apply to the issuance and sale of bonds pursuant to this article. Whenever a district proposes to exercise the power to issue bonds pursuant to this article, the board shall adopt a preliminary resolution declaring its intention to authorize the issuance of bonds, which resolution shall specifiy all of the following:

(a) The purpose for which the proposed bonds are to be issued.

(b) The maximum principal amount of the bonds then proposed to be issued.

(c) The maximum term for which any of such bonds are to run.

(d) The maximum rate of interest to be payable upon such bonds.

SEC. 4. Section 12853 is added to said code, to read:

12853. When bonds are issued under this article, the preliminary resolution of the board adopted pursuant to this article shall take effect upon its adoption by the board subject to the right of referendum provided for in this article. Successive issues of bonds may be authorized under this article from time to time and the authority herein contained shall not be limited to any particular issue.

SEC. 5. Section 12854 is added to said code, to read:

12854. Upon any such resolution taking effect subject to the right of referendum pursuant to this article, the board shall cause the same to be published in the manner provided for the publication of notices. At any time within 60 days after the date of the second such publication a referendum petition, signed by voters in number equal to at least 3 percent of the total vote cast, as defined in Section 11507, demanding the submission of such resolution to a vote of the voters of the district for their assent to the issuance of the proposed bonds, may be filed with the secretary. Upon presentation to the secretary of a referendary petition, the resolution which is the subject thereof shall be of no effect unless and until it has been assented to by the voters.

SEC. 6. Section 12855 is added to said code, to read:

12855. If no such referendary petition is presented within the period of 60 days, then upon the expiration of such period, or if the proposition of issuing the bonds specified in the resolution of the board adopted pursuant to this article has been assented to by a majority of the voters voting on the proposition, whether upon referendum or pursuant to Section 12856, then upon such proposition having been so assented to, the resolution shall take full and final effect, and the board may proceed in accordance with the provisions of this article and issue bonds within the terms of the resolution and in accordance with the applicable provisions of the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300), Part 1, Division 2, Title 5, Government Code).

SEC. 7. Section 12856 is added to said code, to read:

12856. The board at any time may, and upon the filing of a referendum petition as provided in Section 12854 shall, adopt a resolution calling a special election for the purpose of submitting to the voters of the district the proposition of issuing revenue bonds in conformity with the preliminary resolution adopted pursuant to Section 12852. The resolution calling the election shall fix the date on which the election is to be held, the proposition to be submitted thereat, the manner of holding the election and of voting for or against the proposition, and shall state that in all other particulars the election shall be held and the votes canvassed as provided by law for the holding of elections within the district. Such 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. The resolution calling the election shall be

published and no other notice of the election need be given. The votes of a majority of all the voters voting on the proposition at the election are required to authorize the issuance of revenue bonds.

CHAPTER 917

An act to add Section 1157 to the Agricultural Code, relating to nonprofit farm organizations.

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

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

SECTION 1. Section 1157 is added to the Agricultural Code, to read:

1157. Whenever any grower or producer of farm products within the State of California voluntarily executes and causes to be delivered to a dealer or processor of farm products, either as a clause in a sales contract or other instrument in writing, a notice of assignment of dues to a nonprofit agricultural commodity organization directly representing the specific product involved, whereby the processor or dealer is directed to deduct a sum from the price to be paid for such product and to pay the same over to such association as dues for the grower or producer, such processor or dealer shall deduct from the price to be paid for any farm product being sold by any such grower or producer to any such processor or dealer, the amount so authorized and pay the same over to the organization as assignee.

No provision inserted in any contract prepared by a dealer or processor making such an assignment ineffective shall be valid.

Such assignment may not exceed 2 percent (2%) of the total value of the product delivered by the grower or producer to the dealer or processor.

No payment need be made under any such assignment until the dealer or processor has available and under his control funds owing to the grower or producer that are sufficient in amount for making the payment of the dues involved. In the case of an annual product, such payment need not be made until the end of the product year.

CHAPTER 918

An act to amend Section 925 of the Probate Code, relating to probate vouchers.

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

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

SECTION 1. Section 925 of the Probate Code is amended to read:

925. The executor or administrator shall keep vouchers for all payments which he has made, and may file them, and shall produce and file them prior to the approval of his account if so ordered by the court or if a person interested in the estate files a written request therefor with the clerk and serves a copy thereof on the executor or administrator or upon his attorney at least five days prior to the time of the hearing. The vouchers must be retained by the executor or administrator or remain on file with the clerk of the court until withdrawn, returned or destroyed as hereinafter provided. Any voucher filed with the clerk of the court may be withdrawn by the executor or administrator or his attorney on leaving a certified copy on file, but it must be produced on demand, unless permanently withdrawn with the permission of the court. One year from the time the decree of final distribution has become final, the executor or administrator or the clerk of the court may destroy the voucher, or the clerk may deliver them to the executor or administrator or to his attorney, who may destroy them, unless a person interested in the estate has filed a written request to retain such vouchers with the clerk and has served a copy of the request on the executor or administrator or his attorney within one year from the time the decree of final distribution has become final. In the event such a request has been so filed, the clerk or the executor or administrator or his attorney may, unless otherwise ordered by the court, destroy the vouchers after three years from the time the decree of final distribution has become final or the clerk may deliver the vouchers to the executor or administrator or to his attorney, who may destroy them.

CHAPTER 919

An act to add Section 18599 to the Government Code, relating to the state civil service.

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

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

SECTION 1. Section 18599 is added to the Government Code, to read:

18599. The "state civil service" shall include all personnel appointed or employed in the Bureau of National Defense Education Act Administration of the Department of Education.

Personnel of the Bureau of National Defense Education Act Administration who on the effective date of this section hold, and for six months or more preceding that date have held, the positions of Chief, Bureau of National Defense Education; Assistant Chief, Bureau of National Defense Education; education research project investigator; or consultant in national defense education are permanent employees. All other personnel of that bureau holding such a position on the effective date of this act are temporary employees whose term of temporary appointment begins on the effective date of this act.

CHAPTER 920

An act to amend Section 6080 of the Business and Professions Code, relating to records.

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

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

SECTION 1. Section 6080 of the Business and Professions Code is amended to read:

6080. The board shall keep a record of all disciplinary proceedings. In all disciplinary proceedings resulting in a recommendation to the Supreme Court for disbarment or suspension, the board shall keep a transcript of the evidence and proceedings therein and shall make findings of fact thereon. The board shall render a decision to be recorded in its minutes. In disciplinary proceedings in which no discipline has been imposed, the records thereof may be destroyed after five years.

CHAPTER 921

An act to amend Section 27005 of, and to add Sections 29880 and 29881 to, the Government Code, relating to county officers.

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

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

SECTION 1. Section 27005 of the Government Code is amended to read:

27005. The treasurer shall disburse the county money and all other money placed in his custody by official authority only on county warrants issued by the county auditor, except on settlement with the state, and except for the making of legal

investments. Any such investments shall be reported daily to the county auditor-controller.

SEC. 2. Section 29880 is added to said code, to read:

29880. Whenever any district, public corporation or public agency uses the county treasury as the depository of its moneys, the county auditor, notwithstanding any other provision of law, may, in lieu of complying with any other procedure for the withdrawal of moneys from the county treasury, prepare his warrant on the county treasury for the same amount as the order, requisition, or other authorization from the district, public corporation or public agency. The warrant shall show the name of the fund upon which the warrant is drawn, date issued, payee's name, as well as any other information deemed appropriate by the auditor.

SEC. 3. Section 29881 is added to said code, to read:

29881. The auditor may direct the transfer of the amount of the order, requisition or other authorization, from the account or funds of the district, public corporation or public agency to one or more clearing funds in the county treasury to the end that warrants for all districts, public corporations or public agencies may be drawn against one or more clearing funds.

CHAPTER 922

An act to amend Section 1881 of the Code of Civil Procedure, relating to privileged communications.

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

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

SECTION 1. Section 1881 of the Code of Civil Procedure is amended to read:

1881. There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person cannot be examined as a witness in the following cases:

1. A husband cannot be examined for or against his wife without her consent; nor a wife for or against her husband, without his consent; nor can either, during the marriage or afterward, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, or for a crime committed against another person by a husband or wife while engaged in committing and connected with the commission of a crime by one against the other; or in an action for damages against another person for adultery committed by either husband or wife; or in a hearing held to determine the mental competency or condition of either husband or wife.

2. An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment; nor can an attorney's secretary, stenographer, or clerk be examined, without the consent of his employer, concerning any fact the knowledge of which has been acquired in such capacity.

3. A clergyman, priest or religious practitioner of an established church cannot, without the consent of the person making the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs.

4 A licensed physician or surgeon cannot, without the consent of his patient, be examined in a civil action, as to any information acquired in attending the patient, which was necessary to enable him to prescribe or act for the patient; provided, however, that either before or after probate, upon the contest of any will executed, or claimed to have been executed, by such patient, or after the death of such patient, in any action involving the validity of any instrument executed, or claimed to have been executed, by him, conveying or transferring any real or personal property, such physician or surgeon may testify to the mental condition of said patient and in so testifying may disclose information acquired by him concerning said deceased which was necessary to enable him to prescribe or act for such deceased; provided further, that after the death of the patient, the executor of his will, or the administrator of his estate, or the surviving spouse of the deceased, or if there be no surviving spouse, the children of the deceased personally, or, if minors, by their guardian, may give such consent, in any action or proceeding brought to recover damages on account of the death of the patient; provided further, that where any person brings an action to recover damages for personal injuries, such action shall be deemed to constitute a consent by the person bringing such action that any physician who has prescribed for or treated said person and whose testimony is material in said action shall testify; and provided further, that the bringing of an action, to recover for the death of a patient, by the executor of his will, or by the administrator of his estate, or by the surviving spouse of the deceased, or if there be no surviving spouse, by the children personally, or, if minors, by their guardian, shall constitute a consent by such executor, administrator, surviving spouse, or children or guardian, to the testimony of any physician who attended said deceased. The provisions of this paragraph shall not apply to any investigations or proceedings under the State Medical Practice Act (Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code).

5. A public officer cannot be examined as to communications made to him in official confidence, when the public interest would suffer by the disclosure.

6. 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.

CHAPTER 923

An act to amend Section 1881 of the Code of Civil Procedure, relating to privileged communications.

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

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

SECTION 1. Section 1881 of the Code of Civil Procedure is amended to read:

1881. There are particular relations in which it is the policy of the law to encourage confidence and to preserve it inviolate; therefore, a person cannot be examined as a witness in the following cases:

1. A husband cannot be examined for or against his wife without her consent; nor a wife for or against her husband, without his consent; nor can either, during the marriage or afterward, be, without the consent of the other, examined as to any communication made by one to the other during the marriage; but this exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, or for a crime committed against another person by a husband or wife while engaged in committing and connected with the commission of a crime by one against the other; or in an action for damages against another person for adultery committed by either husband or wife; or in a hearing held to determine the mental competency or condition of either husband or wife.

2. An attorney cannot, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment; nor can an attorney's secretary, stenographer, or clerk be examined, without the consent of his employer, concerning any fact the knowledge of which has been acquired in such capacity.

3. A clergyman, priest or religious practitioner of an established church cannot, without the consent of the person making

the confession, be examined as to any confession made to him in his professional character in the course of discipline enjoined by the church to which he belongs.

4. A licensed physician or surgeon and his professional assistants including but not limited to his nurse, X-ray and laboratory technicians and pharmacists whose knowledge and information concerning the patient was acquired from or by order of the physician or surgeon cannot, without the consent of his patient, be examined in a civil action, as to any information acquired in attending the patient, which was necessary to enable him to prescribe or act for the patient; provided, however, that either before or after probate, upon the contest of any will executed, or claimed to have been executed, by such patient, or after the death of such patient, in any action involving the validity of any instrument executed, or claimed to have been executed, by him, conveying or transferring any real or personal property, such physician or surgeon may testify to the mental condition of said patient and in so testifying may disclose information acquired by him concerning said deceased which was necessary to enable him to prescribe or act for such deceased; provided further, that after the death of the patient, the executor of his will, or the administrator of his estate, or the surviving spouse of the deceased, or if there be no surviving spouse, the children of the deceased personally, or, if minors, by their guardian, may give such consent, in any action or proceeding brought to recover damages on account of the death of the patient; provided further, that where any person brings an action to recover damages for personal injuries, such action shall be deemed to constitute a consent by the person bringing such action that any physician who has prescribed for or treated said person and whose testimony is material in said action shall testify; and provided further, that the bringing of an action, to recover for the death of a patient, by the executor of his will, or by the administrator of his estate, or by the surviving spouse of the deceased, or if there be no surviving spouse, by the children personally, or, if minors, by their guardian, shall constitute a consent by such executor, administrator, surviving spouse, or children or guardian, to the testimony of any physician who attended said deceased. The provisions of this paragraph shall not apply, with respect to physicians and surgeons, to any investigations or proceedings under the State Medical Practice Act (Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code), nor, with respect to pharmacists, to any investigations or proceedings under Chapter 9 (commencing with Section 4000); with respect to nurses, to investigations or proceedings under Chapter 6 (commencing with Section 2700); and, with respect to laboratory technicians, to investigations or proceedings under Chapter 3 (commencing with Section 1200) of Division 2 of the Business and Professions Code.

5. A public officer cannot be examined as to communications made to him in official confidence, when the public interest would suffer by the disclosure.

6. 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.

SEC. 2. Section 1 of this act shall remain in effect until the operative date of the Evidence Code as enacted by Assembly Bill No. 333 of the 1965 Regular Session, and shall have no force or effect after that date.

CHAPTER 924

An act to amend Section 182 of the Penal Code, relating to penalties for crimes involving fraud.

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

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

SECTION 1. Section 182 of the Penal Code is amended to read:

182. If two or more persons conspire:

1. To commit any crime.

2. Falsely and maliciously to indict another for any crime, or to procure another to be charged or arrested for any crime.

3. Falsely to move or maintain any suit, action or proceeding.

4. To cheat and defraud any person of any property, by any means which are in themselves criminal, or to obtain money or property by false pretenses or by false promises with fraudulent intent not to perform such promises.

5. To commit any act injurious to the public health, to public morals, or to pervert or obstruct justice, or the due administration of the laws.

6. To commit any crime against the person of the President or Vice President of the United States, the governor of any state or territory, any United States justice or judge, or the secretary of any of the executive departments of the United States.

They are punishable as follows:

When they conspire to commit any crime against the person of any official specified in subdivision 6, they are guilty of a

felony and are punishable by imprisonment in the state prison for not less than 10 years.

When they conspire to commit any other felony, they shall be punishable in the same manner and to the same extent as is provided for the punishment of the said felony. If the felony is one for which different punishments are prescribed for different degrees, the jury or court which finds the defendant guilty thereof shall determine the degree of the felony defendant conspired to commit. If the degree is not so determined, the punishment for conspiracy to commit such felony shall be that prescribed for the lesser degree, except in the case of conspiracy to commit murder, in which case the punishment shall be that prescribed for murder in the first degree.

If the felony is conspiracy to commit two or more felonies which have different punishments and the commission of such felonies constitute but one offense of conspiracy, the penalty shall be that prescribed for the felony which has the greater maximum term.

When they conspire to do an act described in subdivision 4 of this section, they shall be punishable by imprisonment in the state prison for not more than 10 years or by imprisonment in the county jail for not more than 1 year, or by a fine not exceeding five thousand dollars ($5,000), or both.

When they conspire to do any of the other acts described in this section they shall be punishable by imprisonment in the county jail for not more than one year, or in the state prison for not more than three years, or by a fine not exceeding five thousand dollars ($5,000) or both.

All cases of conspiracy may be prosecuted and tried in the superior court of any county in which any overt act tending to effect such conspiracy shall be done.

CHAPTER 925

An act to amend Sections 81, 89, 92, and 94.5 of, and to add Section 94 3 to, the Agricultural Code, and to add Section 19630 5 to the Business and Professions Code, relating to fairs and expositions.

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

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

SECTION 1. Section 81 of the Agricultural Code is amended to read:

81. Fifty or more persons, residents of the county or of all of the counties or parts of counties comprising an agricultural district, may form an association to be known as and designated as the _____ District Agricultural Association, for

the purpose of holding fairs, expositions and exhibitions of all of the industries and industrial enterprises, resources and products of every kind or nature of the state with a view of improving, exploiting, encouraging, and stimulating the same and for the purpose of constructing, maintaining and operating recreational and cultural facilities of general public interest.

The officers of such association shall consist of a board of directors of nine members. The directors shall be resident citizens of the district. Where two or more counties constitute an agricultural district, each county shall be represented on the board of directors by at least two resident citizens. If, by reason of the formation of a new agricultural district, a director in one district becomes a resident of another district, his term of office as director expires 60 days after the formation of the new agricultural district. Copies of the articles of association shall be filed with the Governor, the Secretary of State, and the Department of Finance.

SEC. 2 Section 89 of said code is amended to read:

89. All moneys received by any district agricultural association other than from the sale of real property shall be retained and used by such association for its general use and purposes and for its maintenance, membership in livestock registry associations and fair associations, support and operation and for the acquisition, installation, maintenance, and operation of recreational and cultural facilities at their respective fair grounds.

SEC. 3. Section 92 of said code is amended to read:

92. The Department of Agriculture shall apportion any money appropriated by the state for the encouragement of county, district or combined county and district fairs to the various agricultural fairs on the basis of the amount which each fair actually paid in premiums for agricultural, horticultural, mineral and livestock exhibits, and exhibits of domestic arts, agricultural mechanics and industrial education made or manufactured for other than commercial purposes in each year. The money so apportioned shall be paid to the several counties and district agricultural associations as soon as such apportionment is determined.

The Department of Agriculture, out of any money on hand to be apportioned, may advance to any county or district agricultural association, for the purpose of paying premiums, at any time during the year, any portion of the money to which, in the opinion of the Director of Agriculture, the county or district agricultural association will become entitled for that year. The county or district agricultural association shall deposit such money in a bank account approved by the Director of General Services in accordance with the provisions of Section 16506 of the Government Code. Such money may be expended for premiums, capital outlay, including purchase of land, construction improvements, equipment, for the acquisition, installation, maintenance, and operation of recreational

and cultural facilities at fairgrounds of the county or district agricultural associations or support of county or district agricultural association fairs pursuant to a budget submitted to the Department of Agriculture and approved by the Department of Finance subject to the provisions of Sections 13320 to 13324, inclusive, of the Government Code.

All sums expended from such moneys for construction and improvements by counties shall be subject to the provisions of Sections 25450 to 25463, inclusive, of the Government Code. The county auditor or secretary of any such fair desiring to share in any such appropriation shall file with the Department of Agriculture on or before December 31st, of each year, a sworn statement setting forth the actual amount paid for premiums by such fair held in that year.

Six thousand dollars ($6.000) shall be the maximum base of allocation paid any fair for its first year of operation, and thereafter in each subsequent year in which a fair is held the maximum base of allocation shall increase by 10 percent over the maximum base for the year in which a fair was last held.

In the event the premiums paid during any year in which a fair is held are less than the maximum base of allocation for that year, the base of allocation for that year shall be the premiums so paid during such year. For any fair operated prior to 1933 which received, or was qualified to receive, money from appropriations for the support of agricultural fairs, the basis may be increased 10 percent for each year in which a fair was held from the time the fair was first held, except that if no fair was held by the county or district for a period of five or more years the percentage of increase shall apply only from the first fair held after said period. Any fair may pay premiums in an amount greater than that used as the base of apportionment to it.

The Department of Agriculture shall prescribe rules and regulations for the judging of exhibits, and the maximum amount of premiums which may be offered and paid for all classes, sections, and types of exhibits. Said rules and regulations and the maximum amount of premiums which may be offered and paid shall be exempt from the provisions of Section 11380 of the Government Code but may be filed with the Secretary of State under the provisions of Section 11385 of the Government Code. No fair shall receive any apportionment of funds under this section unless it complies with such rules and regulations.

No allotment from the apportionment herein provided shall be made for more than one fair in any one year in any county or district. The fact that a county or district contracts one with the other or with a county fair association, to hold an agricultural fair shall not bar it from receiving a proper proportion of the moneys herein appropriated, except that no county or district may hold a joint or combined fair and receive an allotment of money under the provisions of this section. No fair for which a separate appropriation is made by

the state shall participate in the apportionment of any money appropriated for the encouragement of county and district agricultural fairs. On or after January 1, 1943, allotments from the appropriation herein provided shall be made only to district agricultural associations or counties which received allotments under this section on the basis of the premiums paid at fairs held during the calendar year 1941 except that: (1) A district agricultural association which did not receive an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941 may receive an allotment as provided in this section unless a county whose area lies in whole or in part within the boundaries of the agricultural district received an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941; (2) Solano County may receive an allotment although that county held no fair in the calendar year 1941 and the agricultural association of the agricultural district comprising Solano County received an allotment during the calendar year 1941; (3) Marin County may receive an allotment although that county held no fair in the calendar year 1941 and the agricultural association of the agricultural district of which Marin County is a part received an allotment during the calendar year 1941; (4) Santa Cruz County may receive an allotment although that county held no fair in the calendar year 1941 and the agricultural association of the agricultural district comprising Santa Cruz County received an allotment during the calendar year 1941; (5) Merced and Madera Counties may each receive an allotment although those counties held no fairs in the calendar year 1941 and the agricultural associations of the agricultural districts comprising Merced and Madera Counties each received an allotment during the calendar year 1941; (6) a district agricultural association which did not receive an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941, may receive an allotment as provided in this section; provided, the board of supervisors of each county, whose area lies in whole or in part within the boundaries of the agricultural district and which received an allotment under this section on the basis of the premiums paid at a fair held during the calendar year 1941, shall by resolution announce its intention to permanently discontinue the holding of fairs for which the county would be eligible to participate in the allocation from the appropriation herein provided. A certified copy of said resolution shall be filed with the Department of Agriculture. Upon adoption of said resolution by the board of supervisors, and the filing thereof as herein provided, the county referred to shall no longer be eligible to receive allotments under this section and the district agricultural association which becomes eligible to receive an allotment due to the adoption of said resolution shall, for the purpose of determining the maximum base of allocation for said association, be entitled to receive credit for the fairs previously held by said

county and said fairs shall be considered as fairs held by the association in calculating the maximum base for said association as provided herein. Within one year from and after the date said resolution is adopted, the county shall pay to said district agricultural association the unexpended balance of any moneys previously apportioned to said county under this section. Notwithstanding the foregoing provisions of this paragraph a district agricultural association of a district created subsequent to January 1, 1943, may receive an allotment as provided in this section.

The Department of Agriculture, in its discretion, may at any time examine the books and records of any fair to determine the correctness of any statement or report filed with the Department of Agriculture.

SEC. 4. Section 94.3 is added to said code, to read:

94.3. Associations mentioned in Section 94 of this code and citrus fruit fairs eligible to receive allocations under Section 19626 of the Business and Professions Code shall have the same power as a district agricultural association to construct, maintain and operate recreational and cultural facilities of general public interest.

SEC. 5. Section 94.5 of said code is amended to read:

94.5. Associations mentioned in Section 94 of this code and citrus fruit fairs eligible to receive allocations under Section 19626 of the Business and Professions Code shall be deemed instrumentalities of the state for the purposes mentioned in Sections 94 and 94.3 and upon dissolution of any such association or fair, all property thereof, after payment of outstanding debts, shall escheat to the state. Property of "associations," as defined in Section 94 of this code, and of citrus fruit fairs, as mentioned in this section, used exclusively in conducting citrus fruit fairs, and their recreational and cultural facilities which are of general public interest, shall be exempt from taxation, and no affidavit need be filed to claim this exemption.

SEC. 6. Section 19630.5 is added to the Business and Professions Code, to read:

19630.5. Notwithstanding any other provision of law, any county, district agricultural association, citrus fruit fair defined in Section 94 of the Agricultural Code, or citrus fruit fair and exposition qualified to receive an allocation under Section 19626, may, with the approval of the Department of Agriculture, expend any money available for expenditure by it for the construction or operation of recreational and cultural facilities of general public interest.

CHAPTER 926

An act to add Section 1008 to the Civil Code, relating to prescriptive rights.

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

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

SECTION 1. Section 1008 is added to the Civil Code, to read:

1008. No use by any person or persons, no matter how long continued, of any land, shall ever ripen into an easement by prescription, if the owner of such property posts at each entrance to the property or at intervals of not more than 200 feet along the boundary a sign reading substantially as follows: "Right to pass by permission, and subject to control, of owner: Section 1008, Civil Code."

CHAPTER 927

An act to repeal Article 3 (commencing with Section 6601) of Chapter 7 of Division 6 of the Education Code, relating to cosmopolitan schools.

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

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

SECTION 1. Article 3 (commencing with Section 6601) of Chapter 7 of Division 6 of the Education Code is repealed.

CHAPTER 928

An act to amend Section 19533 of the Business and Professions Code, relating to horseracing.

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

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

SECTION 1. Section 19533 of the Business and Professions Code is amended to read:

19533. The period for which a license to conduct a horserace meeting may be issued to a county fair or district agricultural association in a county of the first, second or second and one-half class, or in a county of the third class with a

population of over 200,000, or in an area described in Section 19535, shall not in any such county or area exceed 14 racing days. Such days shall not diminish the number of racing days per year allowed other licensees under this article.

CHAPTER 929

An act to amend Sections 758, 759, 760, 761 and 763 of, to repeal Sections 755, 756 and 757 of, and to add Sections 752.5, 755, 756 and 757 to, the Elections Code, relating to new resident voting.

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

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

SECTION 1. Section 752.5 is added to the Elections Code, to read:

752.5. Compliance with California literacy requirements constitutes a fulfillment of the literacy test of the state from which a new resident came for purposes of determining whether he meets the qualifications set forth in Section 1½ of Article II of the California Constitution.

SEC. 1.5. Section 755 of said code is repealed.

SEC. 2. Section 755 is added to said code, to read:

755. The county clerk shall cause to be printed and shall keep available in his office during the days for the registration of new residents a supply of blank application for ballot forms for the use of new residents in verifying their qualifications under this chapter. Any new resident desiring to vote in this state shall complete in duplicate the application for a new resident ballot supplied by the county clerk of the county in which he resides. The county clerk shall transmit a copy of the application for ballot to the county clerk or equivalent official of the new resident's former residence. The application for ballot shall be substantially in the following form:

NOTICE of Former Resident of Your State
Now—New Resident of California

NEW RESIDENT APPLICATION FOR BALLOT

State of California)
County of _____) ss.

I, _____, do solemnly swear (or affirm) that:

Before becoming a resident of this state, I resided at _____, _____, _____, _____. Prior to
Street or rural route City County State

my removal to this state, I was a registered voter in my former

state or would have been eligible to register and vote in the forthcoming presidential election had I remained a resident there.

I have been a resident of California since _____, 19___ now residing at_____, _____, _____,
Street or rural route City County
_____. I will have resided in California less than one year
State
prior to the presidential election to be held November ___, 19___. I hereby make application for a new resident ballot. I have not voted and will not vote otherwise than by new resident ballot in _____, California, which ballot is to be
County
mailed to me at the address shown on my affidavit of registration not earlier than 29 nor less than 7 days prior to the presidential election to be held November ___, 19___.

Signed_____
Applicant

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

_____
County Clerk or Registrar of Voters

(SEAL) By_____
Deputy

SEC. 3. Section 756 of said code is repealed.

SEC. 4. Section 756 is added to said code, to read:

756. Not earlier than the 29th day nor later than the 7th day prior to the day of the election at which presidential electors are selected, the county clerk shall mail a new resident ballot, containing only the names of the presidential and vice presidential candidates, to each person registered as a new resident to the address as shown on their affidavit of registration. The county clerk shall also enclose instructions and information regarding the marking and return of the ballot.

SEC. 5. Section 757 of said code is repealed.

SEC. 6. Section 757 is added to said code, to read:

757. The new resident, if he is within the county, shall mark his ballot and shall place it in the identification envelope. He shall then fill out and sign the declaration on the identification envelope and mail or deliver it to the office of the clerk. All ballots cast under this section must be received by the clerk no later than 5 p.m. on the day before the day of the election.

SEC. 7. Section 758 of said code is amended to read:

758 The Secretary of State shall prescribe the size and dimensions of ballots to be used by new residents, and shall notify the respective county clerks of his determination at least 70 days before the election. The ballot shall be in substantially the following form:

NEW RESIDENT BALLOT

To vote for the group of electors preferring presidential and vice presidential candidates whose names appear on the ballot, stamp or mark the ballot with pen or pencil in the square following the name of the party preferred.

PRESIDENTIAL ELECTORS Vote for One Party		
Adlai E. Stevenson, for President Estes Kefauver, for Vice President	Democratic	
Dwight D. Eisenhower, for President Richard M. Nixon, for Vice President	Republican	
Enoch A. Holtwick, for President Edwin M. Cooper, for Vice President	Prohibition	
_____, for President _____, for Vice President		

SEC. 8. Section 759 of said code is amended to read:

759. The envelope into which a new resident is to place his ballot shall bear upon its face the name and official title of the county clerk and upon the other side a printed affidavit in substantially the following form:

State of California }
County of _____ } ss.

I, _____, do solemnly swear that I am a citizen of the United States, that on the day of the next election for presidential electors I shall be at least 21 years of age, a resident of this state for at least 54 days but less than 1 year immediately prior to that election, and am a resident of the _____ Assembly District, in the City or Town of _____, County of _____, State of California; that immediately prior to my removal to this state I resided in the State of _____, County of _____, (city) (town) (village) of _____, where I was a qualified elector at the time of my removal (or) where I would have been qualified to vote in the next presidential election had I maintained my residency there. I have not applied, nor do I intend to apply, for an absent voter's ballot from the state from which I have removed.

_____ _____
(Date of signing) (Signature)

_____
(Residence address)

SEC. 9. Section 760 of said code is amended to read:

760. Upon receipt of the return envelope containing the identification envelope, if delivered or mailed from within the county at or before 5 p.m. on the day before election day, the clerk shall compare the voter's signature on the identification envelope with that appearing on his new resident affidavit of registration and, if they compare, shall deposit the envelope containing the ballot of the new resident 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.

SEC. 10. Section 761 of said code is amended to read:

761. The county clerk shall keep open to public inspection a list showing the names and addresses of all persons who have voted as new residents. The list shall be preserved for a period of four years from the date of the election.

SEC. 11. Section 763 of said code is amended to read:

763. Any person willfully swearing falsely to the affidavits required in Sections 755 and 759 is guilty of a misdemeanor.

CHAPTER 930

An act to add Section 33 to the Revenue and Taxation Code, relating to human body parts, blood, blood derivatives, and blood products.

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

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

SECTION 1. Section 33 is added to the Revenue and Taxation Code, to read:

33. Human whole blood, plasma, blood products, and blood derivatives, or any human body parts held in a bank for medical purposes, shall be exempt from taxation for any purpose.

CHAPTER 931

An act to amend Section 12021 of, and to amend the heading of Chapter 6 (commencing with Section 12550) of Title 2, Part 4 of, and to add Article 2 (commencing with Section 12560) to Chapter 6, Title 2, Part 4 of, the Penal Code, relating to firearms.

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

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

SECTION 1. Section 12021 of the Penal Code is amended to read:

12021. Any person who is not a citizen of the United States and any person who has been convicted of a felony under the laws of the United States, of the State of California, or any other state, government, or country, or who is addicted to the use of any narcotic drug, who owns or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person is guilty of a public offense, and shall be punishable by imprisonment in the state prison not exceeding 15 years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars ($500), or by both.

SEC. 2. The heading of Chapter 6 (commencing with Section 12550) of Title 2 of Part 4 of said code is amended to read:

CHAPTER 6. MISCELLANEOUS

SEC. 3. A heading is added immediately preceding Section 12550 of said code, to read:

Article 1. Minors

SEC. 4. Article 2 (commencing with Section 12560) is added to Chapter 6 of Title 2 of Part 4 of said code, immediately following Section 12551, to read:

Article 2. Felons

12560. Every person who has been convicted of a felony under the laws of the United States, of the State of California, or of any other state, government, or country and who used a firearm in the commission of such felony, who owns or has in his possession or under his custody or control any firearm is punishable by imprisonment in the state prison not exceeding 15 years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars ($500), or by both such term of imprisonment and such fine.

CHAPTER 932

An act to amend Section 6809 of, and to add Section 8951.2 to, the Education Code, relating to exceptional children.

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

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

SECTION 1. Section 6809 of the Education Code is amended to read:

6809. Physically handicapped minors may be admitted at the age of three years to special schools or classes established **for such minors.**

When the school district of residence of a minor between the ages of three and eight years who is deaf, blind, cerebral palsied, orthopedically handicapped, or aphasic does not maintain a special class in the category of the minor's handicapping condition, but such a special class or special school is maintained by the county superintendent of schools or by another school district, such a minor shall be admitted to a special school or special class so maintained when all of the following circumstances exist:

(a) The minor is eligible for enrollment under the regulations of the county superintendent or the governing body of the district maintaining such special class, as applicable.

(b) The governing board of the district or the county superintendent maintaining the special day class is willing to admit the minor.

(c) The parents of the minor file a written request that the minor be so admitted and a physician's statement that the minor is physically able to attend such a class. Such request and statement shall be filed with the district superintendent of schools when the class is maintained by a school district or with the county superintendent of schools when the class is maintained by the latter.

If a minor is admitted pursuant to this section, the district of the pupil's residence shall enter into a contract as provided by Section 6806, and the provisions of Section 6806 with respect to payment of cost of tuition and the cost of buildings and equipment shall apply.

SEC. 2. Section 8951 2 is added to said code, to read:

8951.2 In lieu of providing transportation to special training schools or classes maintained by a county superintendent of schools for mentally retarded minors who come within the provisions of Section 6903 and who reside in elementary or unified school districts which have an average daily attendance of less than 8,000, the county superintendent of schools may, with the approval of the county board of education, pay to the parents or guardians of any such mentally retarded minor the cost of food and lodging for the minor at a place convenient to a special training school or class maintained by the county superintendent, by the governing board of a school district within the county, or by a county superintendent of another county.

CHAPTER 933

An act to amend Sections 74742, 74743, 74743.1 of the Government Code, relating to municipal court attachés.

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

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

SECTION 1. Section 74742 of the Government Code is amended to read:

74742. There shall be one clerk, who shall be appointed by the judges of the court and who shall receive a monthly salary at a rate specified in Schedule No. 39.5 of Section 74343.1. In no event shall the compensation of the clerk be less than nine schedule ranges higher than that specified for the position of deputy clerk IV.

SEC. 2. Section 74743 of said code is amended to read:

74743. The clerk may appoint with the approval of the judge:

(a) Two deputy clerks IV who shall receive a monthly salary at a rate specified in Schedule No. 30.5;

(b) Seven deputy clerks III, each of whom shall receive a monthly salary at a rate specified in Schedule No. 26.0.

(c) Three deputy clerks II, each of whom shall receive a monthly salary at a rate specified in Schedule No. 23.0.

(d) One deputy clerk I, who shall receive a monthly salary at a rate specified in Schedule No. 19.0. Appointments to this position 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, and the provisions of subdivisions (a), (b), (c), and (d) of that section are applicable to the attachés appointed pursuant to this section.

SEC. 3. Section 74743.1 of said code is amended to read:

74743.1. In the event that there shall be an increase in the number of judges as provided in Section 74741, the clerk of the court may appoint one deputy clerk IV, one deputy clerk III, one deputy clerk II and one deputy clerk I, for each respective additional judge so appointed. Such additional deputy clerks shall receive the monthly salaries specified for their respective classifications by Section 74743.

CHAPTER 934

An act to amend Section 16653 of the Education Code, relating to community recreation.

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

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

SECTION 1. Section 16653 of the Education Code is amended to read:

16653. The governing body of every public authority may (a) organize, promote, and conduct programs of community recreation, (b) establish systems of playgrounds and recreation, and (c) acquire, construct, improve, maintain, and operate recreation centers within or without the territorial limits of the public authority.

No events for which an admission price is charged shall be held pursuant to this chapter (commencing at Section 16651), except amateur athletic contests, demonstrations, or exhibits and other educational events.

Nothing in this section shall be construed to authorize the transportation of a school band in school buses for commercial purposes.

CHAPTER 935

An act to amend Section 926 of the Penal Code, relating to grand juries.

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

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

SECTION 1. Section 926 of the Penal Code is amended to read:

926. If, in the judgment of the grand jury, the services of an expert are necessary for the purposes of Section 925 or Section 933.5 or both such sections, the grand jury may employ one, at an agreed compensation, to be first approved by the court. If, in the judgment of the grand jury, the services of assistants to such expert are required, the grand jury may employ such assistants, at a compensation to be agreed upon and approved by the court. Expenditures for the services of experts and assistants for the purposes of Section 933.5 shall not exceed the sum of seven thousand five hundred dollars ($7,500) annually, unless such expenditures shall also be approved by the board of supervisors.

CHAPTER 936

An act to amend Section 11106 of the Health and Safety Code, relating to the Division of Narcotic Enforcement.

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

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

SECTION 1. 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 approved by the chief and sub-

ject to post audit by the Department of Finance. 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.

CHAPTER 937

An act to add Section 1881.1 to the Code of Civil Procedure, and to amend Section 1042 of the Evidence Code as proposed by Assembly Bill No. 333 of the 1965 Regular Session, relating to privileged communications.

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

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

SECTION 1. Section 1881.1 is added to the Code of Civil Procedure, to read:

1881.1. In any preliminary hearing, criminal trial, or other criminal proceeding, for violation of any provision of Division 10 (commencing with Section 11000) of the Health and Safety Code, evidence of information communicated to a peace officer by a confidential informant, who is not a material witness to the guilt or innocence of the accused of the offense charged, shall be admissible on the issue of reasonable cause to make an arrest or search without requiring that the name or identity of the informant be disclosed if the judge or magistrate is satisfied, based upon evidence produced in open court, out of the presence of the jury, that such information was received from a reliable informant and in his discretion does not require such disclosure.

SEC. 2. Section 1042 of the Evidence Code as proposed by Assembly Bill No. 333 at the 1965 Regular Session, is amended to read:

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.

(c) Notwithstanding subdivision (a), in any preliminary hearing, criminal trial, or other criminal proceeding, for violation of any provision of Division 10 (commencing with Section

11000) of the Health and Safety Code, evidence of information communicated to a peace officer by a confidential informant, who is not a material witness to the guilt or innocence of the accused of the offense charged, shall be admissible on the issue of reasonable cause to make an arrest or search without requiring that the name or identity of the informant be disclosed if the judge or magistrate is satisfied, based upon evidence produced in open court, out of the presence of the jury, that such information was received from a reliable informant and in his discretion does not require such disclosure.

SEC. 3. Section 2 of this act shall become operative only if the Evidence Code as proposed by Assembly Bill No. 333 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No. 333 takes effect; at which time Section 1881.1 as added to the Code of Civil Procedure by Section 1 of this act is repealed.

CHAPTER 938

An act to amend Section 18475 of the Health and Safety Code, relating to mobilehomes and mobilehome parks.

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

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

SECTION 1. Section 18475 of the Health and Safety Code is amended to read:

18475. Any person who violates any of the provisions of this part is guilty of a misdemeanor, punishable by a fine not exceeding two hundred dollars ($200) or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.

Any person who violates any of the rules and regulations issued pursuant to Part 2 (commencing with Section 18000) shall be subject to suspension or revocation of the permit to operate.

CHAPTER 939

An act to add Section 11016 to the Government Code, relating to the antipoverty program.

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

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

SECTION 1. Section 11016 is added to the Government Code, to read:

11016. Any state agency may, within the powers otherwise conferred by law upon the state agency, in order that this state may participate in the federal antipoverty program embodied in the "Economic Opportunity Act of 1964" (Public Law 88-452; 78 Stat. 508), contract with any public agency or private agency or with any agency or entity provided by an agreement executed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of this code.

CHAPTER 940

An act to amend Section 3212.5 of the Labor Code, relating to workmen's compensation insurance.

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

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

SECTION 1. Section 3212.5 of the Labor Code is amended to read:

3212.5. In the case of a member of a police department of a city or municipality, or a member of the State Highway Patrol, when any such member is employed upon a regular, full-time salary, and in the case of a sheriff or deputy sheriff employed upon a regular, full-time salary, the term "injury" as used in this division includes heart trouble and pneumonia which develops or manifests itself during a period while such member, sheriff, or deputy sheriff is in the service of the police department, or the State Highway Patrol, or the sheriff's office, as the case may be. The compensation which is awarded for such heart trouble or pneumonia shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the provisions of this division.

Such heart trouble or pneumonia so developing or manifesting itself shall be presumed to arise out of and in the course of the employment; provided, however, that the member of the police department or State Highway Patrol or the sheriff or deputy sheriff shall have served five years or more in such capacity before the presumption shall arise as to the compensability of heart trouble so developing or manifesting itself. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the commission is bound to find in accordance with it.

Such hernia, heart trouble or pneumonia so developing or manifesting itself in such cases shall in no case be attributed to any disease existing prior to such development or manifestation.

The term "members" as used herein shall be limited to those employees of police departments, the California Highway Patrol and sheriffs' departments who are defined as peace officers in Section 817 of the Penal Code.

CHAPTER 941

An act to amend Section 11850 of the Health and Safety Code, relating to registration of narcotic offenders.

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

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

SECTION 1. Section 11850 of the Health and Safety Code is amended to read:

11850. Any person who is hereafter convicted in the State of California of a violation of Sections 11500, 11500.5, 11501, 11502, 11503, 11530, 11530.5, 11531, 11532, 11540, 11557, 11715, or 11721 of the Health and Safety Code or any person who is hereafter discharged or paroled from a penal institution where he was confined because of the commission of any such offense, or any person who is hereafter convicted in any other state or in any federal court of any offense which, if committed or attempted in this state, would have been punishable as a violation of any such section of the Health and Safety Code, shall within 30 days after the effective date of this section or within 30 days of his coming into any county or city, or city and county in which he resides or is temporarily domiciled for such length of time, register with the chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area.

CHAPTER 942

An act to add Section 7028.3 to the Business and Professions Code, relating to contractors.

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

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

SECTION 1. Section 7028.3 is added to the Business and Professions Code, to read:

7028.3. In addition to all other remedies, when it appears to the registrar, either upon complaint or otherwise, that any person, who does not hold a state contractor's license in any classification, has engaged in, or is engaging in, any act, practice, or transaction which constitutes a violation of this chapter, the registrar may, either through the attorney general or through the district attorney of the county in which the act, practice, or transaction is alleged to have been committed, apply to the superior court of that county or any other county in which such person maintains a place of business or resides, for an injunction restraining such person from acting in the capacity of a contractor without a license in violation of this

chapter, and, upon a proper showing, a temporary restraining order, a preliminary injunction, or a permanent injunction shall be granted without bond.

CHAPTER 943

An act to add Section 30608.2 to the Streets and Highways Code, relating to toll bridges and crossings.

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

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

SECTION 1. Section 30608.2 is added to the Streets and Highways Code, to read:

30608.2. The authority may also vary as it deems desirable the rates applicable to vehicles operated on the San Francisco-Oakland Bay Bridge for the carriage of passengers by any municipal or public corporation, transit district, public utility district, or political subdivision, or by any transportation company operating under a certificate of public convenience and necessity.

CHAPTER 944

An act to amend Section 10016 of the Elections Code, relating to elections.

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

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

SECTION 1. Section 10016 of the Elections Code is amended to read:

10016 Whenever it appears by affidavit of a voter that an error or omission has occurred in the publication of the name or description of the candidates or in the printing of the ballots, the superior court of the county shall, upon application of the affiant, by order, require the clerk or secretary of the public agency conducting the election to correct the error or to show cause why the error should not be corrected.

CHAPTER 945

An act to add Section 54928 to the Government Code, relating to districts, declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. Section 54928 is added to the Government Code, to read:

54928. Notwithstanding any other provision of law, in the case of any flood control, water conservation, levee, or other district or zone thereof for which taxes or assessments are levied for the repair, restoration, improvement, or protection of flood control or conservation works or other property damage by any flood or storm in December of 1964, the statement and map or plat may be filed with the assessor and with the State Board of Equalization on or before June 30, 1965, with respect to the fiscal year commencing in 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:

During December, 1964, in many parts of the state the people suffered the ravages of disastrous floods, floods which not only destroyed their homes and land but also destroyed facilities and works that have, in some measure, protected them from flood and storm waters. The law provides for the creation of flood control, water conservation, levee, and other districts and zones thereof which can provide flood control facilities to protect life and property from the seasonal floods However, in many instances newly created districts and zones cannot levy taxes or assessments unless a statement and map or plat is filed with the assessor or the State Board of Equalization on or before February 1st of the year in which the taxes or assessments are to be levied In order to do the work necessary to protect life and property from the seasonal and other floods which can be anticipated next winter, districts and zones must be created with the power to levy taxes and assessments this year It is necessary that this act take effect immediately to extend the time for the filing of the statements and maps or plats.

CHAPTER 946

An act to amend Section 1721 of the Health and Safety Code, relating to cancer.

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

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

SECTION 1. Section 1721 of the Health and Safety Code is amended to read:

1721. The provisions of this chapter shall expire on December 31, 1967.

CHAPTER 947

An act to add Section 858.5 to the Penal Code, relating to sentencing in criminal cases.

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

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

SECTION 1. Section 858.5 is added to the Penal Code, to read:

858.5. (a) In any case in which a defendant is, on his demand, brought before a magistrate pursuant to Section 822 after arrest for a misdemeanor Vehicle Code violation, the magistrate shall give such instructions to the defendant as required by law and inform the defendant of his rights under this section, and, if the defendant desires to plead guilty or nolo contendere to the charge in the complaint, he may so advise the magistrate. If the magistrate determines that such plea would be in the interest of justice, he shall direct the defendant to appear before a specified appropriate court in the county in which defendant has been arrested at a designated certain time, which in no case shall be more than 10 calendar days from the date of arrest, for plea and sentencing. The magistrate shall request the court in which the complaint has been filed to transmit a certified copy of the complaint and any citation and any factual report which may have been prepared by the law enforcement agency that investigated the case to the court in which defendant is to appear for plea and sentencing. If the court of which the request is made deems such action to be in the interest of justice, and the district attorney of the county in which that court sits, after notice from the court of the request it has received, does not object to such action, the court shall immediately transmit a certified copy of the complaint and the report of the law enforcement

agency that investigated the case, and, if not, shall advise the requesting magistrate of its decision not to take such action.

When defendant appears for plea and sentencing, and if a copy of the complaint has been transmitted, the court shall read the copy of the complaint to him, and the defendant may plead guilty or nolo contendere. Such court shall have jurisdiction to accept the plea and impose a sentence. Such court shall notify the court in which the complaint was originally filed of the disposition of the case. If defendant does not plead guilty or nolo contendere, or if transmittal of a copy of the complaint has been refused or if a copy of the complaint has not been received, the court shall terminate the proceedings under this section and shall direct the defendant to appear before the court or magistrate by whom the warrant was issued on or before a certain day which in no case shall be more than five days after the date such direction is made.

(b) Any fines imposed by a court which is given authority to sentence pursuant to this section shall be remitted to the court in which the complaint was originally filed for disposition as required by law. The county of the sentencing court shall bear all costs incurred incident to acceptance of the plea and sentencing, and no part of such costs shall be deducted from the fine remitted to the court in which the complaint was filed.

CHAPTER 948

An act to amend Section 12107 of, and to add Section 12107.1 to, the Business and Professions Code, relating to weights and measures.

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

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

SECTION 1. Section 12107 of the Business and Professions Code is amended to read:

12107. The director, by regulation, may establish tolerances and specifications for commercial weighing and measuring apparatus for use in the state similar to the tolerances and specifications recommended by the National Bureau of Standards.

Any such regulation shall be adopted, amended, or repealed in conformity with provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

It shall be unlawful for any person to violate any of the rules, regulations, tolerances, specifications or standards issued under the provisions of this section.

SEC. 2. Section 12107.1 is added to said code, to read:

12107.1. The director, by regulation, may establish a standard or standards or net weight or net measure, or net count of any commodity, except any manufactured commodity consisting of four or more staple ingredients. Such standards, whenever applicable, shall be based upon published, official federal or state specifications and requirements or, in the absence of any such published official specifications, upon established and accepted common usage. Any such regulation shall be adopted, amended, or repealed in conformity with the provisions of Chapter 4 5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

Whenever a standard or net weight or net measure or net count has been established for any commodity, it is unlawful to sell such commodity, by, at, or for a quantity greater or less than the standard.

CHAPTER 949

An act to amend Section 69606 of the Government Code, relating to superior court judges.

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

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

SECTION 1. Section 69606 of the Government Code is amended to read:

69606. In the County of Ventura there shall be five judges of the superior court. On and after July 1, 1966, there shall be six judges.

CHAPTER 950

An act to amend Sections 795.2, 795.8, 796.1, 796.2, 796.6, 796.9, and 828.83 of the Agricultural Code, relating to agricultural standards.

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

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

SECTION 1. Section 795.2 of the Agricultural Code is amended to read:

795.2. As used in this section, the term "tangerines or mandarins" shall include all varieties and hybrids of the mandarin group (Citrus reticulata) and all varieties of tangelos. Tangerines or mandarins shall be (1) well colored, (2) free from serious damage by freezing or drying due to any cause, and (3) free from serious decay.

The following standards shall be applied in determining whether or not tangerines or mandarins meet the requirements of this section:

(1) Tangerines or mandarins are not well colored unless 90 percent, by count, of the fruits in any lot show a yellow, orange or red color on 75 percent or more of the surface of the fruit.

(2) Damage by freezing or drying due to any cause is serious if 20 percent or more of the pulp or edible portion of the fruit shows evidence of drying, desiccation, or a mushy condition. Evidence of damage shall be determined by as many cuts of each individual fruit as are necessary.

(3) Decay is serious if any part of the fruit is affected with decay.

Not more than 10 percent, by count, of the tangerines or mandarins in any one container or bulk lot may fail to meet the requirements because of damage by freezing or drying due to any cause.

Not more than 5 percent, by count, of the tangerines or mandarins in any one container or bulk lot may fail to meet the requirements because of serious decay.

The diameter in inches of tangerines or mandarins in containers marked with one of the size designations tabulated in Column A, below, shall be between the measurements tabulated in corresponding lines of Column B and Column C; provided, however, that the diameter in inches of not more than 10 percent, by count, of the fruit in the container may measure less than the corresponding measurement in Column B, and not more than 10 percent, by count, of the fruit in the container may measure more than the corresponding measurement in Column C.

Column A	Column B	Column C
Super colossal	3.25	4.00
Colossal	3.00	3.25
Mammoth	2.75	3 00
Jumbo	2.50	2.75
Large	2.25	2.50
Medium	2.00	2.25
Small	1.75	2.00

Containers of tangerines or mandarins which fail to meet the size requirement shall be considered as complying with this section if the container is marked with the words "irregular sizes."

Not more than one of the above size designations shall appear on any container.

SEC. 2. Section 795.8 of said code is amended to read:

795.8. Except as otherwise permitted by the tolerance provided in this section, the standard citrus field picking box shall have a cubic content of 3,115 cubic inches and shall not have cleats over one inch high. The volume added to such box by

the cleats shall not be considered in computing the cubic content.

It is unlawful to load, ship, transport or deliver citrus fruits from the orchard where they were produced or elsewhere within the state in any citrus field picking box that is not standard unless such box is conspicuously marked on an outside end with the word "irregular" and with the cubic content in cubic inches, in letters and figures not less than one inch in height; provided, however, that the provisions of this Section 795.8 shall not apply to any citrus field picking box which is designed to hold more than 500 pounds.

In order to provide for reasonable variation in the cubic content of standard citrus field picking boxes because of atmospheric changes, normal use and normal manufacturing variations, a tolerance of 4 percent either above or below said standard cubic content shall be permissible. An equal tolerance shall be permissible in the case of irregular citrus field picking boxes above or below the cubic content as marked thereon.

SEC. 3. Section 796.1 of said code is amended to read:

796.1. It shall be unlawful to mix or blend citrus fruits which fail to conform to the requirements of this chapter with other citrus fruits which conform to such requirements for the purpose of selling, marketing, or transporting the fruit which has thus failed to conform to the requirements of this chapter.

Any citrus fruit which has been in storage or after being shipped fails to meet the requirements of the standards for citrus fruits established in this chapter only by reason of brown rot, blue mold, or green mold which has occurred after being packed, or placed loose in a container shall not be held for violation of the provisions of this chapter on account of such deterioration.

All containers of oranges, lemons and grapefruit holding more than 25 pounds and all containers of tangerines or mandarins holding more than 12 pounds shall bear upon them in plain sight and in plainly legible letters on one outside end:

1. The name of the packer thereof together with a sufficiently explicit address to permit ready location of such packer;

2. In the case of oranges, grapefruit, and lemons the number and average diameter of the citrus fruit in the container and, in the case of tangerines and mandarins, the size of the tangerines or mandarins contained therein in accordance with size specifications in Column A of Section 795.2;

3. In the case of oranges, grapefruit and tangerines or mandarins the name of the variety, if known, and when not known, the words "unknown variety" or "seedlings". With respect to all varieties of navel oranges, the varietal designation shall be "Navel"; for all varieties of valencia oranges, "Valencia"; for all varieties of white grapefruit, "Marsh White"; and for all varieties of pink grapefruit, "Marsh Ruby." In the case of citrus fruit imported from another state the average diameter or size designation of the fruit

in the container need not be shown and in the case of citrus intended for shipment directly from the State of California to the State of Baja California, Republic of Mexico, the marking requirements of this section need not be shown.

SEC. 4. Section 796.2 of said code is amended to read:

796.2. All oranges, or lemons offered for distribution or sale, before being so offered, shall be packed in closed standard container number 58 and shall be uniform in size. All grapefruit offered for distribution or sale, before being so offered, shall be packed in closed standard container number 59 and shall be uniform in size. All tangerines or mandarins offered for distribution or sale, before being so offered, shall be packed in closed standard container number 63.

The provisions of this section shall not apply to (1) the sale, marketing or transportation for sale or marketing of oranges, grapefruit, lemons, or tangerines or mandarins 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 tangerines or mandarins in closed containers intended for sale to the consumer in their unbroken form and the net contents of which do not exceed 12 pounds nor 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, lemons or tangerines or mandarins 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, lemons or tangerines or mandarins in a retail establishment in possession of a retailer for the purpose of resale directly to consumers; nor to oranges, grapefruit, lemons or tangerines or mandarins 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, lemons or tangerines or mandarins for use as a food and not for resale.

Citrus fruit imported into this state from another state need not be 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. 5. Section 796.6 of said code is amended to read:

796.6. The count of oranges, grapefruit and lemons when packed in standard container number 58 or 59 and the number marked on the container as required in Section 796.1 shall be one of the numbers tabulated in Column A, below, for oranges or for grapefruit or for lemons and the average diameter marked on the containers shall be the corresponding measurement tabulated in Column B, below:

The average diameter in inches of the oranges, grapefruit or lemons in the container, as determined by inspection of a representative sample, shall be not less than the corresponding measurement tabulated in Column B for each such fruit.

Oranges

Column A Count	Column B Av. dia.
24	4.370
32	3.970
36	3.820
40	3 680
48	3.470
56	3.300
72	3 040
88	2.840
113	2 600
138	2.420
163	2.290
180	2.220
210	2.070
245	1.980
270	1.920

Grapefruit

Column A Count	Column B Av. dia.
9	6.200
12	5.640
14	5.350
16	5.120
18	4.920
23	4.540
27	4.270
32	4.030
36	3 880
40	3.740
48	3.530
56	3 350
64	3.170
80	2.900
88	2.840

Lemons

Column A Count	Column B Av. dia.
63	2.925
75	2.775
95	2.570
115	2.410
140	2.240
165	2.130
200	2.010
235	1.880
285	1.770
319	1.685
343	1.640

Oranges, grapefruit and lemons when in standard containers number 58 or 59 shall be packed in the container so compactly that they will not readily move in the container; the container must be level full of fruit; and the count of fruit in each container must be not less than the count marked with a permissible count in excess not exceeding 8 percent.

SEC. 6. Section 796.9 of said code is amended to read:

796.9. As applied to oranges, lemons and grapefruit:

(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) "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.

As applied to oranges, lemons, grapefruit, and tangerines or mandarins:

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

(d) "Closed" when applied to standard container number 58, 59, or 63 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 $5\frac{3}{4}$ 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.

(e) Nothing in this paragraph applying to standard container number 58, 59, 62, or 63 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. 7. Section 828.83 of said code is amended to read:

828.83. Citrus fruit boxes

		Depth	Width	Length
58	Standard orange or lemon container	10¼	10 11/16	16⅜
59	Standard grapefruit container	9¾	10 11/16	16⅜
62	Standard grapefruit master container	12½ to 13½	12¾ to 13¾	19 to 21
63	Standard tangerine or mandarin container	7½ to 8½	10 11/16	16⅜

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, 62 and 63 by reason of manufacturing variations, a variation of plus or minus one-eighth 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 number 58 shall not be less than 1,737 cubic inches; container number 59 not less than 1,652 cubic inches; and container number 63 not less than 1,265 cubic inches.

CHAPTER 951

An act to amend Sections 74502, 74503 and 74504 of the Government Code, relating to the municipal court in the City and County of San Francisco.

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

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

SECTION 1. Section 74502 of the Government Code is amended to read:

74502. There shall be one clerk who shall also serve as secretary to the judges and who shall be paid a salary of one thousand six hundred seventy dollars ($1,670) a month. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one clerk who shall also serve as secretary to the judges, and who shall hold office at their pleasure and who shall receive the salary hereinabove provided.

SEC. 2. Section 74503 of said code is amended to read:

74503. (a) There shall be one jury commissioner who shall exercise the powers of jury commissioners of superior courts insofar as they are applicable to the municipal courts and who shall perform such other duties as assigned by the judges of the court and who shall be paid a salary of one thousand two hundred seventy dollars ($1,270) monthly. Whenever any vacancy occurs after the effective date hereof, the judges, or a majority of them, notwithstanding any other provisions of the Government Code, shall appoint one jury commissioner, and who shall hold office at their pleasure, and who shall perform such other duties as assigned by the judges of the court, and who shall receive the salary hereinabove provided.

(b) The clerk shall appoint four deputy clerks who shall be the chief division clerks in the civil, criminal, traffic and accounting departments of the court, and who shall be paid a minimum salary of one thousand sixty dollars ($1,060) monthly during the first year of service, a salary of one thousand one hundred fifteen dollars ($1,115) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand one hundred seventy dollars ($1,170) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

SEC. 3. Section 74504 of said code is amended to read:

74504. The clerk shall also appoint:

(a) Five deputy clerks who shall be assistant chief division clerks and who shall be paid a minimum salary of nine hundred fifteen dollars ($915) monthly during the first year of service, a salary of nine hundred sixty dollars ($960) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of one thousand ten dollars ($1,010) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(b) Twenty-two deputy clerks who shall be paid a minimum salary of seven hundred sixty dollars ($760) monthly during the first year of service, a salary of eight hundred ten dollars ($810) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of eight hundred seventy-six dollars ($876) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(c) Fifteen deputy clerks who shall be paid a minimum salary of six hundred seventy dollars ($670) monthly during the first year of service, a salary of six hundred ninety-five dollars ($695) monthly after the first year of service, commencing on the first day of the month following the first

anniversary of his appointment and a maximum salary of seven hundred twenty dollars ($720) monthly, after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(d) Sixteen deputy clerks who shall be paid a minimum salary of six hundred eight dollars ($608) monthly during the first year of service, a salary of six hundred twenty-five dollars ($625) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of six hundred forty-three dollars ($643) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment. While assigned as administrative secretary to the clerk of the municipal court any deputy in Section 74504(d) shall be paid in addition to the salary provided by this article, the additional sum of seventy-five dollars ($75) monthly.

(e) Nineteen deputy clerks who shall be paid a minimum salary of five hundred sixty-one dollars ($561) monthly during the first year of service, a salary of five hundred seventy-eight dollars ($578) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred ninety-four dollars ($594) monthly after the second year of service commencing on the first day of the month following the second anniversary of his appointment.

(f) Eighteen deputy clerks who shall be paid a minimum salary of five hundred fifteen dollars ($515) monthly during the first year of service, a salary of five hundred thirty-three dollars ($533) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of five hundred fifty dollars ($550) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(g) Twenty-three deputy clerks who shall be paid a minimum salary of four hundred dollars ($400) monthly during the first year of service, a salary of four hundred forty dollars ($440) monthly after the first year of service commencing on the first day of the month following the first anniversary of his appointment, and a maximum salary of four hundred eighty-seven dollars ($487) monthly after the second year of service, commencing on the first day of the month following the second anniversary of his appointment.

(h) Two information clerks who shall be paid a minimum salary of four hundred ten dollars ($410) monthly during the first year of service, a salary of four hundred forty-one dollars ($441) monthly after the first year of service, commencing on the first day of the month following the first anniversary of his appointment, a salary of four hundred seventy-two dollars ($472) monthly after the second year of service, commencing on the first day of the month following the

second anniversary of his appointment, a salary of five hundred three dollars ($503) monthly after the third year of service, commencing on the first day of the month following the third anniversary of his appointment, and a maximum salary of five hundred thirty-four dollars ($534) monthly after the fourth year of service, commencing on the first day of the month following the fourth anniversary of his appointment.

CHAPTER 952

An act to amend Sections 74842, 74843, 74844, 74845, and 74846 of the Government Code, relating to the municipal court attachés.

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

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

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

74842. There shall be one clerk who shall receive a minimum salary of five hundred eighty-four dollars ($584) monthly with increments of twenty-nine dollars ($29), thirty-one dollars ($31), thirty-two dollars ($32), thirty-four dollars ($34), thirty-five dollars ($35), and thirty-seven dollars ($37) to a maximum of seven hundred eighty-two dollars ($782) monthly.

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

74843. The clerk may appoint:

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

(b) Four senior deputy clerks each of whom shall receive a minimum salary of three hundred fifty-eight dollars ($358) monthly with increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), and twenty-three dollars ($23) to a maximum of four hundred eighty-one dollars ($481) monthly.

(c) Eight deputy clerks each of whom shall receive a minimum salary of three hundred ten dollars ($310) monthly with increments of fifteen dollars ($15), sixteen dollars ($16), seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20) to a maximum of four hundred fifteen dollars ($415) monthly.

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

74844. There shall be one marshal who shall receive seven hundred forty-five dollars ($745) monthly, provided, however, that in order to maintain comparability with county salaries,

the judges, in concurrence with the board of supervisors, may establish seven hundred eighty-two dollars ($782) or eight hundred twenty-one dollars ($821) monthly, as the salary.

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

74845. The marshal may appoint:

(a) One chief deputy marshal-office supervisor who shall receive a minimum salary of four hundred eighty-one dollars ($481) monthly with increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), and thirty-one dollars ($31) to a maximum of six hundred forty-four dollars ($644) monthly.

(b) Four deputy marshals each of whom shall receive a minimum salary of four hundred eighty-one dollars ($481) monthly with increments of twenty-four dollars ($24), twenty-five dollars ($25), twenty-six dollars ($26), twenty-eight dollars ($28), twenty-nine dollars ($29), and thirty-one dollars ($31) to a maximum of six hundred forty-four dollars ($644) monthly.

(c) Three deputy marshals-clerical each of whom shall receive a minimum salary of three hundred fifty-eight dollars ($358) monthly with increments of eighteen dollars ($18), nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), twenty-two dollars ($22), and twenty-three dollars ($23) to a maximum of four hundred eighty-one dollars ($481) monthly.

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

SEC. 5. Section 74846 of said code is amended to read:

74846. Attachés shall be hired at the minimum rate of salary except if it is difficult to secure qualified personnel, or if a person of unusual qualifications is hired, in which case the judge may hire at the salary indicated on the second step. Except that in the case of the appointment of the Clerk of the Municipal Court, the judges shall be authorized, if they deem it necessary, to appoint said clerk at a higher step, not to exceed the 5th step of the prevailing salary range as defined in Section 74848. Provided further, that if the judges are unable to secure a qualified person to fulfill the position of clerk of the municipal court for a salary within the prevailing salary range; then the judges, in concurrence with the board of supervisors, may establish the salary at a rate not to exceed eight hundred sixty-two dollars ($862) monthly. Persons appointed to new positions in the court created after its establishment and who have discharged comparable duties in the court shall receive credit for their continuous prior service in determining their rate of compensation, and their prior service shall be deemed service in the new positions. Such credit shall be given

only when the judge of the court determines that the officer is entitled to receive it.

CHAPTER 953

An act to amend Section 12609 of the Business and Professions Code, relating to weights and measures.

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

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

SECTION 1. Section 12609 of the Business and Professions Code is amended to read:

12609. (a) A statement of weight shall be in terms of the avoirdupois pound and ounce. A statement of liquid measure shall be in terms of the United States gallon of 231 cubic inches, quart, pint, and fluid ounce, and, with the exception of liquid petroleum products, shall express the volume at 68° Fahrenheit (20° Centigrade) provided that refrigerated commodities shall express the volume at the temperature at which the product is kept or offered for sale. A statement of dry measure shall be in terms of the United States bushel of 2,150.42 cubic inches, peck, dry quart, and dry pint. A statement of linear measure shall be in terms of the standard yard, foot, and inch. In lieu thereof, a statement of weight or measure may be in terms of the metric system. A statement of numerical count shall be expressed either in English words or Arabic numerals.

Nothing in this chapter shall prohibit expressing content statements in terms of the decimal system.

In addition to the quantity statements permitted by this section liquid commodities may also be sold in containers marked one-half gallon, one-half pint or one-quarter pint. Fluid dairy products may be tested by a weights and measures official on the basis of weight as prescribed by regulations of the director.

(b) In no case shall a declaration of quantity be qualified by the addition of the words, "when packed" or any words of similar import, nor shall any unit of weight, measure or count be qualified by any term (such as jumbo, giant, full, or the like) that tends to exaggerate the amount of the commodity in the container.

CHAPTER 954

An act to amend Sections 73682 and 73694 of, and to repeal Sections 73683 and 73684 of, and to add Sections 73683 and 73684 to, the Government Code, relating to officers and attachés of the municipal court.

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

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

SECTION 1. Section 73682 of the Government Code is amended to read:

73682. There shall be one clerk to be appointed by the judges of the court in the manner provided by law who shall be the clerk, administrator and secretary of the court. He shall receive a minimum salary of seven hundred thirty-nine dollars ($739) a month, and upon the recommendation of the judges, increments of thirty-six dollars ($36) after six months of service, thirty-nine dollars ($39) after 1½ years, forty-one dollars ($41) after 2½ years, and forty-three dollars ($43) to a maximum salary of eight hundred ninety-eight dollars ($898) after 3½ years of service.

SEC. 2. Section 73683 of said code is repealed.

SEC. 3. Section 73683 is added to said code, to read:

73683. The clerk may appoint:

(a) One assistant clerk who shall receive a minimum salary of five hundred twenty-five dollars ($525) a month, and upon the recommendation of the clerk, increments of twenty-six dollars ($26) after six months of service, twenty-eight dollars ($28) after 1½ years, twenty-nine dollars ($29) after 2½ years, and thirty dollars ($30) to a maximum salary of six hundred thirty-eight dollars ($638) after 3½ years of service.

(b) One legal process clerk II who shall receive a minimum salary of five hundred twelve dollars ($512) a month, and upon the recommendation of the clerk, increments of twenty-six dollars ($26) after six months of service, twenty-seven dollars ($27) after 1½ years, twenty-eight dollars ($28) after 2½ years, and thirty dollars ($30) to a maximum salary of six hundred twenty-three dollars ($623) after 3½ years of service.

(c) Five court clerks, each of whom shall receive a minimum salary of four hundred sixty-five dollars ($465) a month, and upon the recommendation of the clerk, increments of twenty-three dollars ($23) after six months of service, twenty-four dollars ($24) after 1½ years, twenty-six dollars ($26) after 2½ years, and twenty-seven dollars ($27) to a maximum salary of five hundred sixty-five dollars ($565) after 3½ years of service.

(d) One senior account clerk who shall receive a minimum salary of four hundred twenty-two dollars ($422) a month, and upon the recommendation of the clerk, increments of

twenty-one dollars ($21) after six months of service, twenty-two dollars ($22) after 1½ years, twenty-three dollars ($23) after 2½ years, and twenty-four dollars ($24) to a maximum salary of five hundred twelve dollars ($512) after 3½ years of service.

(e) Two senior clerks who shall receive a minimum salary of four hundred two dollars ($402) a month, and upon the recommendation of the clerk, increments of twenty dollars ($20) after six months of service, twenty-one dollars ($21) after 1½ years, twenty-two dollars ($22) after 2½ years, and twenty-three dollars ($23) to a maximum salary of four hundred eighty-eight dollars ($488) after 3½ years of service.

(f) One cashier-clerk who shall receive a minimum salary of three hundred eighty-three dollars ($383) a month, and upon the recommendation of the clerk, increments of nineteen dollars ($19) after six months of service, twenty dollars ($20) after 1½ years, twenty-one dollars ($21) after 2½ years, and twenty-two dollars ($22) to a maximum salary of four hundred sixty-five dollars ($465) after 3½ years of service.

(g) One small claims clerk who shall receive a minimum salary of three hundred fifty-six dollars ($356) a month, and upon the recommendation of the clerk, increments of eighteen dollars ($18) after six months of service, eighteen dollars ($18) after 1½ years, twenty dollars ($20) after 2½ years, and twenty dollars ($20) to a maximum salary of four hundred thirty-two dollars ($432) after 3½ years of service.

(h) One account clerk who shall receive a minimum salary of three hundred fifty-six dollars ($356) a month, and upon the recommendation of the clerk, increments of eighteen dollars ($18) after six months of service, eighteen dollars ($18) after 1½ years, twenty dollars ($20) after 2½ years, and twenty dollars ($20) to a maximum salary of four hundred thirty-two dollars ($432) after 3½ years of service.

SEC. 4. Section 73684 of said code is repealed.

SEC. 5. Section 73684 is added to said code, to read:

73684. The clerk may also appoint:

(a) Three intermediate stenographer-clerks, each of whom shall receive a minimum salary of three hundred fifty-six dollars ($356) a month, and upon the recommendation of the clerk, increments of eighteen dollars ($18) after six months of service, eighteen dollars ($18) after 1½ years, twenty dollars ($20) after 2½ years, and twenty dollars ($20) to a maximum salary of four hundred thirty-two dollars ($432) after 3½ years of service.

(b) Three junior stenographer-clerks, each of whom shall receive a minimum salary of three hundred fifteen dollars ($315) a month and upon the recommendation of the clerk, increments of sixteen dollars ($16) after six months of service, seventeen dollars ($17) after 1½ years, seventeen dollars ($17) after 2½ years, and eighteen dollars ($18) to a maximum salary of three hundred eighty-three dollars ($383) after 3½ years of service.

(c) The clerk may appoint any combination of the two foregoing classes, but a total of three positions shall not be exceeded.

(d) Twenty intermediate typist-clerks, each of whom shall receive a minimum salary of three hundred thirty-nine dollars ($339) a month, and upon the recommendation of the clerk, increments of seventeen dollars ($17) after six months of service, eighteen dollars ($18) after 1½ years of service, eighteen dollars ($18) after 2½ years of service, and twenty dollars ($20) to a maximum salary of four hundred twelve dollars ($412) after 3½ years of service.

(e) Ten junior typist-clerks, each of whom shall receive a minimum salary of three hundred dollars ($300) a month, and upon the recommendation of the clerk, increments of fifteen dollars ($15) after six months of service, sixteen dollars ($16) after 1½ years, seventeen dollars ($17) after 2½ years, and seventeen dollars ($17) to a maximum salary of three hundred sixty-five dollars ($365) after 3½ years of service.

(f) The clerk may appoint any combination of the two foregoing classes, but a total of twenty-four (24) positions shall not be exceeded.

SEC. 6. Section 73694 of said code is amended to read:

73694. Notwithstanding the provisions of Article 4 (commencing with Section 72150) of Chapter 8 of this title and the provisions of this article, and in order to equalize the compensation of employees of the municipal court with the compensation paid to county employees with commensurate duties and responsibilities, upon recommendation of the clerk of the court with the approval of the Board of Supervisors of the County of Fresno, the officers and attachés of the court, as are more particularly named in Sections 73682, 73683, and 73684, may be paid any compensation which is within the ranges and increments of the Fresno County Salary Ordinance then in effect up to, but not exceeding twelve and one-half percent (12½%) of the maximum amounts specified in this article, operative at the same time as that higher compensation becomes operative in the Fresno County Salary Ordinance. This section shall remain in effect until the 91st day after the final adjournment of the 1967 session of the California Legislature.

CHAPTER 955

An act to amend Sections 28124 and 69991 of the Government Code, relating to compensation for county service.

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

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

SECTION 1. Section 28124 of the Government Code is amended to read:

28124. In a county of the 24th class the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums:

(a) The auditor, ten thousand two hundred dollars ($10,200) a year. He shall also perform the duties of controller. When required by the board of supervisors to compile an annual statistical report, he shall receive one hundred fifty dollars ($150) from the general fund of the county as compensation for compiling the report.

(b) The district attorney, twelve thousand dollars ($12,000) a year. He shall not engage in private law practice and shall devote all his time and attention during business hours to the duties of his office.

(c) Each supervisor, seven thousand dollars ($7,000) a year for all services performed by him as supervisor and as a member of the board of equalization. No mileage allowance is necessary as the county furnishes automobiles for the use of supervisors.

(d) For each day's attendance as a grand juror or a trial juror in the superior court, three dollars ($3) a day; for each mile traveled in attending court as such juror, twelve cents ($0.12), in going only.

A grand juror, when attending as a member of a regularly constituted committee or subcommittee of the grand jury, shall receive the same per diem and mileage as is allowed for attending court.

The compensation provided by this section shall be paid to incumbent officers.

SEC. 2. Section 69991 of said code is amended to read:

69991. The duties of official reporters appointed pursuant to Section 69990 shall be performed as elsewhere provided by law. As full compensation for taking notes in criminal cases in the superior court each reporter shall receive a monthly salary of six hundred dollars ($600), and for the purposes of retirement, the compensation of each reporter shall be deemed to be the total of all per diem and transcription fees paid by the county to all of the reporters of the superior court for all phonographic reporting services, divided by the number of superior court official reporters, plus his salary; except that in each county with a population of more than 70,000, and less than 73,000, as determined by the 1940 federal census, the monthly salary shall be five hundred dollars ($500); and except that in each county, with a population of 88,000 and under 100,000, as ascertained and determined by Section 28020 of this code, the monthly salary shall be eight hundred dollars ($800). All other fees of such reporters shall be as elsewhere provided by law. In cases where it is necessary to appoint a pro tempore reporter, he shall be allowed the fees elsewhere provided by law.

CHAPTER 956

An act to amend Sections 502.7, 591, and 640 of the Penal Code, relating to criminal offenses involving telephone and telegraph service.

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

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

SECTION 1. Section 502.7 of the Penal Code is amended to read:

502.7. (a) A person who, knowingly, willfully and with intent to defraud a person providing telephone or telegraph service, avoids or attempts to avoid, or aids, abets or causes another to avoid the lawful charge, in whole or in part, for telephone or telegraph service by any of the following means is guilty of a misdemeanor:

(1) By charging such service to an existing telephone number or credit card number without the authority of the subscriber thereto or the lawful holder thereof; or

(2) By charging such service to a nonexistent telephone number or credit card number, or to a number associated with telephone service which is suspended or terminated, or to a revoked or canceled (as distinguished from expired) credit card number, notice of such suspension, termination, revocation or cancellation of such telephone service or credit card having been given to the subscriber thereto or the holder thereof; or

(3) By use of a code, prearranged scheme, or other similar stratagem or device whereby said person, in effect, sends or receives information; or

(4) By rearranging, tampering with, or making connection with telephone or telegraph facilities or equipment, whether physically, electrically, acoustically, inductively or otherwise, or by using telephone or telegraph service with knowledge or reason to believe that such rearrangement, tampering or connection existed at the time of such use; or

(5) By using any other deception, false pretense, trick, scheme, device or means.

(b) A person who (1) makes, possesses, sells, gives or otherwise transfers to another, or offers or advertises an instrument, apparatus or device with intent to use it or with knowledge or reason to believe it is intended to be used to avoid any lawful telephone or telegraph toll charge or to conceal the existence or place of origin or destination of any telephone or telegraph message; or (2) sells, gives or otherwise transfers to another or offers or advertises plans or instructions for making or assembling an instrument, apparatus or device described in paragraph (1) of this subdivision with knowledge or reason to believe that they may be used to make or assemble such instrument, apparatus or device, is guilty of a misdemeanor.

(c) Subdivision (a) of this section shall apply when the telephone or telegraph communication involved either originates or terminates, or both originates and terminates, in this state, or when the charges for service would have been billable, in normal course, by a person providing telephone or telegraph service in this state, but for the fact that the charge for service was avoided, or attempted to be avoided by one or more of the means set forth in subdivision (a) of this section.

(d) Jurisdiction of an offense under this section is in the jurisdictional territory where the telephone call or telegram involved in the offense originates or where it terminates, or the jurisdictional territory to which the bill for the service is sent or would have been sent but for the fact that the service was obtained or attempted to be obtained by one or more of the means set forth in subdivision (a) of this section.

(e) If the total value of all telephone or telegraph services obtained in violation of this section aggregates over two hundred dollars ($200) within any period of twelve (12) consecutive months during the three years immediately prior to the time the indictment is found or the case is certified to the superior court, or if the defendant has previously been convicted of an offense under this section or of an offense under the laws of another state or of the United States which would have been an offense under this section if committed in this state, a person guilty of such offense is punishable by imprisonment in the state prison not exceeding five years, or by imprisonment in the county jail not exceeding one year, or by fine not exceeding five thousand dollars ($5,000), or by both such fine and imprisonment.

(f) An instrument, apparatus, device, plans or instructions described in subdivision (b) of this section may be seized under warrant or incident to a lawful arrest, and, upon the conviction of a person for a violation of subdivisions (a) or (b) of this section, such instrument, apparatus, device, plans or instructions may be destroyed as contraband by the sheriff of the county in which such person was convicted or turned over to the person providing telephone or telegraph service in the territory in which the same was seized.

SEC. 2. Section 591 of said code is amended to read:

591. A person who unlawfully and maliciously takes down, removes, injures or obstructs or makes any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with any line of telegraph or telephone, or any other line used to conduct electricity, or any part thereof, or appurtenances or apparatus connected therewith, or severs any wire thereof, is punishable by imprisonment in the state prison not exceeding five years, or by a fine not exceeding five hundred dollars ($500), or imprisonment in the county jail not exceeding one year.

SEC. 3. Section 640 of said code is amended to read:

640. A person who, by means of any machine, instrument, or contrivance, or in any other manner, willfully and fraudulently, or clandestinely taps, or makes any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with any telegraph or telephone wire, line, cable, or instrument under the control of any telegraph or telephone company; or who willfully and fraudently, or clandestinely, or in any unauthorized manner, reads, or attempts to read, or to learn the contents or meaning of any message, report, or communication while the same is in transit or passing over any telegraph or telephone wire, line, or cable, or is being sent from, or received at any place within this state; or who uses, or attempts to use, in any manner, or for any purpose, or to communicate in any way, any information so obtained; or who aids, agrees with, employs, or conspires with any person or persons to unlawfully do, or permit, or cause to be done any of the acts or things hereinabove mentioned, is punishable by imprisonment in the state prison not exceeding five years, or by imprisonment in the county jail not exceeding one year, or by fine not exceeding five thousand dollars ($5,000), or by both such fine and imprisonment.

CHAPTER 957

An act to add Article 4.5 (commencing with Section 13670) to Chapter 3 of Division 10 of the Education Code, relating to public school employees.

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

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

SECTION 1. Article 4.5 (commencing with Section 13670) is added to Chapter 3 of Division 10 of the Education Code, to read:

Article 4.5. Retraining and Study

13670. In enacting this article the Legislature recognizes that technological and other changes are occurring which may displace otherwise desirable classified employees in the public school systems of the state. The Legislature intends that the enactment of this article will encourage classified employees to prepare themselves for the changes that are occurring and will also encourage governing boards to utilize the article to further study and retraining by classified personnel.

13671. The governing board of any school district may grant any classified employee a leave of absence not to exceed one year for the purpose of permitting study by the employee or for the purpose of retraining the employee to meet changing conditions within the district.

The governing board may provide that such a leave of absence shall be taken in separate six-month periods or in any other appropriate periods, rather than for a continuous one-year period; provided, that the separate periods of leave of absence shall be commenced and completed within a three-year period. Any period of service by the individual intervening between the authorized separate periods shall comprise a part of the service required for a subsequent leave of absence for study or retraining purposes.

In school districts operating under the merit system, such leaves of absence shall be granted in accordance with rules established by the personnel commission.

13672. No leave of absence shall be granted under this article to any employee for study purposes who has not rendered service to the district for at least seven consecutive years, or for retraining purposes who has not rendered service to the district for at least three consecutive years preceding the granting of the leave, and no more than one such leave of absence shall be granted in each seven- or three-year period, respectively. The governing board, or personnel commission in merit system districts, may prescribe standards of service which shall entitle the employee to the leave of absence.

Any leave of absence granted under this article shall not be deemed a break in service for any purpose, except that such leave shall not be included as service in computing service for the granting of any subsequent leave under this article.

13673. Every employee granted a leave of absence pursuant to this article may be required to perform such services during the leave as the governing board of the district and the employee may agree upon in writing. The employee shall receive such compensation during the period of the leave as the governing board and the employee may agree upon in writing, which compensation shall be not less than the difference between the salary of the employee on leave and the salary of a substitute employee in the position which the employee held prior to the granting of the leave. However, in lieu of such difference, the board may pay one-half of the salary of the employee on leave or any additional amount up to and including the full salary of the employee on leave.

13674 Compensation granted by the governing board to the employee on leave may be paid in two equal annual installments during the first two years of service rendered in the employ of the governing board following the return of the employee from the leave of absence. The compensation shall be paid the employee while on the leave of absence in the same manner as if the employee were working for the district, upon the furnishing by the employee of a suitable bond indemnifying the governing board of the district against loss in the event that the employee fails to render at least two years' service in the employ of the governing board following the return of the employee from the leave of absence. The bond shall be exonerated in the event the failure of the employee to

return and render two years' service is caused by the death or physical or mental disability of the employee. If the governing board finds, and by resolution declares, that the interests of the district will be protected by the written agreement of the employee to return to the service of the district and render at least two years' service therein following his return from the leave, the governing board in its discretion may waive the furnishing of the bond and pay the employee on leave in the same manner as though a bond is furnished.

13675. Where one governing board serves as the governing board of two or more separate districts, an employee may fulfill the service requirements provided in Sections 13672 or 13674, or both, by service in any one or more of the districts under the jurisdiction of such governing board

13676. This article 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 or other applicable provisions of this code that may hereafter be enacted.

CHAPTER 958

An act to amend Section 21150 of the Government Code, relating to retirement.

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

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

SECTION 1. Section 21150 of the Government Code is amended to read:

21150. Except as otherwise provided in this article, a person who has been retired under this system for service or for disability shall not be employed in any capacity thereafter by the state, the university, or by a contracting agency unless he has first been reinstated from retirement pursuant to this chapter, except retired police officers and sheriffs' deputies who are employed by contracting agencies as school crossing guards. Any person employed in violation of this section and any public officer who knowingly employs or appoints him shall be jointly and severally liable to reimburse the state or the contracting agency, as the case may be, for any compensation paid in such employment.

CHAPTER 959

An act to amend Sections 89 and 1060 of the Code of Civil Procedure, relating to court proceedings.

[Approved by Governor July 9, 1965. Filed with Secretary of State July 9, 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 dollars ($5,000); in actions of interpleader, where the amount of money, or the value of the property involved, does not exceed five thousand dollars ($5,000).

(c) To cancel or rescind a contract, when such relief is sought in connection with an action to recover money, not exceeding five thousand dollars ($5,000), or property of a value not exceeding five thousand dollars ($5,000), paid or delivered under or in consideration of such contract; to revise a contract where such relief is sought in an action upon such contract, of which action the court otherwise has jurisdiction.

(d) In all proceedings in forcible entry or forcible or unlawful detainer, where the rental value is six hundred dollars ($600) or less per month, and where the whole amount of damages claimed is five thousand dollars ($5,000) or less.

(e) In all actions to enforce and foreclose liens on personal property, where the amount of such liens is five thousand dollars ($5,000) or less.

(f) In all actions to enforce and foreclose liens of mechanics, materialmen, artisans, laborers, and of all other persons to whom liens are given under the provisions of Chapter 2, Title 4, Part 3 of this code, where the amount of such liens is five thousand dollars ($5,000) or less; provided, that where an action to enforce any such lien is pending in a municipal court, and affects property which is also affected by a similar action pending in a superior court, or where the total amount of such liens sought to be foreclosed against the same property, by action or actions in a municipal court, aggregates an amount in excess of five thousand dollars ($5,000), the municipal court, in which any such action, or actions, is, or are, pending, upon motion of any interested party, shall order such action or actions pending therein transferred to the proper superior court. Upon the making of such order, the same proceedings

shall be taken as are provided by Section 399 of this code, with respect to the change of place of trial.

(g) In actions for declaratory relief when brought by way of cross-complaint as to a right of indemnity with respect to the relief demanded in the complaint or a cross-complaint in an action or proceeding otherwise within the jurisdiction of the municipal court.

(h) 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.

(i) 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 1060 of the Code of Civil Procedure is amended to read:

1060. Any person interested under a deed, will or other written instrument, or under a contract, or who desires a declaration of his rights or duties with respect to another, or in respect to, in, over or upon property, or with respect to the location of the natural channel of a watercourse, may, in cases of actual controversy relating to the legal rights and duties of the respective parties, bring an original action in the superior court or file a cross-complaint in a pending action in the superior or municipal court for a declaration of his rights and duties in the premises, including a determination of any question of construction or validity arising under such instrument or contract. He may ask for a declaration of rights or duties, either alone or with other relief; and the court may make a binding declaration of such rights or duties, whether or not further relief is or could be claimed at the time. The declaration may be either affirmative or negative in form and effect, and such declaration shall have the force of a final

judgment. Such declaration may be had before there has been any breach of the obligation in respect to which said declaration is sought.

CHAPTER 960

An act to amend Section 69503 of the Government Code, relating to destruction of court records.

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

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

SECTION 1. Section 69503 of the Government Code is amended to read:

69503. Notwithstanding any other law relating to the destruction of court records, the county clerk may cause to be destroyed all documents, records, instruments, books, papers, depositions, and transcripts, in any action or proceeding in the superior court, or otherwise filed in his office pursuant to law, or any will delivered to him pursuant to Section 320 of the Probate Code, if all of the following conditions exist:

(a) Eight years have elapsed since the delivery to him of any will, or the filing of any paper in the action or proceeding and the records of the county clerk do not show that the action or proceeding is pending on appeal in any court; except that transcripts of coroner's inquests, depositions, and, when the written consent of the district attorney is first obtained, transcripts of preliminary hearings may be destroyed when three years have elapsed since their filing in the office of the county clerk and the action or proceeding in which they were filed is not pending or on appeal in any court.

(b) The county clerk maintains for the use of the public a microphotographic film print or copy of each document, record, instrument, book, paper, deposition, or transcript so destroyed prepared pursuant to the procedure specified in Sections 1920b and 1923 of the Code of Civil Procedure.

(c) The county clerk promptly seals and stores at least one original negative of each such microphotographic film in such manner and place as reasonably to assure its preservation indefinitely against loss, theft, defacement, or destruction.

CHAPTER 961

An act to amend Section 5372 of, and to add Sections 5372.1 and 10510 to, the Streets and Highways Code, relating to the improvement acts.

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

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

SECTION 1. Section 5372 of the Streets and Highways Code is amended to read:

5372. The warrant, diagram and assessment shall be recorded in the office of the superintendent of streets and in accordance with Section 5372.1 and may be recorded at any hour of the calendar day. Immediately thereafter the superintendent of streets shall record a notice of assessment, as provided for in Section 3114, whereupon, as provided in Section 3115, said assessment shall attach as a lien upon the property assessed.

SEC. 2. Section 5372.1 is added to said code, to read:

5372.1. No assessment or bond hereafter levied or issued shall become a lien and no person shall be deemed to have notice thereof until a certified copy of the assessment and the diagram attached thereto 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.

SEC. 3. Section 10510 is added to said code, to read:

10510. If in the opinion of the legislative body the public interest will not be served by allowing the property owners to take the contract it may so provide in the resolution of intention.

CHAPTER 962

An act to add Sections 4038.1 and 4097 to the Business and Professions Code, relating to the practice of pharmacy.

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

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

SECTION 1. Section 4038.1 is added to the Business and Professions Code, to read:

4038.1. An "intern pharmacist" means a person registered with the board pursuant to subdivision (c) of Section 4085 and Section 4087 of this chapter who shall have completed the educational requirements as determined by the board.

SEC. 2. Section 4097 is added to said code, to read:

4097. An intern pharmacist may perform such activities pertaining to the practice of pharmacy as the board may determine by regulation. Whenever in this chapter the performance of an act is restricted to a registered pharmacist, such act may be performed by an intern pharmacist under the supervision of a registered pharmacist.

An intern pharmacist may perform such activities pertaining to the practice of pharmacy as the board may determine provided that at the time of performing such acts he was under the immediate, direct and personal supervision of a registered pharmacist, and provided further, that such registered pharmacist shall not supervise more than one intern pharmacist at any one time.

CHAPTER 963

An act to amend Section 10601 of the Education Code, relating to school pupils.

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

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

SECTION 1. Section 10601 of the Education Code is amended to read:

10601. Teachers may suspend, for good cause, any pupil from the school for not exceeding one schoolday, plus the remainder of the schoolday during which the suspension is ordered, if suspension is ordered during a schoolday, and shall immediately report the suspension to the principal of the school and send the pupil to the principal for appropriate action.

CHAPTER 964

An act to add Section 5003.2 to the Public Resources Code, relating to the Department of Parks and Recreation.

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

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

SECTION 1. Section 5003.2 is added to the Public Resources Code, to read:

5003.2. Without limiting any statutory powers of the Department of Parks and Recreation, real property which is in the control and possession and under the jurisdiction of the Department of Parks and Recreation shall be subject to the provisions of Division 3 (commencing with Section 11000),

Title 2 of the Government Code that relate to the disposition of state-owned real property.

Every transaction entered into pursuant to Division 3 (commencing with Section 11000), Title 2 of the Government Code affecting such real property, shall be subject to the approval of the Department of Parks and Recreation.

CHAPTER 965

An act to add Sections 32514, 32957 and 33101.6 to, and to amend Section 32951 of, the Streets and Highways Code, relating to public parking and transportation terminal facilities.

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

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

SECTION 1. Section 32514 is added to the Streets and Highways Code, to read:

32514. "Parking facilities" includes public transportation terminal facilities and other facilities related thereto.

SEC. 2. Section 32951 of said code is amended to read:

32951. Property, except property owned or controlled by the city, being used as a facility for the parking or storing of motor vehicles shall not be acquired by an authority, unless the project to be furnished or constructed which necessitates the acquisition of the existing facility when completed will provide a parking capacity at least three times the parking capacity provided by the existing facility.

If this section is held invalid, no existing parking facility may be acquired by an authority.

SEC. 3. Section 32957 is added to said code, to read:

32957. Sections 32952 to 32956, inclusive, shall not apply to the lease of a project by the authority to the city.

SEC. 4. Section 33101.6 is added to said code, to read:

33101.6. Sections 33101 and 33101.5 shall not apply where the bonds are issued to finance a project which is to be leased to the city and where the principal of and interest on the bonds are to be payable from rentals paid by the city under such lease.

CHAPTER 966

An act to amend Sections 12212, 12501, and 12511 of, and to add Sections 12501.1 and 12501.2 to, the Business and Professions Code, relating to weighing and measuring devices.

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

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

SECTION 1. Section 12212 of the Business and Professions Code is amended to read:

12212. The director shall adopt necessary regulations governing the inspection frequency of all commercially used weights, measures and weighing and measuring apparatus in the state.

The sealer of each county shall perform such inspections as may be required by the director. Nothing in this section shall be construed to prohibit the sealer from inspecting a device more frequently than required if he deems such tests necessary.

Any such regulation shall be adopted by the director in conformity with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

In counties where the director finds that the sealer, because of lack of equipment, is unable or fails to perform such tests as required herein, the director may enter into a contract with the board of supervisors of each of such counties to perform such tests. Such contracts shall provide that the county shall pay the cost of such services based upon a uniform schedule of fees developed by the director. Such fee schedule shall be based on the approximate cost of performing such services. Such contracts shall also provide that the director shall periodically render a bill to each county so served for the cost of services rendered, and the auditor of the county so billed shall pay such charge in the same manner in which other claims against the county are paid.

All fees collected under the provisions of this section shall be credited to the General Fund.

SEC. 2. Section 12501 of said code is amended to read:

12501. Except as provided in Section 12502 and, with respect to odometers, as is provided in Section 12501.1, every person who, for commercial purposes, sells weights or measures or weighing instruments or measuring instruments shall, within one year before selling the same, cause such weights or measures or weighing instruments or measuring instruments to be sealed by a sealer.

SEC. 3. Section 12501.1 is added to said code, to read:

12501.1. Every person who, for commercial purposes, uses weights and measures or weighing instruments or measuring instruments shall, before using the same, cause such weights or

measures or weighing instrument or measuring instrument to be sealed by a sealer, unless the weights and measures or weighing instrument or measuring instrument has been tested before sale, in which case they may be used by the purchaser for the remainder of such period as is authorized in the regulations adopted by the director pursuant to Section 12212.

Any odometer which is tested by the manufacturer has "been tested before sale" within the meaning of this section

SEC. 4. Section 12501.2 is added to said code, to read:

12501.2. Notwithstanding other provisions of this division, a sealer shall not be required to inspect, test or seal any scales or other weighing or measuring instruments to be sold for use or being used for commercial purposes and so located that the testing standards, in the amount deemed necessary for the proper testing, cannot be brought to the instrument to be tested by customary means, whenever the owner or user thereof has not rendered the instrument in question more readily available for the purpose of permitting an accurate test to be made before the end of six months after notice in writing from the sealer requiring that better means of accessibility be provided for testing such instrument.

SEC. 5. Section 12511 of said code is amended to read:

12511. Any weight, measure, or weighing or measuring instrument tested and found correct by any sealer may be used within this state without any further test for such period as is authorized in the regulations adopted by the director pursuant to Section 12212. If tested and sealed and certified to as correct by the National Bureau of Standards, any weight, measure, or weighing or measuring instrument may be sold without being first tested and sealed by a sealer. In either case, it shall be subject to inspection and testing notwithstanding that it has been tested and sealed either by a sealer or by the National Bureau of Standards.

CHAPTER 967

An act to amend Sections 1424 and 1425 of the Labor Code, relating to fair employment practices.

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

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

SECTION 1. Section 1424 of the Labor Code is amended to read:

1424. The written accusation, hearings, and all matters pertaining thereto shall be in accordance with the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code, and the commission shall have all the powers granted therein

SEC. 2. Section 1425 of said code is amended to read:

1425. The case in support of the accusation shall be presented before the commission by one of its attorneys or agents, and the commissioner who shall have previously made the investigation and caused the notice to be issued shall not participate in the hearings except as a witness and shall not give his opinion of the merits of the case nor shall he participate in the deliberations of the commission in such case; and the aforesaid endeavors at conciliation shall not be received in evidence.

CHAPTER 968

An act to amend Section 69895 of the Government Code, relating to superior courts.

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

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

SECTION 1. Section 69895 of the Government Code is amended to read:

69895. In any county or city and county with a population of less than 850,000 but more than 730,000, as ascertained pursuant to Section 28020, where the secretary of the judges of the superior court is required to perform the duties of jury commissioner pursuant to Section 69893, the salary of the secretary shall be one thousand eight hundred fifty dollars ($1,850) a month.

In such a county or city and county, on the authorization of the judges, the secretary shall have one senior assistant secretary whose salary shall be one thousand thirty-five dollars ($1,035) a month, and three assistant secretaries who salaries shall be nine hundred dollars ($900) a month. The senior assistant secretary and the assistant secretaries shall assist also in the performance of the duties of jury commissioner. The salaries of such secretaries and such assistants shall be paid by the county or city and county in which they serve.

CHAPTER 969

An act to amend Sections 1122, 1123, 1124.2, and 1128 of, and to repeal Sections 1124.3, 1124.4 and 1124.5 of, the Education Code, relating to trustee areas.

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

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

SECTION 1. Section 1122 of the Education Code is amended to read:

1122. The county committee on school district organization shall have the power to establish trustee areas, rearrange the boundaries of trustee areas, or abolish trustee areas and increase or decrease the number of members of the governing board of a school district from five to seven in any school district, except one governed by a board of education provided for in the charter of a city or city and county,

Any such proposal may be initiated by the county committee or made to the county committee by a petition signed by at least five qualified electors residing in the district, or by resolution of the governing board of the district.

When any such proposal is made the county committee shall call and conduct a hearing in the district on the matter. At the conclusion of the hearing, the county committee shall approve or disapprove the proposal.

SEC. 2. Section 1123 of said code is amended to read:

1123. The resolution of the county committee approving a proposal shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board. For each proposal there shall be a separate proposition on the ballot The ballot shall contain the following words:

"For the establishment (or rearrangement, or abolition) of trustee areas in _____ School District—Yes" and "For the establishment (or rearrangement, or abolition) of trustee areas in _____ School District—No."

(insert name) (insert name)

"For increasing the number of members of the governing board of _____ School District from five to seven—Yes" and "For increasing the number of members of the governing board of _____ School District from five to seven—No."

(insert name) (insert name)

"For decreasing the number of members of the governing board of _____ School District from seven to five—Yes" and "For decreasing the number of members of the governing board of _____ School District from seven to five—No."

(insert name) (insert name)

If more than one proposal appears on the ballot, all must carry in order for any to become effective.

SEC. 3. Section 1124 2 of said code is amended to read:

1124.2. If the number of members of the governing board is increased from five to seven, the two additional members of the board of trustees shall be appointed by the governing board of the district, with the term of one of such appointees being designated to expire on June 30th of the next succeeding odd-numbered year and the term of the other such appointee being designated to expire on June 30th of the second succeeding odd-numbered year.

SEC. 4. Section 1124 3 of said code is repealed.
SEC. 5. Section 1124.4 of said code is repealed.
SEC. 6. Section 1124.5 of said code is repealed.
SEC. 7. Section 1128 of said code is amended to read:

1128. Except as provided in Sections 1126 and 1127, when trustee areas are established or rearranged in a district, provision shall be included for the election of members of the governing board by the registered voters of the entire school district or for the election of the member or members residing in each trustee area by the registered voters of that particular area.

CHAPTER 970

An act providing for preliminary studies of a toll crossing of, or the use of surface craft for the crossing of, San Francisco Bay, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

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

SECTION 1. From funds in the Revenue Fund of the San Francisco-Oakland Bay Bridge which have accrued up to December 31, 1964, the Department of Public Works is authorized to use the sum of three hundred thousand dollars ($300,000) insofar as such sum is determined by the Director of Public Works to be available after providing for payment for the work necessary to complete the reconstruction of the San Francisco-Oakland Bay Bridge as authorized by Section 30609 of the Streets and Highways Code and after providing for payment for completion of the improvement of the San Mateo-Hayward Bridge as provided for by Section 30791 of said code, for the purpose of making studies and performing of preliminary work, including, but not limited to, surveys, plans, estimates of costs, right-of-way appraisals, engineering studies, layouts, traffic studies, approach studies, consultant fees and other preliminary expenses necessary to investigate and study the feasibility of financing through revenue bonds and constructing a toll highway crossing from India Basin in the City and County of San Francisco easterly to Alameda-Bay Farm Island, and a toll highway crossing from Sierra Point in San Mateo County easterly to Roberts' Landing in Alameda County. The study may also include the feasibility of the use of surface craft to provide the crossing services across San Francisco Bay which would otherwise be provided by the highway crossings proposed by this section. The department shall submit a final report to the Legislature as to said studies and preliminary work at the

1966 Regular Session of the Legislature not later than February 1, 1966.

In making the studies referred to in this section, the department shall cooperate and consult with the Bay Area Transportation Study Commission.

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: Increasing vehicular use and traffic congestion of existing bridge crossings of San Francisco Bay make it imperative that studies be made of the feasibility of constructing an additional toll crossing of, or the establishment and operation of surface craft transportation services across, said bay, and to finance such studies it is necessary that this act take effect immediately.

CHAPTER 971

An act to amend Section 35716 of the Vehicle Code, relating to contractors subject to city ordinances decreasing vehicle weight limit.

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

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

SECTION 1. Section 35716 of the Vehicle Code is amended to read:

35716. No ordinance adopted by a city to decrease weight limits shall apply to any vehicle owned, leased, operated or controlled by any licensed contractor while necessarily in use in the construction, maintenance, or repair of a public works project on which bids were opened prior to the adoption of the ordinance unless an alternate direct route is provided substantially within and by the city enacting the ordinance.

CHAPTER 972

An act to amend Section 5 of the Placer County Water Agency Act (Chapter 1234, Statutes 1957), relating to the Placer County Water Agency.

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

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

SECTION 1. Section 5 of the Placer County Water Agency Act (Chapter 1234, Statutes 1957) is amended to read:

Sec. 5. The agency shall have the power:

(a) To sell, lease or otherwise dispose of water or any rights to the use of the works of the agency; provided, however, that no such sale, lease or disposal shall be made for use outside the agency unless the board determines that the water or works involved will not be needed for use within the agency.

(b) To fix, revise, and collect rates and charges for the services, facilities, or water furnished by it.

(c) To establish rules and regulations to protect the public health in the operation of the works, to provide for the sale, distribution and use of water and the services and facilities of the works, to provide that service, facilities, or water shall not be furnished to persons against whom there are delinquent charges, and to provide for charges for the restoration of service.

(d) To provide that charges for any of its services or facilities may be collected together with and not separately from the charges for other services or facilities rendered by it, or it may contract that all such charges be collected by any other district or private or public utility, and that such charges be billed upon the same bill and collected as one item.

(e) To provide that if all or part of a bill is not paid, the agency may discontinue any or all services or facilities for which the bill is rendered.

(f) To provide for the collection of charges. Remedies for their collection and enforcement are cumulative and may be pursued alternatively or consecutively as the agency determines.

(g) To provide for a basic penalty of not more than 6 percent for nonpayment of the charges within the time and in the manner prescribed by it, and in addition to provide for a penalty of not exceeding one-half of 1 percent per month for nonpayment of the charges and basic penalty. The agency may provide for the collection of such penalties.

CHAPTER 973

An act to add Section 6086.5 to the Business and Professions Code, relating to the practice of law.

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

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

SECTION 1. Section 6086.5 is added to the Business and Professions Code, to read:

6086.5 The board of governors may establish one or more committees, known as disciplinary boards, to act in its place and stead in the determination of disciplinary and reinstatement proceedings to the extent provided by rules adopted by the board of governors. In such proceedings a disciplinary

board may exercise the powers and authority vested in the board of governors by this chapter, except as limited by rules of the board of governors.

For the purposes of Sections 6043, 6049, 6049.2, 6050, 6051, 6052, 6077 (excluding the first sentence), 6078, 6080, 6081 and 6082, "board" includes "disciplinary board."

Nothing herein shall authorize a disciplinary board to adopt rules of professional conduct or rules of procedure.

CHAPTER 974

An act to amend Section 36068 of the Health and Safety Code, relating to farm labor centers.

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

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

SECTION 1. Section 36068 of the Health and Safety Code is amended to read:

36068. Anything in this part to the contrary notwithstanding, any farm labor center containing more than 20 per centum of standard housing units heretofore or hereafter acquired by a housing authority as a low rent housing project in accordance with the provisions of Article XXXIV of the Constitution of the State of California and following an election held for that purpose in the manner provided in that article, shall be deemed to be a "housing project" as defined by Section 34212 of this code and shall be operated by the housing authority so acquiring the same under and pursuant to the Housing Authorities Law of the State of California, and shall not be deemed to be or operated as a farm labor center under this part.

CHAPTER 975

An act to add Chapter 10.5 (commencing with Section 10570) to Division 9 of the Health and Safety Code, relating to recordation of United States government certification of births.

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

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

SECTION 1. Chapter 10.5 (commencing with Section 10570) is added to Division 9 of the Health and Safety Code, to read:

CHAPTER 10.5. RECORDING CERTIFICATION OF FOREIGN BIRTH TO UNITED STATES CITIZENS

10570. A certification of birth or of birth data issued by an agency of the government of the United States to authenticate a birth of a child to a United States citizen outside of the United States may be recorded in the office of a county recorder if the last permanent residence in the United States of one or both parents of the child was in California.

10571. A certification of birth outside of the United States, upon recordation by the county recorder, shall be indexed in the county recorder's birth index in the year of occurrence of the birth.

CHAPTER 976

An act to amend Sections 1403 and 1408 of the Health and Safety Code, relating to hospitals.

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

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

SECTION 1. Section 1403 of the Health and Safety Code is amended to read:

1403. Each application for a license under this chapter, except applications by local hospital districts, cities, or counties, shall be accompanied by a fee determined by the number of beds, exclusive of bassinets, maintained for the use of patients, according to the following schedule of fees:

(a) Less than 50 beds—forty dollars ($40);

(b) Fifty beds or more and less than 100 beds—sixty dollars ($60);

(c) One hundred beds or more and less than 200 beds—eighty dollars ($80);

(d) Two hundred beds or more—one hundred dollars ($100).

SEC. 2. Section 1408 of said code is amended to read:

1408. An advisory board shall be appointed to assist, advise and make recommendations to the director and the state department in the establishment of rules and regulations necessary to insure the proper administration and enforcement of the provisions of this chapter and for those purposes to serve as consultants to the director.

The board shall consist of the director, who shall serve as chairman ex officio, and 10 members, 4 of whom shall be superintendents or administrators of hospitals with at least five years of experience as such in hospitals having a capacity of 100 beds or more, 2 of whom shall be administrators or operators of nursing homes with at least five years of experience in the operation of such homes, and 4 of whom shall

be representatives of the general public, appointed by the Governor to hold office for four-year terms and until the appointment and qualification of their successors. One or more of the appointed members shall be a doctor of medicine who is licensed in California. Terms of the members of the board in office on the effective date of the amendments to this section enacted at the 1965 Regular Session of the Legislature shall expire in the following order: hospital representatives, one on October 15, 1965, one on October 15, 1967, and two on October 15, 1968; nursing home representatives, one on October 15, 1965, and one on October 15, 1966; and the remaining member of the board on October 15, 1965. The initial terms of the consumer representatives shall expire one on October 15, 1966, two on October 15, 1967, and one on October 15, 1968. At the time of making the appointments the Governor shall designate the term for which each member of the board is appointed. Vacancies shall be filled by appointment for the unexpired term.

SEC. 3. Section 1 of this act shall become operative January 1, 1966.

CHAPTER 977

An act to amend Sections 21263, 21263.1, 21360, 21361, 21364 and 21382 of the Government Code, relating to death benefits, under the State Employees' Retirement System.

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

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

SECTION 1. Section 21263 of the Government Code is amended to read:

21263. Upon the death of a patrol member after the effective date of this section and after the effective date of his retirement for service or for industrial disability, including such members heretofore and hereafter retired, one-half his retirement allowance as it was at his death, excluding any portion of said allowance which is based on service other than highway patrol service or which was derived from accumulated additional contributions of the member, shall be continued throughout life or until remarriage, to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving wife and no children under the age of 18 years, but leave a parent or parents de-

pendent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member at least one year prior to his retirement. If at the effective date of said retirement, said member has no wife, children or dependent parents, who would so qualify and if said member elects as provided in Section 21330 to have the actuarial equivalent of his retirement allowance applied to a lesser retirement allowance, in accordance with an optional settlement, no allowance shall be paid under this Section 21263.

SEC. 2. Section 21263.1 of said code is amended to read:

21263.1. Upon the death of a law enforcement member after the effective date of this section and after the effective date of his retirement for service or for industrial disability, including such members heretofore and hereafter retired, one-half his retirement allowance as it was at his death, excluding any portion of said allowance which is based on service other than law enforcement service or which was derived from accumulated additional contributions of the member, shall be continued throughout life or until remarriage, to his surviving wife. If there be no surviving wife entitled to an allowance hereunder, or if she die or remarry before every child of such deceased member attains the age of 18 years, then the allowance which the surviving wife would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years. Should said member leave no surviving wife and no children under the age of 18 years, but leave a parent or parents dependent upon him for support, the parents so dependent shall collectively receive a monthly allowance equal to that which a surviving wife otherwise would have received, during such dependency. No allowance, however, shall be paid under this section to a surviving wife unless she was married to the member at least one year prior to his retirement. If at the effective date of said retirement, said member has no wife, children or dependent parents, who would so qualify and if said member elects as provided in Section 21330 to have the actuarial equivalent of his retirement allowance applied to a lesser retirement allowance, in accordance with an optional settlement, no allowance shall be paid under this section.

SEC. 3. Section 21360 of said code is amended to read:

21360. This system is liable for either the basic or special death benefit upon the death of a member (a) before the effective date of retirement, and (1) while in state service, or (2) while absent on military service and who makes contributions under Section 20891.1 or for whom contributions will be made

under Section 20894.5, or (3) within four months after discontinuance of state service, or (4) while physically or mentally incapacitated for the performance of duty, if such incapacity has been continuous from discontinuance of state service, or (5) while employed as a member of a retirement system established under the County Employees' Retirement Law of 1937; provided, such employment as a member was begun on or after October 1, 1957, and within 90 days of discontinuance of state service, or (b) after the effective date and before approval of retirement and either within four months of discontinuance of state service or while physically or mentally incapacitated for the performance of duty if such incapacity has been continuous from discontinuance of state service and providing all of the following conditions exist: (1) the retirement of the member was not compulsory under Article 2 (commencing with Section 20980) of Chapter 8, and (2) he has not elected optional settlement 2 or 3 or an optional settlement 4 involving payment of an allowance throughout the life of a beneficiary under Article 4 (commencing with Section 21330) of Chapter 9, and (3) an allowance under Section 21263, 21263.1 or 21264 is not payable. Upon the death of a member before the effective date of his retirement or, with respect to (1) any member whose retirement was not compulsory under Article 2 of Chapter 8, and (2) any member who has not elected optional settlement 2 or 3 or an optional settlement 4 involving payment of an allowance throughout the life of a beneficiary under Article 4 of Chapter 9, after such effective date and before his retirement is approved, under circumstances in which this system is not so liable for either the basic or special death benefit and an allowance under Section 21263, 21263.1 or 21264 is not payable, this system is liable for a limited death benefit which consists only of the accumulated contributions of the member payable to his beneficiary or to his estate.

SEC. 4. Section 21361 of said code is amended to read:

21361. The basic death benefit is payable in all cases where the retirement system is liable under Section 21360 for either the basic or a special death benefit and the special death benefit is not payable.

The basic death benefit shall consist of:

(a) The accumulated contributions of the member.

(b) An amount, provided from contributions by the state, or a contracting agency, equal to one-twelfth of the annual compensation earnable by the deceased during the 12 months immediately preceding his death, multiplied by the number of completed years of current service credited to the member, but not to exceed one-half of such compensation.

The basic death benefit for a member who dies under the circumstances described in subdivision (a)(5) of Section 21360 shall not exceed an amount which when added to the death benefit paid for such member under such other system equals the maximum death benefit payable under that system,

if the death is not the result of injury or disease arising out of and in the course of his employment under that system; provided, however, that such benefit shall be at least equal to his accumulated contributions. The basic death benefit for such member shall be the amount of his accumulated contributions if death is the result of disease or injury arising out of and in the course of employment under such other system.

SEC. 5. Section 21364 of said code is amended to read:

21364. The special death benefit consists of:

(a) An amount equal to and derived from the same source as the basic death benefit; and

(b) An amount sufficient, when added to the amount equal to the basic death benefit, exclusive of the annuity provided by the deceased's accumulated additional contributions, to provide when applied according to tables adopted by the board, a monthly death allowance equal to one-half of his final compensation in the membership category applicable to him at the time of the injury or the onset of the disease causing death, payable to the surviving wife to whom he was married prior to sustaining the injury or disease resulting in death, as long as she lives or until her remarriage; or if there is no widow, or if the widow dies or remarries before all children of the deceased member attain age 18, then the allowance which the surviving wife would have received had she lived and not remarried, shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining 18. During the lifetime of the widow or until she remarries, an additional percentage of the death benefit allowed by this section, exclusive of the annuity provided by the deceased's accumulated additional contributions, shall be paid to the widow of a member who is killed in the performance of his duty or who dies as a result of an accident or an injury caused by external violence or physical force, incurred in the performance of his duty, for each of his children during the lifetime of the child, or until the child marries or reaches the age of 18, as follows: for one child, twenty-five percent (25%); for two children, forty percent (40%); and for three or more children, fifty percent (50%).

In the event the widow does not have custody of the member's children, the additional amount payable pursuant to this section shall be payable to the person having custody of the children for each child during the lifetime of the child, or until the child marries or reaches the age of 18.

The computation for time prior to entering the membership category applicable to the deceased at the time of the injury or the onset of the disease causing death shall be based on the compensation earnable by him in the position first held by him in that category.

(c) An annuity which is the actuarial equivalent, assuming monthly payments for life to the surviving wife, of the deceased's accumulated additional contributions at the date of

his death, plus his accumulated contributions at that date based on compensation earned in any membership category other than the category applicable to him at the time of the injury or the onset of the disease causing death.

(d) The amendments to this section enacted at the 1961 Regular Session shall not apply to any contracting agency nor to the employee of any contracting agency unless and until the agency elects to be subject to the amendments to this section by amendment to its contract or by an express provision in the contract making the contracting agency subject to the amendments in the case of a contract made after the effective date of the amendments.

SEC. 6. Section 21382 of said code is amended to read:

21382. If the death benefit provided by Section 21361 is payable on account of a member's death which occurs under other circumstances than those described in subdivision (a)(5) of Section 21360, (a) the surviving wife or surviving dependent husband of the member who has the care of unmarried children, including stepchildren, of the member who are under 18 years of age, or are incapacitated because of disability which began before and has continued without interruption after attainment of such age, or if there is no such spouse, then (b) the guardian of surviving unmarried children, including stepchildren, of the member who are under 18 years of age or so incapacitated, if any, or (c) the surviving wife or surviving dependent husband of the member, who does not qualify under (a) of this subdivision, if any, or if no such children under (b) or such spouse under (c), then (d) each surviving parent of the member, shall be paid regardless of the benefit provided by Section 21361, and of the beneficiary designated by the member under that section, the following applicable survivor allowance, under the conditions stated and from contributions of the state:

(1) A widow, or a widower receiving at least one-half of his support from the member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has the care of unmarried children, including stepchildren, of the deceased member under 18 years of age or so incapacitated, shall be paid one hundred eighty dollars ($180) per month if there is one such child, or two hundred fifty dollars ($250) per month if there are two or more such children. If there also are such children who are not in the care of the surviving spouse, the portion of the allowance payable under this paragraph, assuming that these children were in the care of the surviving spouse, which is in excess of ninety dollars ($90) per month, shall be divided equally among all such children and payments made to the spouse and other children, as the case may be.

(2) If there is no such surviving spouse, or if such surviving spouse dies or remarries, and if there are unmarried

children, including stepchildren, of the deceased member under 18 years of age, or if there are such children not in the care of such spouse, such children shall be paid an allowance as follows:

(a) If there is only one such child, such child shall be paid ninety dollars ($90) per month;

(b) If there are two such children, such children shall be paid one hundred eighty dollars ($180) per month divided equally between them, and

(c) If there are three or more such children, such children shall be paid two hundred fifty dollars ($250) per month divided equally among them.

(3) A widow who has attained or attains the age of 62 years, or a widower who has attained or attains the age of 65 years, and was receiving at least one-half of his support from the deceased member at the time of the member's death, and, with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has not remarried subsequent to the member's death, shall be paid ninety dollars ($90) per month. No allowance shall be paid under this subdivision, while the surviving spouse is receiving an allowance under subdivision (1) of this section, or while an allowance is being paid under subdivision (2) (c) of this section. The allowance paid under this subdivision shall be seventy dollars ($70) per month while an allowance is being paid under subdivision (2) (b) of this section.

(4) If there is no surviving spouse, or surviving children who qualify for a survivor allowance, or if such surviving spouse dies or remarries, or if such children reach age 18 or die or marry prior thereto, each of the member's dependent mother and father who has attained or attains the age of 62 or 65 years respectively, and who received at least one-half of his support from the member at the time of the member's death, shall be paid ninety dollars ($90) per month.

"Stepchildren," for purposes of this section, shall include only stepchildren of the member living with him in a regular parent-child relationship at the time of the member's death.

SEC. 7. This act shall become operative October 1, 1965.

CHAPTER 978

An act to amend Section 16803 of the Education Code, relating to furnishing of school transportation.

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

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

SECTION 1. Section 16803 of the Education Code is amended to read:

16803. Continuing contracts for services to be performed or equipment to be furnished may be made as follows: for the furnishing of transportation of pupils in school districts to and from school, not to exceed five years; for the lease or rental of schoolbuses, not to exceed five years; except that if such a lease or rental contract provides that the district may exercise an option either to purchase the buses or to cancel the lease at the end of each annual period during the period of the contract, such contract may be made for a term not to exceed 10 years.

CHAPTER 979

An act to amend Sections 4319 and 4322 of the Agricultural Code, relating to stabilization and marketing plans.

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

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

SECTION 1. Section 4319 of the Agricultural Code is amended to read:

4319. The persons named in the order to administer the program shall be selected by the director in the following manner and in the following number:

(a) If the program was instituted by producers the director shall name not less than five representative producers nor more than nine representative producers from nominations made at the public hearing by the petitioners.

(b) If the program was instituted by distributors the director shall name not less than five representative distributors nor more than nine representative distributors from nominations made at the public hearing by the petitioners.

(c) If the program was instituted by both producers and distributors the director shall name not less than three representative producers nor more than five representative producers from nominations made at the public hearing by the petitioning producers and not less than three representative distributors nor more than five representative distributors from nominations made at the public hearing by petitioning distributors; provided, however, that an equal number of producers and distributors shall be named by the director to administer the program

(d) Distributors who are also producers shall be eligible to nomination for service on, and may be named by the director to serve on the committee to administer any program for which they will be required to pay assessments

(e) Persons selected by the director to administer the program who resign or become ineligible to serve shall be succeeded by persons selected by the director from nominations made at the public hearing or from persons nominated at a nomination meeting called by the director to receive nomina-

tions for persons eligible to serve. If such a nomination meeting is held notice of such meeting shall be mailed to each person eligible to petition for the program as provided for in Section 4311.

SEC. 2. Section 4322 of said code is amended to read:

4322. (a) All moneys received by the director pursuant to this article shall be deposited in the Department of Agriculture Fund in the State Treasury allocated to each separate marketing area from which they are collected and disbursed only for the purposes specified subject to the approval of the director.

Any money received by the director in excess of the amount required for any program shall be made available for the administration of the provisions of this chapter.

(b) If the persons appointed by the director to administer an order, pursuant to Section 4318, request that the Dairy Council of California supervise the administration of the program, and the director approves, the Dairy Council of California shall supervise the administration of the programs. If the Dairy Council of California is selected to administer the program, all moneys heretofore or hereafter received by the director pursuant to this article for the program shall be deposited and expended in the same manner as provided in subdivisions (b), (c), and (d) of Section 746 3.

CHAPTER 980

An act to amend Section 6326 of the Business and Professions Code, relating to law libraries.

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

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

SECTION 1. Section 6326 of the Business and Professions Code is amended to read:

6326. A revolving fund of not more than one thousand five hundred dollars ($1,500) may be established from money in the law library fund, by resolution of the board of law library trustees, for expenditures of not exceeding fifty dollars ($50) each for purposes for which the law library fund may lawfully be expended. The board shall prescribe the procedure by which money may be drawn from the revolving fund, the records to be kept, and the manner in which reimbursements shall be made to the revolving fund by demand and order from the law library fund. All or any part of the money in the revolving fund may be deposited in a commercial account in a bank, subject to payments of not exceeding fifty dollars ($50) each by check on the signature of the secretary or any other person or persons designated by the board.

CHAPTER 981

An act to add Section 485 to the Agricultural Code, relating to milk and dairy products.

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

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

SECTION 1. Section 485 is added to the Agricultural Code, to read:

485. The director may by regulation require that, when practicable, distributors delivering to agencies of the United States government packaged milk in fluid state for resale for off-premises consumption shall label the containers of such packaged milk with a conspicuous notice that the milk has been procured for use by such agencies, and may require such additional notice regarding prohibition against resale of such packaged milk as the director under the circumstances deems proper.

CHAPTER 982

An act to amend Sections 660, 661, 666, 667, and 669 of the Agricultural Code, relating to imitation milk products.

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

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

SECTION 1. Section 660 of the Agricultural Code is amended to read:

660. (a) Every person before engaging in the business of dealing in, receiving, manufacturing, freezing or processing milk, or any product thereof, or manufacturing, freezing or processing imitation ice cream, or imitation ice milk, shall obtain a license from the director for each separate milk products plant or place of business. Application for the licenses herein provided shall be made on forms prescribed by the director and shall state the name and address of the applicant, the address of the milk products plant and such other information as to the nature of the applicant's business as the director may require. Each application shall be accompanied by a fee in an amount established by the provisions of Section 661. Upon receipt of an application for such license, the director shall investigate the equipment and the sanitary condition of the milk products plant for which application for a license has been made. If the condition of the milk products plant is found to be satisfactory, a "milk products plant" license shall be issued by the director to such applicant.

(b) Hotels, restaurants, boardinghouses, hospitals or other concerns or agencies which manufacture products of milk for the use of patrons, guests, patients, or employees shall take out the license herein required.

(c) This section shall not apply to private homes manufacturing for their own use nor to retailers dealing in finished products received from a distributor or producer in final form; nor to producers selling milk and cream exclusively at wholesale for manufacturing, freezing or processing milk and milk products; nor to producers whose business consists exclusively of producing and distributing raw market milk produced by them.

(d) The license fees required by Section 661 shall be prorated on a quarterly basis for licensees commencing operations after the first quarter in any calendar year.

SEC. 2. Section 661 of said code is amended to read:

661. (a) Every person, except hospitals and sanitariums, engaged in the business of dealing in, receiving, manufacturing, freezing, or processing ice cream, ice milk, sherbet, and all similar frozen products and manufacturing, freezing, or processing imitation ice cream, imitation ice milk, or similar frozen products, shall pay a license fee of thirty-five dollars ($35), for the calendar year for which such license is issued, and for the renewal thereof shall pay thirty-five dollars ($35), plus three dollars ($3) for each additional 10,000 gallons or fraction thereof over and above twenty thousand (20,000) gallons manufactured during the preceding year, ending the 31st day of December.

(b) Before engaging in the business of manufacturing diabetic or dietetic frozen milk products or mix, every person, in addition to the frozen milk products license, shall obtain and hold a diabetic or dietetic frozen milk products license from the director. Each application for a license to engage in the business of manufacturing diabetic or dietetic frozen milk products or mix must be accompanied by a statement describing the method and manner by which the products are made.

Every person, except hospitals and sanitariums, engaged in the business of manufacturing diabetic or dietetic frozen milk products or mix, or any or all of these products, shall pay a license fee of twenty-five dollars ($25) for the calendar year for which such a license is issued and for the renewal thereof shall pay twenty-five dollars ($25).

(c) The fee for a license for all other products for which a license is required is ten dollars ($10) for the calendar year for which such license is issued and for the renewal thereof is ten dollars ($10), plus one dollar ($1) for each 100,000 pounds, or part thereof, over and above the first 100,000 pounds of milk fat purchased or received during the preceding year, ending the 31st day of December.

(d) The director at least once each month shall report to the State Controller the total amount of moneys collected under the provisions of paragraph (a) of this section and at

the same time shall pay into the State Treasury the entire amount of such receipts which shall be credited to the Department of Agriculture Fund and expended in carrying out the provisions of this division relating to ice cream, ice milk, and any similar frozen products.

(e) The director shall, within 30 days prior to each general session of the Legislature, submit to the Governor a full and true report of transactions under this law during the current biennium, including a complete statement of receipts and expenditures during the period.

SEC. 3. Section 666 of said code is amended to read:

666. It is unlawful without a license to:

(a) Engage in the business of manufacturing, freezing, or processing, or

(b) Sell, deal in, or furnish as a keeper of any hotel, restaurant, boardinghouse, or other place where meals are served and payment is received therefor, any imitation milk, oleomargarine or margarine, colored oleomargarine or colored margarine, renovated butter or a substitute for butter, imitation cheese or substitute for cheese, imitation ice cream or imitation ice milk, imitation cream, or any other imitation milk product.

A person shall first apply each year to the director for a license, and upon payment of the license fee provided in Section 667 the director shall issue a license to engage in the business for which the license is issued. Separate licenses are required for each such business or occupation.

SEC. 4. Section 667 of said code is amended to read:

667. All licenses issued under Section 666 expire on June 30th of each year, and may be issued in periods of one year. The fees for issuing said licenses are for each establishment annually:

(a) Manufacturers or processors within this state, one hundred dollars ($100).

(b) The keeper of any hotel, restaurant, boardinghouse or other place where meals are served and payment is received therefor, two dollars ($2).

SEC. 5. Section 669 of said code is amended to read:

669. All licenses while in force shall be kept conspicuously displayed in the places of business of the party or parties to whom they have been issued.

SEC. 6. Section 660 of said code is amended to read:

660. (a) Every person before engaging in the business of dealing in, receiving, manufacturing, freezing or processing milk, or any product thereof, or manufacturing, freezing or processing imitation ice cream, or imitation ice milk, shall obtain a license from the director for each separate milk products plant or place of business. Application for the licenses herein provided shall be made on forms prescribed by the director and shall state the name and address of the applicant, the address of the milk products plant and such other information as to the nature of the applicant's business as

the director may require. Each application shall be accompanied by a fee in an amount established by the provisions of Section 661. Upon receipt of an application for such license, the director shall investigate the equipment and the sanitary condition of the milk products plant for which application for a license has been made. If the condition of the milk products plant is found to be satisfactory, a "milk products plant" license shall be issued by the director to such applicant.

(b) Hotels, restaurants, boardinghouses, hospitals or other concerns or agencies which manufacture products of milk for the use of patrons, guests, patients, or employees shall take out the license herein required.

(c) This section shall not apply to private homes manufacturing for their own use nor to retailers dealing in finished products received from a distributor or producer in final form; nor to producers selling milk and cream exclusively at wholesale for manufacturing, freezing or processing milk and milk products; nor to producers whose business consists exclusively of producing and distributing raw market milk produced by them.

(d) The license fees required by Section 661 shall be prorated on a quarterly basis for licensees commencing operations after the first quarter in any calendar year whether or not such milk products plant was licensed during the preceding calendar year.

SEC. 7. Section 6 of this act shall become operative only if Senate Bill No. 199 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Senate Bill No. 199 takes effect; at which time Section 660 of the Agricultural Code as amended by Section 1 of this act is repealed.

CHAPTER 983

An act to convey certain tide and submerged lands to the United States in furtherance of the Point Reyes National Seashore.

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

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

SECTION 1. There is hereby granted to the United States, subject to the limitations which are described in Section 2 of this act, all of the right, title, and interest of the State of California, held by the state by virtue of its sovereignty in and to all of the tide and submerged lands or other lands beneath navigable waters situated within the boundaries of the Point Reyes National Seashore which the Secretary of the Interior is authorized to establish by authority of Public Law 87–657, 76 Stat. 538, and as such boundaries exist on the effective date of this act.

SEC. 2. There is hereby excepted and reserved to the State all deposits of minerals, including oil and gas, in the lands, and to the state, or persons authorized by the state, the right to prospect for, mine, and remove such deposits from the lands; provided, that no well or drilling operations of any kind shall be conducted upon the surface of such lands.

SEC. 3. There is hereby reserved to the people of the state the right to fish in the waters underlying the lands described in Section 1.

SEC. 4. If the United States ceases to use the lands for public purposes, all right, title and interest of the United States in and to such lands shall cease and the lands shall revert and rest in the state.

SEC. 5. The United States shall survey and monument the granted lands and record a description and plat thereof in the office of the County Recorder of Marin County.

CHAPTER 984

An act to amend Section 13391 of, and to add Section 13391.5 to, the Government Code, and to amend Section 14792 of Part 5.5 of, and to add Section 14792.5 to Part 5.5 of, Division 3 of Title 2 of the Government Code as proposed by Assembly Bill No. 1124 of the 1965 Regular Session, relating to state purchasing.

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

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

SECTION 1. Section 13391 of the Government Code is amended to read:

13391. Except as provided in Article 1, every purchase of supplies or equipment in excess of twenty-five dollars ($25) for any state agency shall be made by or under the supervision of the Department of 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 that the quality specified by the agency is inconsistent with the statewide purchasing standards established by the Director of General Services under Section 13391.5, it shall change the order to make it consistent with the standards, and it shall notify the state agency, within a reasonable time, 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 may request a hearing before the Director of General Services. The director shall consider the arguments presented by the agency at the hearing and his decision shall be final.

SEC. 2. Section 13391.5 is added to said code, to read:

13391 5. The Director of General Services shall establish statewide purchasing standards, the purpose of which shall be to ensure the necessary quality of supplies and equipment purchased by or under the supervision of the Department of General Services and to permit the consolidation of purchases in order to effect greater economies in state purchasing.

SEC. 3. Section 14792.5 is added to Part 5 5 of Division 3, Title 2 of the Government Code as proposed by Assembly Bill No. 1124 of the 1965 Regular Session, to read:

14792.5. The Director of General Services shall establish statewide purchasing standards, the purpose of which shall be to ensure the necessary quality of supplies and equipment purchased by or under the supervision of the Department of General Services and to permit the consolidation of purchases in order to effect greater economies in state purchasing.

SEC. 4. Section 14792 of Part 5.5 of Division 3 of Title 2 of said code as proposed by said bill is amended to read:

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 that the quality specified by the agency is inconsistent with the statewide purchasing standards established by the Director of General Services under Section 14792.5, it shall change the order to make it consistent with the standards, and it shall notify the state agency, within a reasonable time, 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 may request a hearing before the Board of Control and the board shall determine which supplies or equipment will best serve the interests of the state, whereupon the department shall issue a purchase order for the supplies or equipment specified by the Board of Control.

SEC. 5. Sections 3 and 4 of this act shall become operative only if Assembly Bill No. 1124 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No. 1124 takes effect; at which time Section 13391.5 of the Government Code as added by Section 2 of this act and Section 13391 of the Government Code as amended by Section 1 of this act are repealed.

CHAPTER 985

An act to amend Sections 11753 and 13294 of, and to add Section 11753.5 to the Education Code, relating to physicians employed by public schools.

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

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

SECTION 1. Section 11753 of the Education Code is amended to read:

11753. No physician, psychiatrist, oculist, dentist, dental hygienist, optometrist, otologist, podiatrist, audiologist, or nurse not employed in such capacity by the State Department of Public Health, shall be, nor shall any other person be, employed or permitted to supervise the health and physical development of pupils unless he holds a health and development credential or a standard designated services credential with a specialization in health.

Any psychologist employed pursuant to Sections 11751 to 11754, inclusive, shall hold a school psychologist credential, a general pupil personnel services credential authorizing service as a school psychologist, or a standard designated services credential with a specialization in pupil personnel services authorizing service as a psychologist issued by the State Board of Education.

No physician employed by a district to perform medical services pursuant to Section 13294, shall be required to hold a credential issued by the State Board of Education, provided he meets the requirements of Section 13294.

SEC. 2. Section 11753.5 is added to said code, to read:

11753.5. Notwithstanding the provisions of Section 11753, a licensed physician need not hold a credential if his sole service for a school district or county superintendent of schools is service as a member of a committee whose function is to consider written and oral information and reports concerning the pupil that are available to the committee and, upon the basis of such information and reports, to recommend the admission of the pupil to, or his discharge from, special schools and classes for exceptional children.

SEC. 3. Section 13294 of said code is amended to read:

13294. The qualifications for a physician shall be a valid certificate to practice medicine and surgery issued by the State Board of Medical Examiners or Board of Osteopathic Examiners. Any school district may employ and compensate physicians holding such certificate for the performance of medical services for that district and shall provide liability insurance coverage for the period of his employment.

As used in this section "medical services" includes any medical services required to be performed while required to be in

attendance at high school or junior college athletic contests or meets

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CHAPTER 986

An act to amend Section 5076.1 of the Penal Code, and to amend Section 6043 of said code as added by Chapter 238 of the Statutes of 1965, relating to parole.

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

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

SECTION 1. Section 5076.1 of the Penal Code is amended to read:

5076.1. The Adult Authority shall meet at each of the state prisons at such times as may be necessary for a full and complete study of the cases of all prisoners whose terms of imprisonment are to be determined by it or whose applications for parole come before it. Other times and places of meeting may also be fixed by the Adult Authority. Each member of the Adult Authority shall receive his actual necessary traveling expenses incurred in the performance of his official duties.

The Adult Authority may meet and transact business in panels. Each Adult Authority panel shall consist of at least two members of the authority. Two members of the Adult Authority shall constitute a quorum for the transaction of business. No action shall be valid unless concurred in by a majority vote of the members present.

The Adult Authority may employ case-hearing representatives to whom it may assign appropriate duties, including that of hearing cases and making recommendations to the Adult Authority. Such recommendations shall be made in accordance with policies established by a majority of the total membership of the Adult Authority. Such policies may provide that the recommendations of a case-hearing representative or panel of case-hearing representatives shall be either final or subject to review by a panel of the members of the Adult Authority, except that no recommendation of a case-hearing representative or representatives for the granting or denial of a parole, cancellation or revocation of a parole, the determination or redetermination of a term of imprisonment, or the discharge from a commitment, shall become final until approved by a panel of members of the Adult Authority. A recommendation by a case-hearing representative that a prisoner be granted or be denied parole shall be in writing.

SEC. 2. Section 6043 of said code as added by Chapter 238 of the Statutes of 1965, is amended to read:

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. A recommendation by a case-hearing representative that a prisoner be granted or be denied parole shall be in writing.

The board shall employ such parole officers and other employees as may be necessary to supervise female prisoners on parole.

CHAPTER 987

An act to amend Section 21103 of the Vehicle Code, relating to local traffic regulations.

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

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

SECTION 1. Section 21103 of the Vehicle Code is amended to read:

21103. No ordinance or resolution enacted under Section 21101 shall be effective until signs giving notice of the local traffic laws are posted at all entrances to the highway or part thereof affected. All signs giving notice of any local traffic laws under subdivision (c) of Section 21101 shall conform to the specifications applicable to stop signs.

CHAPTER 988

An act to amend Section 11023 of, and to add Sections 11003, 11003.1, 11003.2, 11004.5, 11011.1, 11018.5, and 11018.7 to, the Business and Professions Code, and to amend Section 25102 of, and to add Section 25102.1 to, the Corporations Code, relating to subdivided lands.

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

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

SECTION 1. Section 11003 is added to the Business and Professions Code, to read:

11003. A "planned development" is a real estate development, as defined in Section 11003.1 of this code, other than a community apartment project as defined in Section 11004 of this code, a project consisting of condominiums as defined in Section 783 of the Civil Code, or a stock cooperative as defined in Section 11003.2 of this code, having either or both of the following features:

(a) Any contiguous or noncontiguous lots, parcels or areas owned in common by the owners of the separately owned lots, parcels or areas consist of areas or facilities the beneficial use and enjoyment of which is reserved to some or all of the owners of separately owned lots, parcels or areas.

(b) Any power exists to enforce any obligation in connection with membership in the owners association as described in Section 11003.1 of this code, or any obligation pertaining to the beneficial use and enjoyment of any portion of, or any interest in, either the separately or commonly owned lots, parcels or areas by means of a levy or assessment which may become a lien upon the separately owned lots, parcels, or areas of defaulting owners or members, which said lien may be foreclosed in any manner provided by law for the foreclosure of mortgages or deeds of trust, with or without a power of sale.

SEC. 2. Section 11003.1 is added to said code, to read:

11003.1. "Real estate developments" referred to in Section 11003 are developments:

(a) Which consist or will consist of separately owned lots, parcels or areas with either or both of the following features:

(1) One or more additional contiguous or noncontiguous lots, parcels or areas owned in common by the owners of the separately owned lots, parcels or areas.

(2) Mutual, common or reciprocal interests in, or restrictions upon, all or portions of such separately owned lots, parcels or areas, or both, and

(b) In which the several owners of the separately owned lots, parcels or areas have rights, directly or indirectly, to the beneficial use and enjoyment of the lots, parcels or areas referred to in paragraph (1) of subdivision (a) above or any one or more of them or portions thereof or interests therein,

or the interests or restrictions referred to in paragraph (2) of subdivision (a) above.

The estate in a separately or commonly owned lot, parcel or area may be an estate of inheritance or perpetual estate, an estate for life, or an estate for years.

Either common ownership of the additional contiguous or noncontiguous lots, parcels or areas referred to in paragraph (1) of subdivision (a) above, or the enjoyment of the mutual, common or reciprocal interests in, or restrictions upon the separately owned lots, parcels or areas pursuant to paragraph (2) of subdivision (a) above, or both, may be through ownership of shares of stock or membership in an owners association, or otherwise.

"Owners association" shall mean a nonprofit corporation or association created to own the contiguous or noncontiguous lots, parcels or areas referred to in paragraph (1) of subdivision (a), to lease the contiguous or noncontiguous lots, parcels or areas referred to in paragraph (1) of subdivision (a), or to provide management, maintenance, preservation and control of either said contiguous or noncontiguous lots, parcels or areas, or the separately owned lots, parcels or areas, or both, or any portion of or interest in them; provided, that the shares or certificates of membership are transferable only by transfers of the separately owned lot, parcel or area Such shares of stock or certificates of membership shall be deemed to be interests in a real estate development for purposes of this chapter and for purposes of subdivision (e), Section 25102 of the Corporations Code

SEC. 2.5. Section 11003.2 is added to said code, to read:

11003.2. A "stock cooperative" is a corporation which is formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property, if all or substantially all of the shareholders of such corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock in the corporation held by the person having such right of occupancy.

SEC. 3. Section 11004.5 is added to said code, to read:

11004 5. In addition to any provisions of Section 11000 of this code the reference therein to "subdivided lands" and "subdivision" shall include all of the following:

(a) Any planned development, as defined in Section 11003 of this code, containing five or more lots.

(b) Any community apartment project, as defined by Section 11004 of this code, containing two or more apartments.

(c) Any condominium project containing two or more condominiums as defined in Section 783 of the Civil Code.

(d) Any stock cooperative as defined in Section 11003.2 of this code, including any legal or beneficial interests therein, having or intended to have two or more shareholders.

(e) In addition, the following interests shall be subject to the provisions of this chapter and the regulations of the commissioner adopted pursuant thereto:

(1) Any accompanying memberships or other rights or privileges created in, or in connection with, any of the forms of development referred to in subdivisions (a), (b), (c), or (d) above by any deeds, conveyances, leases, subleases, assignments, declarations of restrictions, articles of incorporation, bylaws or contracts applicable thereto.

(2) Any interests or memberships in any owners association as described in Section 11003.1 of this code created in connection with any of the forms of the development referred to in subdivisions (a), (b), (c) or (d) above.

SEC. 4. Section 11011.1 is added to said code, to read:

11011.1. With respect to an answered questionnaire in connection with any subdivision described in Section 11004.5 of this code, or any interest therein, a filing fee of two hundred dollars ($200) per subdivision, plus one dollar ($1) for each lot, parcel, apartment or unit in said subdivision, shall accompany the answered questionnaire. The filing fee provided for in this section shall be in lieu of the filing fee otherwise provided for in Section 11011 of this code.

SEC. 5. Section 11018.5 is added to said code, to read:

11018.5. With respect to the subdivisions and interests of the type described in Section 11004.5 of this code, and in addition to the other grounds for denial of a public report as set forth in this code, the commissioner shall issue a public report if he finds the following with respect to any such subdivision or interest:

(a) (1) Reasonable arrangements have been made to assure completion of the subdivision and all offsite improvements included in the offering.

(2) If the condominium or community apartment project, stock cooperative or planned development, or premises of facilities within the common area are not completed prior to the issuance of a final subdivision public report on the project, the subdivider shall specify a reasonable date for completion and shall comply with one of the following conditions:

(A) Arranges for lien and completion bond or bonds in an amount and subject to such terms, conditions and coverage as the commissioner may approve to assure completion of the improvements lien free.

(B) All funds from the sale of lots or parcels or such portions thereof as the commissioner shall determine are sufficient to assure construction of the improvement or improvements, shall be impounded in a neutral escrow depository acceptable to the commissioner until the improvements have been completed and all applicable lien periods have expired; provided however, the commissioner determines the time for said completion is reasonable.

(C) An amount sufficient to cover the costs of construction shall be deposited in a neutral escrow depository acceptable to

the commissioner under a written agreement providing for disbursements from such escrow as work is completed.

(D) Such other alternative plan as may be approved by the commissioner.

(b) The deeds, conveyances, leases, subleases or instruments of assignment to be used are adequate to transfer to the purchasers the legal interests and uses which the owner or subdivider represents the purchasers will receive.

(c) After transfer of title to the first lot, apartment or condominium in the subdivision to any purchaser, the provisions of the declaration of restrictions, articles of incorporation, bylaws, management contracts (and the provisions of any and all other documents establishing, in whole or in part, the plan for use, enjoyment, maintenance and preservation of the subdivision) as last submitted to the commissioner prior to issuance of the final public report, will be binding upon the purchaser and occupant of every other lot, apartment or condominium in the subdivision, including purchasers acquiring title by foreclosure, whether judicial or nonjudicial, or by deed in lieu thereof, under any mortgage or deed of trust, whether or not said mortgage or deed of trust was recorded prior to recordation of the covenants, conditions and restrictions applicable to said first lot, apartment or condominium.

(d) Reasonable arrangements have been made for delivery of control over the subdivision and all offsite land and improvements included in the offering, to the purchasers of lots, apartments or condominiums in such subdivision.

(e) Reasonable arrangements have been or will be made as to the interest of each of the purchasers of lots, apartments or condominiums in the subdivision with respect to the management, maintenance, preservation, operation, use, right of resale and control of their lots, apartments or condominiums, and such other areas or interests, whether or not within, or pertaining to, areas within the boundaries of the subdivision, as have been or will be made subject to the plan of control proposed by the owner and subdivider, and which are included in the offering.

"Purchaser" as used in this section shall include within its meaning a lessee of the legal interests described in Section 11003 of this code.

SEC. 6. Section 11018.7 is added to said code, to read:

11018.7. No amendments, alterations, modifications or revocations of any of the provisions contained in the deeds, conveyances, leases, subleases, declarations or restrictions, articles of incorporation, bylaws, management contracts or any documents by which interests of the types described in Section 11004.5 of this code will be or are transferred or controlled which would materially change the rights, preferences or privileges of any person, or restrictions upon any lot, apartment or condominium affected thereby shall become effective or legally binding without the prior written consent of the Real Estate Commissioner whether prior or subsequent to the

issuance or denial of a public report. The commissioner shall refuse to grant such consent if he finds that the proposed change would constitute grounds for denial of the issuance of a public report under Section 11018 or 11018.5 of this code. Applications for written consent may be prepared and filed by any interested person and shall be prepared in such form as may be prescribed by the commissioner. Each such application shall be accompanied by a filing fee, in an amount to be fixed by regulation but not in excess of twenty-five dollars ($25).

There shall be no written solicitation of owners to effectuate any change referred to above and there shall be no official meeting of owners to effectuate a change referred to above without first submitting such a proposal to the commissioner for approval, provided however, the management body may meet for the purpose of deciding whether or not the proposal should be submitted to the commissioner.

SEC. 7. Section 11023 of said code is amended to read:

11023. Any person who violates any of the provisions of Section 11010, or Section 11010.1, or Section 11013.1, or Sections 11013.2, or Section 11013.4 or Section 11018.2, or Section 11019, or Section 11022 or Section 11018.7 of this code shall be guilty of a public offense punishable by a fine not exceeding five thousand dollars ($5,000) or by imprisonment in the state prison for a period not exceeding five (5) years or in the county jail not exceeding one (1) year, or by both such fine and imprisonment.

SEC. 8. Section 25102 of the Corporations Code is amended to read:

25102. 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 (except notes, bonds, debentures, or other evidences of indebtedness, whether interest-bearing or not) issued by a company organized under the laws of this state exclusively for educational, benevolent, fraternal, charitable, or reformatory purposes and not for pecuniary profit, no part of the earnings of which inures to the benefit of any private shareholder or individual.

(b) Bills of exchange, trade acceptances, promissory notes and any guarantee thereof, and other commercial paper issued, given, or acquired in a bona fide way in the ordinary course of legitimate business, trade, or commerce.

(c) Promissory notes, whether secured or unsecured, and any guarantee thereof, where the notes are not offered to the public, or are not sold to an underwriter for the purpose of resale.

(d) A promissory note, secured by a lien on a single parcel of real property, when such note is not offered to the public and is not one of a series of notes secured by interests in the same real property.

(e) Any interest in all or portions of a parcel or parcels of real property which said parcel or parcels are:

(1) "Subdivided lands" or a "subdivision" as defined in Sections 11000 and 11004.5 of the Business and Professions Code.

(2) A real estate development described in Section 25102.1.

Provided, however, that the exemption provided in this subdivision shall not be applicable to any such interest sold, to be sold or offered for sale as, or as part of an investment contract, nor shall it be applicable to any corporation organized for or engaged in the business of selling, distributing, supplying or delivering water for irrigation purposes or domestic use, and which is not a public utility.

SEC. 9. Section 25102.1 is added to said code, to read:

25102.1. "Real estate developments" referred to in paragraph (2), subdivision (e) of Section 25102 are developments:

(a) Which consist or will consist of separately owned lots, parcels or areas with either or both of the following features:

(1) One or more additional contiguous or noncontiguous lots, parcels or areas owned in common by the owners of the separately owned lots, parcels or areas.

(2) Mutual, common or reciprocal interests in, or restrictions upon all or portions of such separately owned lots, parcels or areas.

(b) In which the several owners of the separately owned lots, parcels or areas have rights, directly or indirectly, to the beneficial use and enjoyment of the lots, parcels or areas referred to in paragraph (1) of subdivision (a) above or any one or more of them or portions thereof or interests therein, or the interests or restrictions referred to in paragraph (2) of subdivision (a) above.

The "estate" in a separately or commonly owned lot, parcel or area may be an estate of inheritance or perpetual estate, an estate for life, or an estate for years.

Either common ownership of the additional contiguous or noncontiguous lots, parcels or areas referred to in paragraph (1) of subdivision (a) above, or the enjoyment of the mutual, common or reciprocal interests in, or restrictions upon the separately owned lots, parcels or areas pursuant to paragraph (2) of subdivision (a) above, or both, may be through ownership of shares of stock or membership in an owners association, or otherwise

"Owners association" shall mean a nonprofit corporation or association created to own the contiguous or noncontiguous lots, parcels or areas referred to in paragraph (1) of subdivision (a), to lease the contiguous or noncontiguous lots, parcels, or areas referred to in paragraph (1) of subdivision (a), or to provide management, maintenance, preservation and control of either said contiguous or noncontiguous lots, parcels or areas, or the separately owned lots, parcels or areas, or both, or any portion of or interest in them; provided, that the shares

or certificates of membership are transferable only by transfer of the separately owned lot, parcel or area. Such shares of stock shall be deemed to be interests in a real estate development for purposes of subdivision (e) of Section 25102.

CHAPTER 989

An act to amend Sections 10504, 10504.1, 10504.5, 10505, and 10507 of, to add Sections 10504.01 and 10504.02 to, and to repeal Section 10504.2 of, the Water Code, relating to applications for the appropriation of unappropriated water.

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

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

SECTION 1. Section 10504 of the Water Code is amended to read:

10504. All applications made and filed pursuant to Section 10500 shall be transferred to the State Water Rights Board and held by the board for the purposes of this part. The board may release from priority or assign any portion of any application filed under this part when the release or assignment is for the purpose of development not in conflict with such general or coordinated plan The assignee of any such application whether heretofore or hereafter assigned, is subject to all the requirements of diligence as provided in Part 2 (commencing at Section 1200) of Division 2 of this code. "Assignee" as used herein includes, but is not limited to, state agencies, commissions and departments, and the United States of America or any of its departments or agencies.

SEC. 1.3. Section 10504.01 is added to said code, to read:

10504.01. Each petition for assignment of all or a portion of an application filed pursuant to this part, which application has not been completed in accordance with law and the regulations of the board, shall include as a part thereof a proposed completed application consistent with the requested assignment, and describing petitioner's proposed project. As soon as practicable after the receipt of such petition the board shall issue and deliver a notice of the petition and proposed completed application in accordance with Article 1 (commencing with Section 1300), Chapter 3, Part 2, Division 2 of this code and shall also deliver a copy of the notice to the department and to the board of supervisors of each county in which the water originates and in which the water is to be used. Further procedure with respect to each such petition shall be in accordance with Chapters 3 (commencing with Section 1300), 4 (commencing with Section 1330) and 5 (commencing with Section 1340), Part 2, Division 2 of this code relating to notice,

protests, hearing, and action on applications for permits to appropriate water. The hearing shall be for the purpose of determining whether the application should be assigned pursuant to Sections 10504 and 10505 and whether the proposed completed application submitted by the petitioner should be approved in whole or in part. When the board's determination is favorable to the petitioner, it shall assign all or a portion of the application to the petitioner, accept and approve the assigned portion, and issue a permit as in other cases provided by law. Any portion of the application which is not assigned shall remain with the board subject to further disposition by it pursuant to the provisions of this part.

Two or more petitions for assignment of the same or related applications may be consolidated for purposes of hearing and determination with each other and with other applications, in the discretion of the board.

SEC. 1.5. Section 10504.02 is added to said code, to read:

10504.02. Procedure with respect to petitions for assignment of all or a portion of applications filed pursuant to this part, which applications have been completed in accordance with law and the regulations of the board, shall be in accordance with the provisions of Section 10504.01 insofar as they are applicable.

SEC. 2. Section 10504.1 of said code is amended to read:

10504.1. Before any application made and filed pursuant to Section 10500 is assigned or released from priority, the State Water Rights Board shall hold a public hearing. Written notice of the time and place of the hearing shall be mailed, at least 45 days prior to the date set for the hearing, to the board of supervisors of each county in the area in which the water originates and in the area or areas in which the water is to be used. Any interested persons may appear at the hearing and present their views and objections as to the proposed action.

SEC. 3. Section 10504.2 of said code is repealed.

SEC. 4. Section 10504 5 of said code is amended to read:

10504.5. In order to insure that projects will be constructed in accordance with a general or coordinated plan for the development of water:

(a) The recipient of a release from priority or assignment under this part shall, before making any changes determined by the State Water Rights Board to be substantial in the project in furtherance of which the release or assignment was made, submit such changes to the State Water Rights Board for its approval. The board shall approve any such change only if it determines that such change will not conflict with the general or coordinated plan. All permits and licenses issued pursuant to applications so released or assigned shall contain terms conditioning such permits and licenses upon compliance with this subdivision.

(b) The holder of applications that have been assigned, or in favor of which a release from priority has been made, shall submit any proposed amendments to such applications to the

State Water Rights Board. The board shall approve such amendments only if it determines that the amendments will not conflict with the general or coordinated plan. The board shall notify the holder of the application of its approval or disapproval.

SEC. 5. Section 10505 of said code is amended to read:

10505. No priority under this part shall be released nor assignment made of any application that will, in the judgment of the board, deprive the county in which the water covered by the application originates of any such water necessary for the development of the county.

SEC. 6. Section 10507 of said code is amended to read:

10507. The board may order a reconsideration of all or part of a decision or order made pursuant to this part, on its own motion or on petition of any person interested in the application. 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 date of filing of such petition. The decision or order may be reconsidered by the board on all the pertinent parts of the record and such argument as may be permitted, or a hearing may be held, upon notice to all interested persons, for the purpose of receiving such additional evidence as the board may, for cause, allow. The decision or order on reconsideration shall have the same force and effect as an original order or decision The board at any time may amend or modify a decision or order to correct any obvious typographical or clerical error or oversight without the necessity of notice and a hearing thereon

Any person interested in an 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 under the application to inquire into the validity of the action of the board. The right to petition shall not be affected by the failure to seek reconsideration before the board.

CHAPTER 990

An act to amend Sections 34080 and 34328 of the Government Code, relating to cities.

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

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

SECTION 1. Section 34080 of the Government Code is amended to read:

34080. The clerk of the legislative body conducting the proceeding shall file with the recorder of the county in which the city is located, an affidavit stating that all requirements of law pertaining to the proceeding have been complied with, if it relates to:

(a) Incorporation of territory as a city.

(b) Consolidation of cities.

(c) Change of name of a city.

(d) Disincorporation of a city.

(e) Annexation of territory to, or exclusion of territory from, a city.

(f) The boundaries of any city.

The city shall not perform any official act, the validity of which depends upon such proceedings, until the affidavit of completion has been filed. If the proceeding is a proceeding for the incorporation of territory as a city or for the annexation of territory to a city the territory shall be deemed to be unincorporated territory until the affidavit required by this section is filed by the city clerk, or until a later specified date if a later date is specified pursuant to Section 35146 or 35318.

The affidavit shall have attached to it the certificate of the Secretary of State describing the document filed in his office which is required to complete the proceedings, and the date of such filing.

SEC. 2. Section 34328 of said code is amended to read:

34328 After the date of filing of the order in the office of the Secretary of State and the affidavit of completion required by Section 34080, incorporation is complete, and, upon qualifying, the officers shall enter upon the duties of their offices. Immediately following its organization, the city council shall cause to be filed the statement of boundary creation required by Section 54900 of this code.

CHAPTER 991

An act to add Chapter 9 (commencing with Section 12945) to Part 6, Division 6 of the Water Code, relating to saline water conversion.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Chapter 9 (commencing with Section 12945) is added to Part 6, Division 6 of the Water Code, to read:

CHAPTER 9. SALINE WATER CONVERSION

Article 1. Short Title

12945. This chapter shall be known as and may be cited as the Cobey-Porter Saline Water Conversion Law.

Article 2. Declaration of Policy

12946. It is hereby declared that the people of the state have a primary interest in the development of economical saline water conversion processes which could eliminate the necessity for additional facilities to transport water over long distances, or supplement the services to be provided by such facilities, and provide a direct and easily managed water supply to assist in meeting the future water requirements of the state.

12947. The Legislature finds and declares that a substantial portion of the future water requirements of this state may be met economically by saline water conversion facilities and that the development and utilization of such desalting facilities will contribute to the peace, health, safety, and welfare of the people of the state. It is the intention of the Legislature that the department shall undertake to find economic and efficient methods of desalting saline water so that desalted water may be made available to help meet the growing water requirements of the state.

Article 3. State Participation

12948. The department either independently or in cooperation with any county, state, federal, or public or private agency or corporation may conduct a program of investigation, study, and evaluation in the field of saline water conversion.

12949. After submission of a written report and upon specific authorization by the Legislature the department either independently or in cooperation with any county, state, federal, or public or private agency or corporation may finance, construct, and operate saline water conversion facilities. The department may sell any water made available by such saline water conversion facilities. Unless otherwise provided by the Legislature, the department shall establish rates or charges for such water so as to recover all of the costs of making such water available.

CHAPTER 992

An act to add Section 12949.5 to the Water Code, relating to saline water conversion.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 12, 1965]

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

SECTION 1. Section 12949.5 is added to the Water Code, to read:

12949.5. The department, in cooperation with the U.S. Department of the Interior, may participate in financing the costs of the site development, construction, operation, and transportation of desalted water in connection with a saline water conversion test center facility to be located in California. The department may sell any water made available by such saline water conversion test center; provided, that the department shall sell such water at rates or charges which will return, at least, all of the costs of transporting the water from the test center to the point of delivery.

SEC. 2. For the purposes of Water Code Section 12949.5, the Department of Water Resources is authorized to utilize refunds or credits due the State of California, and received by the state during the 1965–1966 fiscal year, because of the state's investment in the Saline Water Conversion Demonstration Plant No. 2, San Diego, California, constructed pursuant to Public Law 85-883, 85th Congress, Senate Joint Resolution 135, approved September 2, 1958 (72 Stats. 1706), which investment was made by the state under that certain cooperative agreement dated the 15th day of August, 1960, between the United States of America and the State of California, and designated Department of Water Resources Contract No. 251008.

CHAPTER 993

An act to add Chapter 9 (commencing with Section 12945) to Part 6, Division 6 of the Water Code, relating to saline water conversion.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 12, 1965]

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

SECTION 1. Chapter 9 (commencing with Section 12945) is added to Part 6, Division 6 of the Water Code, to read:

CHAPTER 9. SALINE WATER CONVERSION

Article 1. Short Title

12945. This chapter shall be known as and may be cited as the Cobey-Porter Saline Water Conversion Law.

Article 2 Declaration of Policy

12946. It is hereby declared that the people of the state have a primary interest in the development of economical saline water conversion processes which could eliminate the necessity for additional facilities to transport water over long distances, or supplement the services to be provided by such facilities, and provide a direct and easily managed water supply to assist in meeting the future water requirements of the state.

12947. The Legislature finds and declares that a substantial portion of the future water requirements of this state may be met economically by saline water conversion facilities and that the development and utilization of such desalting facilities will contribute to the peace, health, safety, and welfare of the people of the state. It is the intention of the Legislature that the department shall undertake to find economic and efficient methods of desalting saline water so that desalted water may be made available to help meet the growing water requirements of the state.

Article 3. State Participation

12948. The department either independently or in cooperation with any county, state, federal, or public or private agency or corporation may conduct a program of investigation, study, and evaluation in the field of saline water conversion.

12949. After submission of a written report and upon specific authorization by the Legislature the department either independently or in cooperation with any county, state, federal, or public or private agency or corporation may finance, construct, and operate saline water conversion facilities. The department may sell any water made available by such saline water conversion facilities. Unless otherwise provided by the Legislature, the department shall establish rates or charges for such water so as to recover all of the costs of making such water available.

CHAPTER 994

An act to add Section 12949.5 to the Water Code, relating to saline water conversion.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 12949.5 is added to the Water Code, to read:

12949.5. The department, in cooperation with the United States Department of the Interior, may participate in financing the costs of the site development, construction, operation, and transportation of desalted water in connection with a saline water conversion test center facility to be located in California. The department may sell any water made available by such saline water conversion test center; provided, that the department shall sell such water at rates or charges which will return, at least, all of the costs of transporting the water from the test center to the point of delivery.

SEC. 2. For the purposes of Water Code Section 12949.5, the Department of Water Resources is authorized to utilize refunds or credits due the State of California, and received by the state during the 1965–1966 fiscal year, because of the state's investment in the Saline Water Conversion Demonstration Plant No. 2, San Diego, California, constructed pursuant to Public Law 85–883, 85th Congress, Senate Joint Resolution 135, approved September 2, 1958 (72 Stats. 1706), which investment was made by the state under that certain cooperative agreement dated the 15th day of August, 1960, between the United States of America and the State of California, and designated Department of Water Resources Contract No. 251008.

CHAPTER 995

An act to amend Section 15963 of the Education Code, relating to school district contracts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 15963 of the Education Code is amended to read:

15963. If any change or alteration of a contract governed by the provisions of this article (commencing with Section 15951) is ordered by the governing board of the district, such change or alteration shall be specified in writing and the cost agreed upon between the governing board and the contractor. The board may authorize the contractor to proceed with performance of the change or alteration without the formality of securing bids, if the cost so agreed upon does not exceed the greater of:

(a) The amount specified in Section 15951, 15953, or 15957, whichever is applicable to the original contract; or

(b) Ten percent (10%) of the original contract price.

No change or alteration shall be authorized if the amount thereof is within the limitation specified in subdivision (b) and is in excess of the limitation in subdivision (a), except by affirmative vote of no less than seventy-five percent (75%) of

the members of the governing board, regardless of the number of the board's membership.

The governing board of any school district having an average daily attendance of 400,000 or more as shown by the annual report of the county superintendent of schools for the preceding year, by unanimous affirmative vote of the members present, may also authorize any change or alteration of a contract for reconstruction or rehabilitation work other than for the construction of new buildings or other new structures, where the cost of the change or alteration is in excess of the limitations in subdivisions (a) and (b) but does not exceed 25 percent of the original contract price, without the formality of securing bids, when such change or alteration is a necessary and integral part of the work under the contract and the taking of bids would delay the completion of the contract.

CHAPTER 996

An act to add Article 4 (commencing with Section 17569) to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, relating to American Indian-made articles.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Article 4 (commencing with Section 17569) is added to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, to read:

Article 4. American Indian-made Articles

17569. It is unlawful to barter, trade, sell, or offer for sale or trade, any article represented as made by authentic American Indian labor or workmanship, unless the basic article was produced wholly by American Indian labor or workmanship.

Any article bearing a trademark or label registered by Indian persons, groups, bands, tribes, pueblos, or communities with the Indian Arts and Crafts Board in Washington, D.C., or with the American Indian Historical Society, Incorporated, in San Francisco, California, shall be presumed to be authentic.

Only those articles bearing a registered trademark or label of authentic Indian labor or workmanship may be deemed an art or craft of authentic Indian labor or workmanship.

17569.9. "Indian," as used in this article, means a person who is enrolled or who is a lineal descendant of one enrolled upon an enrollment listing of the Bureau of Indian Affairs, or upon the enrollment listing of a recognized Indian tribe, band or pueblo.

CHAPTER 997

An act to amend Sections 14251, 14254 and 14364 of the Education Code, relating to death benefits under the State Teachers' Retirement System.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 12, 1965]

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

SECTION 1. Section 14251 of the Education Code is amended to read:

14251. Except as otherwise provided in Sections 14364, 14365, or 14366, upon receipt of proof of a member's death which occurred before the effective date of his retirement or after said date but before the date upon which the warrant for his first retirement allowance is mailed, including a warrant for an advance payment as permitted by Section 14128, and within four months after the termination of the member's employment in a status requisite for membership in this retirement system, or while the member was physically or mentally incapacitated for performance of his duty, if such incapacity had been continuous from said termination, there shall be paid to such beneficiary as he has nominated by written designation duly filed with the retirement board:

(a) The Permanent Fund contributions, without interest, standing to the credit of his individual account, as having been made after July 1, 1935.

(b) The accumulated contributions standing to the credit of his individual account in the Retirement Annuity Fund.

(c) Any moneys standing to the credit of his individual account in the Annuity Deposit Fund pursuant to Section 13906, together with the interest accumulated thereon.

(d) An amount, provided from contributions by the state, and payable from the Retirement Annuity Fund, for each completed year of service as a member, not to exceed six and excluding those years of service with respect to which contributions have been refunded and the member had not elected to redeposit pursuant to Section 14155, equal to one-twelfth of the salary which would have been earned by the member at the rate of salary at which he was last employed preceding death, assuming engagement in duties for the number of school-days during the school year in which said employment existed. If the last employment preceding death was less than full time, the salary used under this section shall be the salary earned and used in the calculation of contributions in the last preceding year. From the amount determined under the preceding sentences, there shall be deducted an amount equal to that portion of the benefit payable on account of said death by a local retirement system or the State Employees' Retirement System, which is provided from contributions of the employer, and is in addition to the portion of the benefit

payable by said systems which is made up of the accumulated contributions of the member, and independently of any optional election made by said person at the time of his retirement, under which he received a reduced retirement allowance and a benefit was provided at his death.

(e) The accumulated shelter contributions standing to the credit of his account.

SEC 2. Section 14254 of the Education Code is amended to read:

14254. Anything in Section 14251 to the contrary notwithstanding, the benefits provided therein, except as otherwise provided, shall be payable upon receipt of proof of a member's death which occurred (a) while he was employed in a status requisite for membership in this retirement system, and was receiving compensation because of such employment, and before the effective date of his retirement or after such date if under the provisions of Section 14364 he is to be considered as an active member at the time of death, or (b) while he was serving in the active military service of the United States or in any other service stated in Section 14061; provided, that time in such service will qualify for credit as service under this retirement system, or (c) while the member was physically or mentally incapacitated for performance of his duty, if such incapacity had been continuous from the last day for which compensation was paid to him, or (d) while he was on a leave of absence without compensation, granted for reason other than mental or physical incapacity for performance of his duty, and within 18 months after the last day for which such compensation was paid, or (e) within four months after the termination of the member's employment in a status requisite for membership in this retirement system; provided, first, that such death was not included within the provisions of subdivision (c), and, second, that such death does not occur more than 18 months after the last day for which compensation was paid to him, or (f) within six months of his last day of service if an application for retirement, filed by the member or on his behalf, was received in the retirement office prior to four months from his last day of service and prior to his death, provided benefits are not payable under Section 14363.

The provisions of subdivision (f) shall be applicable to any member whose death occurred on or after October 1, 1963.

SEC. 3. Section 14364 of the Education Code is amended to read:

14364. If any person dies after the effective date of his retirement, and within 30 days from the date upon which the election or changed election is received in the office of the retirement system at Sacramento, then the election shall be void and of no effect, and he shall be considered as an active member at the time of death. If, however, the death occurs before the changed election is effective under this section, the prior election will be considered as valid if it was filed in the retirement office at least 30 days prior to the death. If any

person who has elected Option 1 dies after the effective date of his retirement and before the mailing of the warrant for his first retirement benefit, then the election shall be void and of no effect, and he shall be considered as an active member at the time of death, irrespective of whether or not the said 30-day period had elapsed before his death. If any person who elected Option 2 or 3 dies after the effective date of his retirement and after the said 30-day period had elapsed, then the election of the option shall be in full force and effect.

CHAPTER 998

An act to amend Sections 74262, 74263 and 74264 of the Government Code, relating to the San Bernardino Municipal Court.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 74262 of the Government Code is amended to read:

74262. There shall be one clerk, who shall be the administrative officer of the court, who may appoint one assistant clerk of the municipal court II, two municipal court supervising clerks, four municipal court clerks, two municipal court clerk assistants, one senior stenographer-clerk, one fiscal assistant, five senior clerks, seven intermediate clerks, one stenographer-clerk and six clerks.

SEC. 2. Section 74263 of the Government Code is amended to read:

74263. There shall be one marshal, who shall receive a salary of eight hundred forty-five dollars ($845) per month, and who may appoint one assistant marshal, two deputy marshals, four bailiffs, one principal clerk and two intermediate clerks.

SEC. 3. Section 74264 of the Government Code is amended to read:

74264. Whenever reference to a salary range is made in this article, the following schedule of monthly salaries shall apply:

Range No.	A	B	C	D	E
16	$282	$296	$311	$327	$343
16.5	289	303	319	335	351
17	296	311	327	343	360
17.5	303	319	335	351	369
18	311	327	343	360	378
18.5	319	335	351	369	387

Range No.	A	B	C	D	E
19	327	343	360	378	397
19.5	335	351	369	387	407
20	343	360	378	397	417
20.5	351	369	387	407	427
21	360	378	397	417	438
21.5	369	387	407	427	449
22	378	397	417	438	460
22.5	387	407	427	449	471
23	397	417	438	460	483
23.5	407	427	449	471	495
24	417	438	460	483	507
24 5	427	449	471	495	519
25	438	460	483	507	532
25 5	449	471	495	519	545
26	460	483	507	532	559
26 5	471	495	519	545	573
27	483	507	532	559	587
27.5	495	519	545	573	601
28	507	532	559	587	616
28.5	519	545	573	601	631
29	532	559	587	616	647
29.5	545	573	601	631	663
30	559	587	616	647	679
30.5	573	601	631	663	696
31	587	616	647	679	713
31.5	601	631	663	696	731
32	616	647	679	713	749
32.5	631	663	696	731	767
33	647	679	713	749	786
33.5	663	696	731	767	805
34	679	713	749	786	825
34.5	696	731	767	805	845
35	713	749	786	825	866
35.5	731	767	805	845	887
36	749	786	825	866	909
36.5	767	805	845	887	931
37	786	825	866	909	954
37.5	805	845	887	931	978
38	825	866	909	954	1,002
38.5	845	887	931	978	1,027
39	866	909	954	1,002	1,052
39.5	887	931	978	1,027	1,078
40	909	954	1,002	1,052	1,105
40.5	931	978	1,027	1,078	1,132
41	954	1,002	1,052	1,105	1,160
41.5	978	1,027	1,078	1,132	1,189
42	1,002	1,052	1,105	1,160	1,218

The administration of the salary plan provided by this article including the hiring rate; increases within range; salary on promotion, transfer or demotion; salary on position reclassification and all other relevant matters shall be in accordance with the Personnel Rules and Ordinances of the County of San Bernardino.

The job classifications and the number of the salary range which constitutes the compensation for each job classification is shown below:

Job classification	Salary Schedule No.
Clerk of the municipal court II	38
Assistant clerk of the municipal court II	32
Municipal court supervising clerk	28
Municipal court clerk	28
Municipal court clerk assistant	25
Principal clerk	25
Senior stenographer-clerk	25
Fiscal assistant	24.5
Senior clerk	24
Stenographer-clerk	22
Intermediate clerk	21
Clerk	19
Assistant marshal	31
Deputy marshal	28
Bailiff	25.5

Notwithstanding any other provisions of law, the salary and classifications of municipal court employees may be increased or decreased within the range limits set forth in this section in order to provide classification and compensation that is comparable to county employees of similar qualifications and experience in the classified service of San Bernardino County as such comparability is determined by the civil service commission and the board of supervisors.

The officers and attachés of the municipal court shall be subject to the same or similar obligations and be granted the same or similar employee benefits as are required of or granted to employees of the County of San Bernardino.

CHAPTER 999

An act to amend Section 637 of the Agricultural Code, relating to flavored milk.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 637 of the Agricultural Code is amended to read:

637. (a) Flavored milk is pasteurized, homogenized market milk as defined in Section 471, to which has been added a sta-

bilizer, sugar, syrup or flavor made from wholesome ingredients. Flavored milk shall meet all standards and requirements specified in this division for pasteurized, homogenized market milk, and shall otherwise be subject to all provisions of this code applicable to pasteurized, homogenized market milk. In addition, flavored milk shall be labeled with the name of the product and the principal flavor may be substituted for the word "flavored" in the name of the product. Flavored milk shall be so colored or contain ingredients that cause it to distinctly differ from milk in appearance and other characteristics.

(b) Flavored dairy drink is a pasteurized market milk product to which has been added a stabilizer, sugar, syrup or flavor made from wholesome ingredients. Flavored dairy drink shall contain not more than 1.8 percent milk fat and not more than 15,000 bacteria per milliliter at the time of delivery of the product to the consumer. Flavored dairy drink shall be labeled with the name and address of the distributor or original bottler, and with the class or grade and the name of the product In such labeling the principal flavor may be substituted for the word "flavored" or the words "flavored dairy" in the name of the product. Flavored dairy drink shall be so colored or contain ingredients as to cause it distinctly to differ from milk in appearance and other characteristics.

CHAPTER 1000

An act to add Section 14277 to the Government Code, and Article 5 (commencing with Section 1860) to Chapter 1 of Part 7 of Division 2 of the Labor Code, relating to public works.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 14277 is added to the Government Code, to read:

14277. All contracts awarded under this chapter shall comply with the applicable provisions of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code relating to public works contracts and shall contain all the contract provisions required therein.

SEC. 2. Article 5 (commencing with Section 1860) is added to Chapter 1 of Part 7 of Division 2 of the Labor Code, to read:

Article 5. Securing Workmen's Compensation

1860. The awarding body shall cause to be inserted in every public works contract a clause providing that, in ac-

cordance with the provisions of Section 3700 of the Labor Code, every contractor will be required to secure the payment of compensation to his employees.

1861. Each contractor to whom a public works contract is awarded shall sign and file with the awarding body the following certification prior to performing the work of the contract: "I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workmen's compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."

CHAPTER 1001

An act to add Sections 17953, 17954, 17955, 17956, and 17957 to the Health and Safety Code, relating to housing.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 17953 is added to the Health and Safety Code, to read:

17953. Each city, county, and city and county shall enact an ordinance which requires a preliminary soil report, prepared by a civil engineer who is registered by the state, based upon adequate test borings or excavations, of every subdivision, as defined in Sections 11535 and 11535.1 of the Business and Professions Code.

The preliminary soil report may be waived if the building department of the city, county or city and county, or other enforcement agency charged with the administration and enforcement of the provisions of this part, shall determine that, due to the knowledge such department has as to the soil qualities of the soil of the subdivision or lot, no preliminary analysis is necessary.

SEC. 2. Section 17954 is added to said code, to read.

17954. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, such ordinance shall require a soil investigation of each lot in the subdivision.

The soil investigation shall be prepared by a civil engineer who is registered in this state. It shall recommend corrective action which is likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil.

SEC. 3. Section 17955 is added to said code, to read:

17955. The building department of each city, county, or city and county, or other enforcement agency charged with the administration and enforcement of the provisions of this part,

shall approve the soil investigation if it determines that the recommended action is likely to prevent structural damage to each dwelling to be constructed. As a condition to the building permit, the ordinance shall require that the approved recommended action be incorporated in the construction of each dwelling. Appeal from such determination shall be to the local appeals board.

SEC. 4. Section 17956 is added to said code, to read:

17956. A city, county, or city and county or other enforcement agency charged with the administration and enforcement of the provisions of this part, is not liable for any injury which arises out of any act or omission of the city, county or city and county, or other enforcement agency, or a public employee or any other person under Section 17953, 17954, or 17955.

SEC. 5. Section 17957 is added to said code, to read:

17957. The governing body of any city, county, or city and county may enact an ordinance prescribing an alternate procedure which is equal to or more restrictive than the procedure specified in Sections 17953, 17954, and 17955.

SEC. 6. The Legislature declares that the enactment of this act is to implement the recommendations contained in Volume 6, Number 21, of the Report of the Assembly Interim Committee on Municipal and County Government to the Assembly at the 1965 Regular Session of the Legislature.

CHAPTER 1002

An act to amend Section 69606 of the Government Code, relating to superior court judges.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 69606 of the Government Code is amended to read:

69606. In the County of Ventura there shall be five judges of the superior court. On and after July 1, 1966, there shall be six judges.

CHAPTER 1003

An act to add Section 1952.3 to the Code of Civil Procedure, relating to destruction of exhibits and depositions in civil actions or proceedings.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 1952.3 is added to the Code of Civil Procedure, to read:

1952.3. Notwithstanding any other provision of the law, in counties with a population of one million or more, based on the 1960 federal census, the court, on its own motion, may order destroyed or otherwise disposed of any exhibit or deposition introduced in the trial of a civil action or proceeding or filed in such action or proceeding which, if appeal has not been taken from the decision of the court in the said action or proceeding, remains in the custody of the court or clerk five years after time for appeal has expired, or, if appeal has been taken, remains in the custody of the court or clerk five years after final determination thereof or which remains in the custody of the court or clerk for a period of five years after:

(a) A motion for a new trial has been granted and a memorandum to set the case for trial has not been filed or a motion to set for trial has not been made within such five years;

(b) The filing of the remittitur where the action or proceeding, after appeal, has been remanded to the trial court for a new trial and the same has not been brought to trial within five years from the date of filing the remittitur;

(c) The dismissal of such action or proceeding;

(d) The introduction or filing thereof where there is no provision for the destruction or other disposition of such exhibit or deposition and where in the discretion of the court the same should be destroyed or otherwise disposed of.

The order shall be entered in the register of actions of each case in which any such order is made.

CHAPTER 1004

An act to add Section 955.5 to, and to amend Sections 935.6, 948, 965, and 965.2 of, the Government Code, relating to claims against the state.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 12, 1965]

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

SECTION 1. Section 955.5 is added to the Government Code, to read:

955.5. Notwithstanding any other provision of law, including Section 942 of this code, neither the state, nor any of its officers or employees, can be required by any court in any proceeding to pay or offset a tort liability claim, settlement or judgment for which the state is liable unless the Legislature has authorized the payment or offset of a specific tort liability claim, settlement or judgment, or the Director of Finance has certified that a sufficient appropriation for such payment or to provide for the offset exists. No money or property belonging to, in the custody of, or owing to the state

or any state agency is subject to garnishment, execution, or attachment or any other proceeding for enforcing any such claim, settlement or judgment.

SEC. 2. Section 935.6 of said code is amended to read:

935.6. The State Board of Control, by rule, may authorize any state agency to adjust and pay claims where the settlement does not exceed one thousand dollars ($1,000) or such lesser amount as the board may determine and, except for claims arising from the activities of the Department of Public Works, the Director of Finance certifies that a sufficient appropriation for such payment exists Payments shall be made only upon approval of the settlement by the board. As used in this section, "state agency" means any office, officer, department, division, bureau, board, commission or agency of the state claims against which are paid by warrants drawn by the Controller.

SEC. 3. Section 948 of said code is amended to read:

948. The head of the state agency concerned, upon recommendation of the Attorney General or other attorney authorized to represent the state, may settle, adjust or compromise any pending action where, except for an action arising from the activities of the Department of Public Works, the Director of Finance certifies that a sufficient appropriation for the payment of claims exists. Where no funds or insufficient funds for such payment exist, the head of the state agency concerned, upon recommendation of the Attorney General or other attorney authorized to represent the state, may settle, adjust or compromise any pending action with the approval of the Department of Finance. As used in this section, "state agency" means any office, officer, department, division, bureau, board, commission or agency of the state claims against which are paid by warrants drawn by the Controller.

SEC. 4. Section 965 of said code is amended to read:

965. Upon the allowance by the State Board of Control of all or part of a claim for which, except for a claim arising from the activities of the Department of Public Works, the Director of Finance certifies that a sufficient appropriation exists, and the execution and presentation of such documents as the board may require which discharge the state of all liability under the claim, the board shall designate the fund from which the claim is to be paid and the state agency concerned shall pay the claim from such fund. Where no sufficient appropriation for such payment is available, the board shall report to the Legislature in accordance with Section 912.8.

SEC. 5. Section 965.2 of said code is amended to read:

965.2. The Controller shall draw his warrant for the payment of any final judgment or settlement against the state whenever, except where the judgment or settlement arose out of the activities of the Department of Public Works, the Director of Finance certifies that a sufficient appropriation for such payment exists. Claims upon such judgments and settlements are exempt from Section 925.6.

CHAPTER 1005

An act to repeal Article 4 (commencing with Section 24856) of Chapter 13 of Division 18 of the Education Code, relating to Los Angeles State College of Applied Arts and Sciences.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Article 4 (commencing with Section 24856) of Chapter 13 of Division 18 of the Education Code is repealed.

CHAPTER 1006

An act to add Section 3112 to the Education Code, relating to school district elections.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 3112 is added to the Education Code, to read:

3112. Any circular, pamphlet, letter, poster, or other campaign literature which is designed to promote either the passage or defeat of a ballot measure proposing the unification of school districts shall bear on its face, in a conspicuous place, either:

(a) The names and residence addresses of the chairman and secretary or the names and residence addresses of at least two officers of the organization issuing it, if issued by an organization; or

(b) The name and residence address, with the street and number, if any, of any individual responsible for it, if issued by an individual or individuals.

If any person eligible to vote upon such ballot measure has reason to believe that such campaign literature contains false and misleading statements, he may maintain an action in the superior court for injunctive relief against further circulation of the literature, and if the court finds that the literature does in fact contain false and misleading statements, it may enjoin any further circulation of the literature.

CHAPTER 1007

An act to amend Sections 12071 and 12072 of the Penal Code, relating to restrictions on transfer of certain firearms.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 12071 of the Penal Code is amended to read:

12071. The duly constituted licensing authorities of any city or county may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the county, city and county, city, town or other municipality pistols, revolvers, and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture.

1. The business shall be carried on only in the building designated in the license.

2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be seen.

3. No pistol or revolver shall be delivered

(a) Within five days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

SEC. 2. Section 12072 of the Penal Code is amended to read:

12072. No person, corporation or dealer shall sell, deliver, or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by Section 12021 from owning or possessing such firearms, nor to any minor, under the age of 18 years. In no event shall any such firearm be delivered to the purchaser within five days of the application for the purchase thereof, and when delivered such firearm shall be securely wrapped and shall be unloaded. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Any violation of the provisions of this section is a misdemeanor.

CHAPTER 1008

An act to amend Section 17503 of the Education Code, relating to apportionments of State School Fund, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 17503 of the Education Code is amended to read:

17503. For purposes of this section:

(a) "Salaries of classroom teachers" and "teacher" shall have the same meanings as prescribed by Section 17200 of this code.

(b) "Current expense of education" means the gross total expended (not reduced by estimated income or estimated federal and state apportionments) for the purposes classified in the final budget of a school district (except one which, during the preceding fiscal year, had less than 101 units of average daily attendance) submitted to and approved by the county superintendent of schools pursuant to Section 20651 of this code for administration, instruction (including salaries and other expense), auxiliary services, school plant (including operation and maintenance), and fixed charges. "Current expense of education" shall not include those purposes classified as transportation of pupils, food service, community service, capital outlay, state school building loan repayment; and shall not include the amount expended pursuant to any lease agreement for plant and equipment or the amount expended from funds received from the federal government pursuant to the "Economic Opportunity Act of 1964" or any extension of such act of Congress.

There shall be expended during each fiscal year for payment of salaries of classroom teachers:

(a) By an elementary school district, sixty percent (60%) of the district's current expense of education.

(b) By a high school district, fifty percent (50%) of the district's current expense of education.

(c) By a junior college district, fifty percent (50%) of the district's current expense of education.

(d) By a unified school district, fifty-five percent (55%) of the district's current expense of education.

If the Superintendent of Public Instruction determines that a school district has not expended the applicable percentage of current expense of education for the payment of salaries of classroom teachers during the preceding fiscal year, he shall, in apportionments made to the school district from the State School Fund after April 15 of the current fiscal year, designate an amount of such apportionment or apportionments equal to the apparent deficiency in district expenditures. Any

amount so designated by the Superintendent of Public Instruction shall be deposited in the county treasury to the credit of the school district, but shall be unavailable for expenditure by the district pending the determination to be made by the Superintendent of Public Instruction on any application for exemption which may be submitted to the Superintendent of Public Instruction. In the event it appears to the governing board of a school district that the application of the preceding paragraphs of this section during a fiscal year results in serious hardship to the district, or in the payment of salaries of classroom teachers in excess of the salaries of classroom teachers paid by other districts of comparable type and functioning under comparable conditions, the board may, with the written approval of the county superintendent of schools having jurisdiction over the district apply to the Superintendent of Public Instruction in writing not later than September 15th of the succeeding fiscal year for exemption from the requirements of the preceding paragraphs of this section for the fiscal year on account of which the application is made. Upon receipt of such application, duly approved, the Superintendent of Public Instruction shall grant the district exemption for any amount that is less than one thousand dollars ($1,000), and if the amount is one thousand dollars ($1,000), or greater may grant the district exemption, to the extent deemed necessary by him, from such requirements for the fiscal year on account of which the application is made. If such exemption is granted the designated moneys shall be immediately available for expenditure by the school district governing board. If no application for exemption is made or exemption is denied, the Superintendent of Public Instruction shall order the designated amount or amount not exempted to be added to the amounts to be expended for salaries of classroom teachers during the next fiscal year.

The Superintendent of Public Instruction shall enforce the requirements prescribed by this section, and may adopt necessary rules and regulations to that end. He may require the submission to him, during the school year, by school district governing boards and county superintendents of schools, of such reports and information as may be necessary to carry out the provisions of this section.

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:

Because of the rapid expansion in the number of pupils in many school districts throughout the state, a great number of these districts have found it necessary to enter into lease agreements for their plants and equipment in lieu of capital outlay, which is already excluded from the definition of "current expense of education." In order to prevent an unfair apportionment of the State School Fund, because of the dis-

crimination against school districts that are forced to provide facilities in this manner; it is necessary that this law go into effect immediately in order to prevent a reduction in state funds going to the school districts that utilize these means for obtaining the necessary facilities during the current fiscal year.

CHAPTER 1009

An act to add Section 12103 to the Education Code, relating to compulsory education.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 12103 is added to the Education Code, to read:

12103. The county board of education of each county may establish, by resolution, the following regulation:

(a) The administration of each private school and public school district of the county shall, upon the severance of attendance by any pupil subject to the compulsory education laws of California, whether by expulsion, exclusion, exemption, transfer, suspension beyond 10 schooldays, or other reasons, report such severance to the county superintendent of schools in the jurisdiction. The report shall include names, ages, last known address and the reason for each such severance.

(b) It shall be the duty of the county superintendent of such county to examine such reports and draw to the attention of the county board of education and local district board of education any cases in which the interests of the child or the welfare of the state may need further examination.

(c) After preliminary study of available information in cases so referred to it, the county board of education may, on its own action, hold hearings on such cases in the manner provided in Education Code Section 10608 and with the same powers of final decision as therein provided.

CHAPTER 1010

An act to amend Section 15952 of the Education Code, relating to the letting of contracts by school districts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 15952 of the Education Code is amended to read:

15952. For the purpose of securing bids the board shall publish at least once a week for two weeks in some newspaper of general circulation published in the district, or if there is no such paper, then in some newspaper of general circulation, circulated in the county a notice calling for bids, stating the work to be done or materials or supplies to be furnished and the time when and the place where bids will be opened. Whether or not bids are opened exactly at the time fixed in the public notice for opening bids, a bid shall not be received after that time.

CHAPTER 1011

An act to amend Sections 12702, 12704, and 12706 of the Business and Professions Code, relating to weighmasters.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 12702 of the Business and Professions Code is amended to read:

12702. Public weighmasters, public weighmasters at large and private weighmasters may employ or designate any person to act for them as deputy weighmaster and shall be responsible for all acts performed by such person. The weighmaster shall forward to the department the name and address of persons so appointed.

The Director of Agriculture may provide by rules and regulations with respect to designated commodities that:

(a) One deputy weighmaster may sign and issue a certificate based on information received from another deputy weighmaster who actually performed the weighing, measuring, or counting of the commodity, when both are employed by the same principal weighmaster.

(b) A principal weighmaster may sign and issue a certificate based on the results of a weighing, measuring, or counting performed by a deputy weighmaster in his employ.

SEC. 2. Section 12704 of said code is amended to read:

12704. (a) The department shall prescribe a form of weight and measure certificates to be used by public weighmasters. The certificate used by a public weighmaster shall be known as the "state certificate of weights and measures" and no other form of certificate shall be used by public weighmasters.

The certificate shall state thereon:

(1) The kind of product or article.

(2) The number of units of the product or article.

(3) The date on which the product or article was weighed, measured or counted.

(4) The owner, agent or consignee.

(5) Either the gross weight of the product and the vehicle or container thereof, or the tare weight of the unladen vehicle or container, or both such gross and tare weights when they are used in determining the true net weight; or the true net weight, measure, or count of the product. The provisions of this section shall apply in all respects to the transportation of part loads of products, except that the gross weight of a vehicle containing one or more part loads may be used as the tare weight of such vehicle as to part loads subsequently loaded thereon. Such weight certificate on part loads shall show, in addition to the net weight, both of the gross weights used in the computation of the net weight of each part load.

(6) The vessel, railroad or other means by which the product was received. If motor vehicle carrier is used, the license number of any vehicle or trailer shall be stated on the certificate.

(7) Any trade or other mark thereon.

(8) The name of the city or town where such product or article was weighed, measured or counted.

(9) The complete signature of the weighmaster or deputy weighmaster who weighed, measured or counted the commodity; or signature of weighmaster who caused the weight, measure, or count to be taken by a deputy weighmaster in his employ when permitted by regulations of the Director of Agriculture; or signature of a deputy weighmaster who caused the weighing, measuring, or counting to be performed by a fellow deputy weighmaster when both are in the employ of the same principal weighmaster, when permitted by regulations of the Director of Agriculture.

(10) The consecutive number thereof and such other information as may be necessary to identify the product or distinguish it from a like kind.

(b) Private weighmasters may use a delivery ticket, invoice, bill of lading or purchase ticket of a form approved by the department which shall be known as a private weighmasters certificate and shall state thereon:

(1) Date of issue.

(2) Consecutive number thereof.

(3) Commodity.

(4) Owner, agent or consignee.

(5) Either the gross weight of the product and vehicle and container thereof, or the tare weight of the unladen vehicle or both such gross and tare weights when they are used in determining the true net weight, or the true net weight, measure or count of the product.

(6) The vessel, railroad or other means by which the product is received or delivered. If a motor vehicle is used vehicle and trailer must be correctly identified. The license number shall be shown if required by the purchaser.

(7) Place where commodity was weighed.

(8) Signature of weighmaster or deputy weighmaster who weighed, measured or counted the commodity; or signature of

weighmaster who caused the weight, measure, or count to be taken by a deputy weighmaster in his employ when permitted by regulations of the Director of Agriculture; or signature of a deputy weighmaster who caused the weighing, measuring, or counting to be performed by a fellow deputy weighmaster when both are in the employ of the same principal weighmaster, when permitted by regulations of the Director of Agriculture.

(9) Such other information as may be required to identify the product or distinguish it from a like kind.

It shall be unlawful for a public weighmaster to use a public weighmaster certificate form purchased by him for use in connection with his service as a public weighmaster until a sample of such form has been inspected and approved in writing by the department. Such approval shall not be required of a public weighmaster when using public weighmaster certificate forms for which approval has been previously received by the printer, stationer or other supplier whose business includes the supplying of such approved forms.

It shall be unlawful for a private weighmaster to use a private weighmaster certificate form purchased by him for use in connection with his service as a private weighmaster until a sample of such form has been inspected and approved in writing by the department Such approval shall not be required of a private weighmaster when using a private weighmaster certificate form for which approval has been previously received by the printer, stationer or other supplier whose business includes supplying such approved forms.

Public weighmaster certificate forms and private weighmaster certificate forms shall be the property of the state and all unused weighmaster certificate forms shall be forfeited and returned to the department by any person who has served as a public weighmaster or a private weighmaster upon termination of the performance of his duties as a weighmaster. Certificates of weight or measure which have been returned to the department shall be kept in a safe place for a period of four years after which time they shall be destroyed or otherwise disposed of by the department.

SEC 3. Section 12706 of said code is amended to read:

12706. State certificates of weights and measures issued by public weighmasters and private weighmaster certificates issued by private weighmasters shall contain the accurate and correct weight or measure or count of any and all commodities or products weighed or measured or counted.

Any public weighmaster who issues a state certificate of weights and measures without first weighing, measuring, or counting the article or commodity or first causing his deputy to weigh, measure, or count the article or commodity, when permitted by regulations, or who knowingly issues a state certificate of weights and measures giving thereon a false weight or measure or count of the article or commodity weighed or measured or counted by him or his deputy, or any person who

alters a state certificate of weights and measures, is guilty of a misdemeanor.

Any private weighmaster who issues a private weighmasters certificate without first weighing, measuring or counting the article or commodity or first causing his deputy to weigh, measure, or count the article or commodity, when permitted by regulations, or who knowingly issues a private weighmasters certificate giving thereon a false weight or measure or count of the commodity weighed or measured or counted by him or his deputy, or any person who alters a private weighmaster certificate, is guilty of a misdemeanor.

The department may declare the bond of any licensed weighmaster forfeited where such weighmaster has been guilty of a violation of this section.

CHAPTER 1012

An act to amend Sections 22110, 24950, 24951, and 24952 of, and to repeal Section 24954 of, the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 22110 of the Vehicle Code is amended to read:

22110. The signals required by this chapter shall be given either by means of the hand and arm or by a signal lamp, but when the body or load on any vehicle or combination of vehicles projects 24 inches or more to the left of the center of the steering wheel, or under any condition when a hand and arm signal would not be visible both to the front and rear of the vehicle or vehicles, then the vehicle or vehicles shall be equipped with, and signals shall be given by, a signal lamp.

SEC. 2. Section 24950 of said code is amended to read:

24950 Whenever any motor vehicle is towing a trailer coach the combination of vehicles shall be equipped with a lamp-type turn signal system.

SEC. 3. Section 24951 of said code is amended to read:

24951. (a) Any vehicle may be equipped with a lamp-type turn signal system capable of clearly indicating any intention to turn either to the right or to the left.

(b) The following vehicles which are manufactured and first registered on or after January 1, 1958, shall be equipped with a lamp-type turn signal system of a type approved by the department and meeting the requirements of this chapter:

All passenger-type vehicles except motorcycles and motor-driven cycles

All motor trucks and truck tractors.

All trailers or semitrailers having a gross weight of 6,000 pounds or more.

This requirement does not apply to special mobile equipment, pole or pipe dollies, logging dollies, or auxiliary dollies.

SEC 4. Section 24952 of said code is amended to read:

24952. A lamp-type turn signal shall be plainly visible and understandable in normal sunlight and at nighttime from a distance of at least 300 feet to the front and rear of the vehicle, except that turn signal lamps on vehicles of a size required to be equipped with clearance lamps shall be visible from a distance of 500 feet during such times.

SEC. 5. Section 24954 of said code is repealed.

CHAPTER 1013

An act to add Section 31009 to the Water Code, relating to county water districts.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 31009 is added to the Water Code, to read:

31009. 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.

SEC. 2. Section 31009 is added to the Water Code, to read:

31009. In any district authorized to provide fire protection services, the district board is authorized to enforce the provisions of Sections 4291 to 4296, inclusive, of the Public Resources Code.

SEC. 3. Section 2 of this act becomes operative only if Senate Bill No. 710 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as said Senate Bill takes effect, at which time Section 31009 added to the Water Code by Section 1 of this act is repealed.

CHAPTER 1014

An act to amend Sections 320, 4605, 9554, 9561, 9703, 9704, 9705, 11703, 11705, and 11721 of the Vehicle Code and Sections 10770 and 10854 of the Revenue and Taxation Code, relating to motor vehicles.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 320 of the Vehicle Code is amended to read:

320. "Established place of business" is a place actually occupied either continuously or at regular periods by a dealer, manufacturer, automobile dismantler or automobile driving school where the books and records pertinent to the type of business being conducted are kept. The place of business shall have an office and in the case of a dealer, manufacturer or automobile dismantler have a display, manufacturing or wrecking area, situated on the same property where the business peculiar to the type of license issued by the department is or may be transacted. When a room or rooms in a hotel, roominghouse, apartment house building, or a part of any single or multiple unit dwelling house be used as an office or offices of an established place of business, such room or rooms shall be devoted exclusively to and occupied for the office or offices of the dealer, manufacturer, automobile dismantler or automobile driving school, shall be located on the ground floor, and shall be so constructed as to provide a direct entrance into such room or rooms from the exterior of the building. A licensee holding more than one type of license issued by the department and conducting more than one type of business from an establishment, as herein defined, shall provide a clear physical division between the types of business for which licensed. The place of business shall be open to inspection of the premises, pertinent records and vehicles by any peace officer during business hours.

SEC. 2. Section 4605 of said code is amended to read:

4605. Whenever by reason of the theft or embezzlement of a vehicle the owner or legal owner is not in possession of the vehicle at the time penalties accrue for failure to obtain registration, or renewal thereof, the owner or legal owner may secure registration or renewal of registration of the vehicle within 30 days after its recovery upon filing an affidavit setting forth the circumstances of the theft or embezzlement, if the theft or embezzlement of the vehicle has been reported pursuant to the provisions of this code, without penalty for delinquent payment of fees imposed under this code or under Part 5 of Division 2 of the Revenue and Taxation Code, commencing at Section 10701.

SEC. 3. Section 9554 of said code is amended to read:

9554. (a) The penalty shall be equal to the fee after the same has been computed as provided in Sections 9406 and 9559 and shall be collected therewith, except that the penalty for delinquency in respect to any transfer shall be two dollars ($2), and shall apply only to the last transfer.

(b) If the fee due and delinquent and the amount of penalty prescribed by this subsection is paid within 30 days of the date the penalty becomes due, the amount of the penalty on such fee or portion thereof due under Sections 9250, 9251, 9252, and 9253 shall be reduced to 10 percent of the total amount of such fee, but in no event less than one dollar ($1) as is provided for in Section 9559.

SEC. 4. Section 9561 of said 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.

SEC. 5. Section 9703 of said code is amended to read:

9703. Application for quarterly registration or renewal thereof shall be made by the owner within 20 days of the date the vehicle is first operated upon the highways during the calendar year or following expiration of any quarterly registration. Application shall be made on an appropriate form for an original registration or in the case of a renewal of registration upon presentation of the last issued registration card or of a potential registration card issued by the department for use at the time of renewal and by payment of the proper quarterly fees or if the renewal is for the remainder of the calendar year by payment of the annual fee provided by Section 9401, as reduced pursuant to Section 9407.

SEC. 6. Section 9704 of said code is amended to read:

9704. A penalty shall be added and collected upon any application for quarterly registration or renewal thereof made on or after the 21st day if the vehicle has been operated upon the highways without the quarterly registration fees having first been paid The penalty shall be equal to the quarterly registration fee due under this article and Section 9402.

For a period of 10 days after the quarterly fees and penalty fees become due the owner may pay such fees and penalties and retain the privilege to continue the quarterly method of payment or the owner may pay the fees for the remainder of the calendar year without any penalty fee, provided that the fee specified in Section 9402 shall be paid in either event.

An owner applying to renew a quarterly registration who fails to exercise either option within the 10-day period herein

provided, shall in addition to payment of the quarterly fee and penalty make payment of the fees due for the remainder of the calendar year.

SEC. 7. Section 9705 of said code is amended to read:

9705. When the annual or quarterly registration of any vehicle expires and the vehicle is not thereafter operated upon the highways, any application for quarterly registration or renewal thereof, made subsequent to the 20th day following the expiration of the registration shall be accompanied by a certificate of nonoperation. The application and certificate shall be received by the department upon payment of the proper fees and no penalty shall be collected for any fees imposed by this code if the department receives the application and certificate of nonoperation within 20 days after the date the vehicle is first operated upon the highways.

SEC. 8. Section 11703 of said code is amended to read:

11703. The department may refuse to issue a license and certificate to a manufacturer, transporter, or dealer, when it determines:

(a) The applicant was previously the holder of a license and certificate issued under this chapter, which license and certificate were revoked for cause and never reissued by the department, or which license and certificate were suspended for cause and the terms of suspension have not been fulfilled.

(b) That one or more of the partners, if the applicant be a partnership, or one or more of the stockholders, directors or officers of the corporation, if a corporation be the applicant, was previously the holder of a license and certificate, issued under the authority of this chapter, which were revoked for cause and never reissued or were suspended for cause and the terms of suspension have not been terminated, and,

That by reason of the facts and circumstances touching the organization, control, and management of the partnership or corporation business the policy of such business will be directed, controlled, or managed by individuals who, by reason of their conviction of violations of the provisions of this code, would be ineligible for a license and that by licensing such corporation or partnership the purposes of this code would likely be defeated, or,

The applicant, or one of the partners, if the applicant be a partnership, or one or more of the officers or directors of the corporation, if a corporation be the applicant, or one or more of the stockholders if the policy of such business will be directed, controlled, or managed by such stockholder or stockholders, has ever been convicted of a felony or a crime involving moral turpitude.

(c) The information contained in the application is incorrect.

(d) The decision of the department to suspend or revoke a license under the provisions of Section 11721(c) has been entered, and this applicant was the licensee, a copartner, or an

officer, director or stockholder of such suspended or revoked licensee.

SEC. 9. Section 11705 of said code is amended to read:

11705. The department after notice and hearing may suspend, revoke or refuse to renew the license and certificate issued to a dealer, transporter, or manufacturer, upon determining that any said person is not lawfully entitled thereto, has made or knowingly or negligently permitted any illegal use of the special plates issued to said person, used a false or fictitious name, knowingly made any false statements or concealed any material fact in any application for the registration of a vehicle or otherwise committed a fraud in such application, failed to deliver to a transferee lawfully entitled thereto a properly endorsed certificate of ownership, used duplicate dealers' reports of sale or copies contrary to the provisions of Section 4456, or has violated one or more of the terms and provisions of Division 3 (commencing at Section 4000), Division 4 (commencing at Section 10500), or Article 1 (commencing at Section 11700) of Chapter 4 of Division 5 of this code, or Part 5 (commencing with Section 10701), Division 2 of the Revenue and Taxation Code, or Sections 2981 or 2982 of the Civil Code, or has been convicted of a felony or a crime involving moral turpitude.

When a check, draft, or money order submitted to the department by any transporter, manufacturer, or dealer for any obligation or fee due the state is dishonored or refused payment upon presentation, it shall be a cause, after notice and hearing, to suspend, revoke, or refuse to renew a license and certificate issued to such transporter or dealer.

Any of the causes specified in Section 11703 as a cause for refusal to issue a license and certificate to a transporter, manufacturer, or dealer applicant, shall be cause, after notice and hearing, to suspend, revoke, or refuse to renew a license and certificate issued to a transporter or dealer.

Every hearing as provided for in this section shall be pursuant to the provisions of Chapter 5 (commencing at Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 10. Section 11721 of said code is amended to read:

11721. The special plates, license and certificate provided for in this article shall be automatically canceled upon:

(a) The abandonment of the established place of business of the dealer or the change thereof without notice to the department as provided in Section 11712 of this code.

(b) The failure of the licensee to procure and file another bond as provided in Section 11710 of this code prior to the effective date of the termination by the surety of any existing bond.

(c) The voluntary or involuntary surrender for any cause by the licensee of the special plates, license and certificate; provided, that such surrender, or the cessation of business by the licensee, or the suspension of the corporate charter of the

licensee by the State of California, shall not prevent the filing of an accusation for revocation or suspension of the surrendered license as provided in Section 11705, and the department's decision that such license should be suspended or revoked; and provided further, that such determination may be considered in granting or refusing to grant any subsequent license authorized by Division 5 of this code to such licensee, copartner, or any officer, director, or stockholder of such prior licensee.

(d) Notification that the person designated as licensee has changed, except that the special plates issued to the original licensee may be transferred and the newly designated licensee as transferee thereof shall succeed to the privileges evidenced by said plates until the expiration thereof.

(e) The failure of the licensee to file an application for renewal of the special plates, license and certificate before January 1st following the expiration date of the current special plates, license and certificate.

SEC. 11. Section 10770 of the Revenue and Taxation Code is amended to read:

10770. If the fee is not paid within 30 days after it becomes delinquent, a penalty equal to one-half of the fee shall be added thereto and be collected therewith. If, however, the annual registration of a trailer coach is being renewed, the penalty shall be added to any payment made on or after February 5th.

If the fee, due and delinquent, and the amount of penalty prescribed in this paragraph, are paid within 30 days from the date the penalty becomes due, the amount of the penalty shall be reduced to 10 percent of the total amount of the fee, but in no event less than one dollar ($1).

SEC. 12. Section 10854 of said code is amended to read:

10854 If the fee is not paid within 30 days after it becomes delinquent, a penalty equal to one-half of the fee shall be added thereto and be collected therewith. If, however, the annual registration of a vehicle is being renewed, the penalty shall be added to any payment made on or after February 5th unless the vehicle has not been operated on the highways since the expiration of the prior registration.

If the fee due and delinquent and the amount of penalty prescribed in this paragraph are paid within 30 days from the date the penalty becomes due the amount of the penalty shall be reduced to 10 percent of total amount of the fee but in no event less than one dollar ($1).

CHAPTER 1015

An act to amend Section 27000 of the Vehicle Code, relating to horns.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 27000 of the Vehicle Code is amended to read:

27000. Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, but no horn shall emit an unreasonably loud or harsh sound. An authorized emergency vehicle used in responding to fire calls may be equipped with, and use in conjunction with the siren on such vehicle, an air horn which emits sounds that do not comply with the requirements of this section.

CHAPTER 1016

An act to amend Section 25304 of the Elections Code, relating to municipal and justice court judges.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 25304 of the Elections Code is amended to read:

25304. In any judicial district in which only the incumbent has filed nomination papers for the office of municipal court judge or justice court judge, his name shall not appear on the ballot unless there is filed with the county clerk or registrar of voters, within 20 days after the final date for filing nomination papers for the office, a petition indicating that a write-in campaign will be conducted for the office and signed by 100 registered voters qualified to vote with respect to the office.

If a petition indicating that a write-in campaign will be conducted for the office at the general election, signed by 100 registered voters qualified to vote with respect to the office, is filed with the county clerk or registrar of voters not less than 45 days before the general election, the name of the incumbent shall be placed on the general election ballot if it has not appeared on the direct primary election ballot.

If, in conformity with this section, the name of the incumbent does not appear either on the primary ballot or general election ballot, the county clerk or registrar of voters, on the day of the general election, shall declare the incumbent reelected.

CHAPTER 1017

An act to add Section 75.6 to the Streets and Highways Code, relating to highway and freeway plans.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 75.6 is added to the Streets and Highways Code, to read:

75.6. At public hearings before the commission or department on the selection of alternative state highway or freeway routes, on request of any city or county affected, the department shall present a graphic portrayal of selected significant portions of the route alternatives by means of sketches or preliminary models, where appropriate, to show the general appearance and basic design features of the highway or freeway upon which the estimated cost is based.

CHAPTER 1018

An act to amend Section 90 of the Streets and Highways Code, relating to state highway locations.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 90 of the Streets and Highways Code is amended to read:

90. The department shall have full possession and control of all state highways and all property and rights in property acquired for state highway purposes. The department is authorized and directed to lay out and construct all state highways between the termini designated by law and on the locations as determined by the commission.

CHAPTER 1019

An act to add Section 210.4 to the Streets and Highways Code, relating to state highways.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 210.4 is added to the Streets and Highways Code, to read:

210.4. Prior to the initiation of a freeway route selection study and during the period of preliminary discussion between the department and representatives of the appropriate local agency, in the event that the local agency is not satisfied as to the most logical segment to be studied for route selection, the governing body of the local agency may petition the commission for a hearing on the matter, and a hearing shall be held, as provided in Section 74 of this code.

CHAPTER 1020

An act to add Section 210.5 to the Streets and Highways Code, relating to hearings on freeway location.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 12, 1965]

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

SECTION 1. Section 210.5 is added to the Streets and Highways Code, to read:

210 5. The commission shall employ one or more permanent or temporary presiding officers to preside at such public hearings or meetings of the Division of Highways as the commission, or the chairman thereof, shall designate and shall perform such other duties as the commission, or the chairman thereof, shall require. All of such hearings or meetings should proceed in an orderly but informal fashion to the end that all interested persons will be heard as time will permit and should not be conducted in accordance with formal rules of evidence. The commission, or the chairman thereof, shall require such presiding officer or officers to report to the commission without recommendations regarding statements made and other events occurring at the hearings or meetings over which they have presided.

CHAPTER 1021

An act to add Section 75.7 to the Streets and Highways Code, relating to state highways.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 12, 1965]

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

SECTION 1. Section 75.7 is added to the Streets and Highways Code, to read:

75 7. Upon the selection, adoption, and determination of the location for a state highway or freeway, the commission shall prepare and disseminate to interested persons and public

agencies a report thereon which shall contain the basis for its decision, including, but not limited to, the consideration given to the following factors:

(a) Driver benefits.
(b) Community values.
(c) Recreational and park areas.
(d) Historical and aesthetic values.
(e) Property values, including impact on local tax rolls.
(f) State and local public facilities.
(g) City street and county road traffic.
(h) Total projected regional transportation requirements.

CHAPTER 1022

An act to amend Sections 7071.5, 7071.6 and 7074 of the Business and Professions Code, relating to contractors.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 7071.5 of the Business and Professions Code is amended to read:

7071.5. If application for a license, or for restoration of a license, is made by

(1) Any person whose license has been suspended or revoked as a result of disciplinary action for violation of this chapter,

(2) Any person who was an officer, director, member, partner or qualifying individual for a licensee at any time during which cause for disciplinary action occurred resulting in suspension or revocation of said licensee's license and who had knowledge of or participated in the act or omission which was the cause for such disciplinary action for violation of this chapter,

(3) Any partnership, corporation, firm or association of which any officer, director, member, partner or qualifying person has had his license suspended or revoked as a result of disciplinary action for violation of this chapter, or

(4) Any partnership, corporation, firm or association of which any officer, director, member, partner or qualifying person was a member, officer, director, partner or qualifying person of a licensee at any time during which cause for disciplinary action occurred resulting in suspension or revocation of said license, and who had knowledge of or participated in the act or omission which was the cause for such disciplinary action for violation of this chapter, the board shall require as a condition precedent to the issuance, reissuance or restoration of a license to such applicant, or removal of suspension, that such applicant file or have on file with the registrar a bond issued by an admitted surety in a sum to be fixed by the registrar

based upon the seriousness of the violation, but which sum shall not be less than three thousand dollars ($3,000) nor more than ten thousand dollars ($10,000) in favor of the State of California, or in lieu thereof that such applicant or licensee post with the registrar a cash deposit in an amount based upon the seriousness of the violation but of a sum of not less than three thousand dollars ($3,000) nor more than ten thousand dollars ($10,000). Such bond or cash deposit shall be for the benefit of (a) any person damaged as a result of a violation of this chapter by the licensee, (b) any person who, after entering into a construction contract with the licensee, is damaged by the failure of the licensee to perform the contract, (c) any person furnishing labor or materials used in the direct performance of a construction contract, and (d) any employee of the licensee damaged by the licensee's failure to pay wages.

Such bond shall remain on file or in lieu thereof cash deposit be posted with the registrar for a period of at least two years and for such additional time as the registrar may determine.

Each applicant or licensee shall be required to file only one bond of the type described in this section.

Nothing contained in this section shall apply to a person or firm whose license has been suspended or revoked pursuant to Section 7124.1 or for a failure to comply with Section 7083.

SEC. 2. Section 7071 6 of said code is amended to read:

7071.6. Any person claiming against any bond or cash deposit required by this article may maintain an action at law against the licensee and the surety or the cash depository, but such action must be brought within two years after the expiration of the license period or periods for which a bond or cash deposit has been provided.

The claim of any employee of the contractor for wages shall be a preferred claim against any bond or cash deposit.

If any bond or cash deposit which may be required is insufficient to pay all claims in full, the sum of the bond or cash deposit shall be distributed among all claimants in proportion to the amount of their respective claims with priority given to claims for wages. The partial payment of any claims shall not be considered satisfaction of said claims and the claimants may institute appropriate legal actions for payment of any unpaid balance in any other manner provided by law, and the registrar may continue suspension or revocation of any license involved until such time as said claims and any other claims arising out of an action against such bond or cash deposit are satisfied in full.

The aggregate liability of the surety for all claims of said persons shall, in no event, exceed the penal sum of said bond.

Upon failure of a licensee to maintain in full force and effect any bond or cash deposit required by this article the registrar shall issue an order suspending or revoking such license, which shall not be reinstated until a new bond or cash deposit has been filed.

Any judgment or admitted claim against any bond or cash deposit required by this article shall constitute grounds for disciplinary action against such licensee. The board shall require the licensee to file a new bond in an amount not less than three thousand dollars ($3,000) nor more than ten thousand dollars ($10,000) or to increase his cash deposit to such an amount.

SEC. 3. Section 7074 of said code is amended to read:

7074. An application for an original license shall become void when:

(a) The applicant or the examinee for the applicant, after having been notified to do so, fails to appear for the qualifying examination within six months from the date of filing the application.

(b) The applicant or the examinee for the applicant has failed the qualifying examination, and after having been notified to do so, fails to appear for reexamination within six months from the date of filing an application for reexamination.

(c) The applicant, after having been notified to do so, fails to pay the initial license fee within six months from the date of such notice.

(d) The applicant, after having been accepted for filing and before issuance of the license, withdraws his application.

(e) The applicant, after having been notified to do so, fails to file within six months from the date of such notice any bond or cash deposit which may be required pursuant to this chapter.

(f) The application is denied after a hearing conducted in accordance with the provisions of this chapter.

An application voided pursuant to the provisions of this section shall remain in possession of the registrar for such period as he deems necessary and shall not be returned to the applicant. Any reapplication for a license shall be accompanied by the fee fixed by this chapter.

CHAPTER 1023

An act to add Section 21460.5 to the Vehicle Code, relating to turn lanes on highways.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 21460.5 is added to the Vehicle Code, to read:

21460.5. (a) The Department of Public Works and local authorities in their respective jurisdictions may designate a two-way left-turn lane on a highway having two or more lanes for through traffic in each direction. A two-way left-turn

lane is a lane near the center of the highway set aside for use by vehicles making left turns in both directions from or into the highway.

(b) Two-way left-turn lanes shall be designated by distinctive roadway markings consisting of parallel dashed double yellow lines on each side of the lane. The Department of Public Works may determine and prescribe standards and specifications governing length, width, and positioning of the distinctive pavement markings in accordance with the procedures set forth in the Administrative Procedure Act (commencing with Section 11370 of the Government Code). On and after January 1, 1967, pavement markings designating a two-way left-turn lane shall conform to such standards and specifications.

(c) A vehicle shall not be driven in a designated two-way left-turn lane except when preparing for or making a left turn. A left turn shall not be made from any other lane where a two-way left-turn lane has been designated.

CHAPTER 1024

An act to amend Sections 74803, 74805, 74806, 74807, and 74808 of the Government Code, relating to the Stockton Municipal Court.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 74803 of the Government Code is amended to read:

74803. The clerk may appoint:

(a) One deputy clerk who shall be assistant administrative officer and chief deputy.

(b) Seven deputy clerks IV.

(c) Five deputy clerks III.

(d) One deputy clerk III (stenographer).

(e) Five deputy clerks II.

(f) Nine deputy clerks I.

SEC. 2. Section 74805 of said code is amended to read:

74805. The marshal may appoint:

(a) One assistant marshal.

(b) Four deputy marshals III.

(c) One deputy marshal II.

(d) One deputy marshal I.

(e) Twenty deputies who shall be custodians at the fee allowed by law for the keeping of property.

SEC. 3. Section 74806 of said code is amended to read:

74806. The following salary schedule shall apply to persons employed in the clerk's office and in the marshal's office:

SALARY SCHEDULE

Salary range number	Steps A	B	C	D	E
16	$310	$325	$341	$358	$376
16.5	318	333	350	367	385
17	325	341	358	376	394
17.5	333	350	367	385	404
18	341	358	376	394	413
18.5	350	367	385	404	423
19	358	376	394	413	433
19.5	367	385	404	423	444
20	376	394	413	433	454
20.5	385	404	423	444	465
21	394	413	433	454	476
21.5	404	423	444	465	488
22	413	433	454	476	499
22.5	423	444	465	488	512
23	433	454	476	499	524
23.5	444	465	488	512	537
24	454	476	499	524	550
24.5	465	488	512	537	564
25	476	499	524	550	577
25.5	488	512	537	564	592
26	499	524	550	577	606
26.5	512	537	564	592	621
27	524	550	577	606	636
27.5	537	564	592	621	652
28	550	577	606	636	668
28.5	564	592	621	652	685
29	577	606	636	668	701
29.5	592	621	652	685	719
30	606	636	668	701	736
30.5	621	652	685	719	755
31	636	668	701	736	773
31.5	652	685	719	755	792
32	668	701	736	773	811
32.5	685	719	755	792	831
33	701	736	773	811	851
33.5	719	755	792	831	872
34	736	773	811	851	893
34.5	755	792	831	872	915
35	773	811	851	893	937
35.5	792	831	872	915	961
36	811	851	893	937	984
36.5	831	872	915	961	1,009
37	851	893	937	984	1,033
37.5	872	915	961	1,009	1,059
38	893	937	984	1,033	1,084

Salary range number	Steps A	B	C	D	E
38.5	$915	$961	$1,009	$1,059	$1,111
39	937	984	1,033	1,084	1,138
39.5	961	1,009	1,059	1,111	1,167
40	984	1,033	1,084	1,138	1,195

SEC. 4. Section 74807 of said code is amended to read:

74807. Persons employed in any of the positions authorized by this article shall be paid the salary assigned to the following ranges as set forth in the salary schedule contained in Section 74806:

(a) Deputy clerk I	Range 17
(b) Deputy clerk II	Range 19
(c) Deputy clerk III	Range 21
(d) Deputy clerk III (stenographer)	Range 21
(e) Deputy clerk IV	Range 24
(f) Chief deputy clerk	Range 29
(g) Clerk	Range 36
(h) Deputy marshal I	Range 17
(i) Deputy marshal II	Range 21
(j) Deputy marshal III	Range 24 5
(k) Assistant marshal	Range 28.5

Each person employed in the clerk's office or marshal's office on September 20, 1963, including the clerk but not including the marshal, shall receive credit for prior continuous service in office (including service in departments superseded upon the establishment of the municipal court), and shall receive instead of the minimum rate established for his salary range, a salary increased by one step on the range for each full year of prior service up to the maximum step on his salary range.

Subject to the provisions of the San Joaquin County Salary Ordinance, each person employed in the clerk's office or marshal's office, including the clerk but not including the marshal, may receive an annual increase in salary of one step on his assigned range until the employee reaches the maximum step on the range assigned for his position. Thereafter no additional step increase shall be granted.

SEC. 5. Section 74808 of said code is amended to read:

74808. Certain classifications in the clerk's office and marshal's office are deemed to be equivalent in job and salary level to certain classifications in the service of San Joaquin County and whenever the salary of a classification in the service of San Joaquin County is adjusted by the board of supervisors, the salary of the comparable classification in the clerk's office or marshal's office, as well as the related classifications hereinafter listed, shall be adjusted an equal number of ranges on the salary schedule Such adjustments shall be effective on the

same date as the effective date of the action by the board of supervisors as it applies to the county classifications, but such adjustments shall be effective only until 90 days after the adjournment of the next succeeding general session of the Legislature.

(a) The classes of deputy clerk I and deputy marshal I are equivalent in job and salary level to the class of clerk typist II in the service of San Joaquin County. Whenever the class of clerk typist II is adjusted, the classes of deputy clerk I, deputy clerk II, deputy clerk III, deputy marshal I, and deputy marshal II shall be adjusted an equal number of ranges on the salary schedule.

(b) The class of deputy clerk III (stenographer) is equivalent in job and salary to the class of clerk stenographer III in the service of San Joaquin County. Whenever the class of clerk stenographer III is adjusted, the class of deputy clerk III (stenographer) shall be adjusted an equal number of ranges on the salary scale.

(c) The class of deputy clerk IV is equivalent in job and salary level to the class of superior court clerk II in the service of San Joaquin County. Whenever the class of superior court clerk II is adjusted, the classes of deputy clerk IV, chief deputy clerk and clerk shall be adjusted an equal number of ranges on the salary schedule.

(d) Whenever the salary of the class of deputy sheriff I in the service of San Joaquin County is adjusted, the class of deputy marshal III and assistant marshal shall be adjusted an equal number of ranges on the salary schedule.

CHAPTER 1025

An act to amend Sections 7071.5 and 7071.9 of the Business and Professions Code, relating to contractors.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 7071.5 of the Business and Professions Code is amended to read:

7071.5. If application for a license, or for restoration of a license, is made by

(1) Any person whose license has been suspended or revoked as a result of disciplinary action for violation of this chapter,

(2) Any person who was an officer, director, member, partner or qualifying individual for a licensee at any time during which cause for disciplinary action occurred resulting in suspension or revocation of said licensee's license and who had knowledge of or participated in the act or omission which was

the cause for such disciplinary action for violation of this chapter,

(3) Any partnership, corporation, firm or association of which any officer, director, member, partner or qualifying person has had his license suspended or revoked as a result of disciplinary action for violation of this chapter, or

(4) Any partnership, corporation, firm or association of which any officer, director, member, partner or qualifying person was a member, officer, director, partner or qualifying person of a licensee at any time during which cause for disciplinary action occurred resulting in suspension or revocation of said license, and who had knowledge of or participated in the act or omission which was the cause for such disciplinary action for violation of this chapter, the board shall require as a condition precedent to the issuance, reissuance or restoration of a license to such applicant, or removal of suspension, that such applicant file or have on file with the registrar a bond issued by an admitted surety in a sum to be fixed by the registrar based upon the seriousness of the violation, but which sum shall not be less than three thousand dollars ($3,000) nor more than ten thousand dollars ($10,000) in favor of the State of California, or in lieu thereof that such applicant or licensee post with the registrar a cash deposit in an amount based upon the seriousness of the violation but of a sum of not less than three thousand dollars ($3,000) nor more than ten thousand dollars ($10,000). Such bond or cash deposit shall be for the benefit of (a) any person damaged as a result of a violation of this chapter by the licensee, (b) any person who, after entering into a construction contract with the licensee, is damaged by the failure of the licensee to perform the contract, (c) any person furnishing labor or materials used in the direct performance of a construction contract, and (d) any employee of the licensee damaged by the licensee's failure to pay wages or fringe benefits

Such bond shall remain on file or in lieu thereof cash deposit be posted with the registrar for a period of at least two years and for such additional time as the registrar may determine.

Each applicant or licensee shall be required to file only one bond of the type described in this section.

Nothing contained in this section shall apply to a person or firm whose license has been suspended or revoked pursuant to Section 7124.1 or for a failure to comply with Section 7083.

SEC. 2. Section 7071.9 of said code is amended to read:

7071.9. Except as provided in Section 7071.5, the board shall require, on or after January 1, 1964, as a condition precedent to the issuance, reinstatement, reactivation, or reissuance of a license, and on or after July 1, 1965, as a condition precedent to the renewal of a license, that the applicant file or have on file with the registrar a bond issued by an admitted surety in the sum of one thousand dollars ($1,000) in favor of the State of California, or in lieu thereof, that such applicant post with the registrar a cash deposit in the sum of

one thousand dollars ($1,000). Such bond or cash deposit required by this section shall be for the benefit of (a) any person damaged as a result of a violation of this chapter by the licensee, (b) any person damaged by fraud of the licensee in the execution or performance of a contract, and (c) any employee of the licensee damaged by the licensee's failure to pay wages or fringe benefits.

CHAPTER 1026

An act to add Section 13011 to the Education Code, relating to employment in the public school system.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 13011 is added to the Education Code, to read:

13011. Whenever, as a result of any school district unification proceeding all of the territory under the jurisdiction of the county superintendent of schools is included in a single unified school district and the maintenance of any schools or classes or the performance of any other function theretofore under the jurisdiction of the county superintendent of schools is assumed by such unified school district, the inclusion shall, with respect to any employee, whether in a position requiring certification qualifications or in a position not requiring certification qualifications, who was theretofore employed by the county superintendent of schools in connection with such school, class, or function, be deemed to be the inclusion of a school district in the unified district. The rights of such an employee to employment with the unified district shall be governed by the laws defining the rights of employees of a predecessor school district included within a unified school district to continue in employment as employees of the including unified school district.

CHAPTER 1027

An act to amend Section 16724 of, and to add Section 16724.5 to, the Government Code; to amend Sections 19898 and 19918 of, and to repeal Sections 19897 and 19917 of, the Education Code; to amend Section 4 and to repeal Section 10 of Chapter 2 of the Statutes of 1962 (3rd Ex. Sess.); to amend Section 5 and to repeal Section 11 of Chapter 113 of the Statutes of 1964 (1st Ex. Sess.); to amend Section

996.92 of, and to repeal Section 996.98 of, the Military and Veterans Code; and to amend Sections 5096.6 and 5096.26 of, and to repeal Section 5096.12 of, the Public Resources Code, relating to general obligation bonds, and making an appropriation.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 16724 of the Government Code is amended to read:

16724. The bond act shall contain the following provisions:

(a) A statement of the total amount of bonds authorized to be issued and the purpose for which the proceeds from the sale of the bonds may be used.

(b) The creation of a committee and fund, and the naming of the board.

(c) A statement that the bonds are valid obligations of the state and a pledge of the full faith and credit of the state for the punctual payment of both principal and interest thereof.

(d) An appropriation from the General Fund in the State Treasury of such sum annually as will be necessary to pay the principal and interest on the bonds as they become due and payable.

(e) A requirement that there be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on the bonds; and a provision making it the duty of all officers charged by law with any duty in regard to the collections of said revenue to do and perform each and every act which shall be necessary to collect such additional sum.

(f) A provision requiring the transfer into the General Fund in the State Treasury, on the several dates on which funds are remitted pursuant to Section 16676 of the Government Code for the payment of the then maturing principal and interest on the bonds, from the fund, so far as available therein, of amounts equal to all sums so becoming due for principal and interest; and a provision that if the money so returned on said remittance dates is less than the principal and interest then due and payable, the balance remaining unpaid shall be transferred to the General Fund out of the fund as soon thereafter as it shall become available, together with interest thereon from such remittance dates until so returned at the same rate as borne by the bonds, compounded semiannually. This provision shall not be required whenever the fund will have receipts only from the proceeds of the sale of bonds issued pursuant to the bond act, or from proceeds of investments made pursuant to Section 16759.

(g) A provision incorporating the provisions of this chapter, and a declaration that the provisions hereof are included in said act as though set out in full therein.

SEC. 2. Section 16724.5 is added to said code, to read:

16724.5. There is in the State Treasury the General Obligation Bond Expense Revolving Fund, hereafter referred to in this section as the revolving fund. The revolving fund consists of all money appropriated by the Legislature for such fund or payable into such fund in accordance with this section.

All money in the revolving fund is hereby appropriated and shall be available without regard to fiscal years for the payment of the expenses incurred by the State Treasurer in having the bonds prepared and in advertising their sale or their prior redemption, for expenses incurred by the committee pursuant to Section 16758, and for payment for legal services pursuant to Section 16760. Whenever bonds are sold, out of the first money realized from their sale, there shall be redeposited in the revolving fund such sums as have been expended for the above purposes, which may be used for the same purposes and repaid in the same manner whenever additional sales are made.

SEC. 3. Section 19897 of the Education Code is repealed.

SEC. 4. Section 19898 of said code is amended to read:

19898. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this chapter, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 19899, which sum is appropriated without regard to fiscal years.

SEC. 5. Section 19917 of said code is repealed.

SEC 6. Section 19918 of said code is amended to read:

19918. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this chapter, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 19919, which sum is appropriated without regard to fiscal years.

SEC. 7. Section 4 of Chapter 2 of the Statutes of 1962 (3rd Ex. Sess.) is amended to read:

Sec. 4. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this act, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the

provisions of this act, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 7 of this act, which sum is appropriated without regard to fiscal years.

SEC. 8. Section 10 of Chapter 2 of the Statutes of 1962 (3rd Ex. Sess.) is repealed.

SEC. 9. Section 5 of Chapter 143 of the Statutes of 1964 (1st Ex. Sess.) is amended to read:

Sec. 5. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this act, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the provisions of this act, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 8 of this act, which sum is appropriated without regard to fiscal years.

SEC. 10. Section 11 of Chapter 143 of the Statutes of 1964 (1st Ex. Sess.) is repealed.

SEC. 11. Section 996.92 of the Military and Veterans Code is amended to read:

996 92. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this article, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this article, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 996.93 which sum is appropriated without regard to fiscal years.

SEC. 12. Section 996.98 of said code is repealed.

SEC 13. Section 5096.6 of the Public Resources Code is amended to read:

5096.6. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this act, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal and interest on bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 5096.7, which sum is appropriated without regard to fiscal years.

SEC. 14. Section 5096.12 of said code is repealed.

SEC 15. Section 5096.26 of said code is amended to read:

5096.26. All grants, gifts, devises or bequests to the state, conditional or unconditional, for park, conservation, recreation or other purposes for which land may be acquired and developed pursuant to this chapter, may be accepted and

received on behalf of the state by the appropriate department head with the approval of the Director of Finance. All federal grants for outdoor recreation purposes which result from the expenditure of state funds under this chapter shall be deposited to the credit of the State Beach, Park, Recreational, and Historical Facilities Fund. Such grants shall be available, when appropriated by the Legislature, for expenditure for the purposes provided for in Section 5096.15 of this chapter.

SEC. 16. There is hereby appropriated from the General Fund the sum of seventy-five thousand dollars ($75,000), which sum shall be transferred to the General Obligation Bond Expense Revolving Fund on the order of the State Controller.

CHAPTER 1028

An act to add Section 5097.2 to the Revenue and Taxation Code, relating to property tax refunds.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 12, 1965]

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

SECTION 1. Section 5097.2 is added to the Revenue and Taxation Code, to read:

5097.2. Notwithstanding the provisions of Sections 5096 and 5097, any taxes paid before or after delinquency may be refunded by the county auditor, within three years after the date of payment, if:

(a) Paid more than once.

(b) The amount paid exceeds the amount due on the property as shown on the roll.

(c) The amount paid exceeds the amount due on the property as the result of corrections to the roll or cancellations ordered by the board of supervisors after such taxes were paid.

(d) In any other case, where the claim for refund is made under penalty of perjury and is for an amount less than ten dollars ($10), with the written consent of the district attorney.

CHAPTER 1029

An act to add Article 7 (commencing with Section 1820) to Chapter 1 of Division 2.5 of the Welfare and Institutions Code, relating to probation.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Article 7 (commencing with Section 1820) is added to Chapter 1 of Division 2.5 of the Welfare and Institutions Code, to read:

Article 7. State Aid for Probation Services

1820. It is the intent of the Legislature in enacting this article to increase the protection afforded the citizens of this state, to permit a more even administration of justice, to rehabilitate offenders, and to reduce the necessity for commitment of persons to state correctional institutions by strengthening and improving the supervision of persons placed on probation by the juvenile and superior courts of this state.

1821. From any state moneys made available to it for such purpose, the State of California, through the Department of Youth Authority, shall, in accordance with this article, share in the cost of supervising probationers who could otherwise be committed to the custody of the Director of the Youth Authority or, pursuant to criminal commitment, to the custody of the Director of Corrections, and who are in "special supervision programs."

1822. The Department of the Youth Authority shall adopt and prescribe, subject to approval by the State Board of Corrections, minimum standards for the operation of "special supervision programs." A "special supervision program" is one embodying a degree of supervision substantially above the usual or the use of new techniques in addition to, or instead of, routine supervision techniques, and which meets the standards prescribed pursuant to this section. Such standards shall be sufficiently flexible to foster the development of new and improved supervision practices.

1823. The Director of the Youth Authority shall seek advice from appropriate county officials in developing standards and procedures for the operation of "special supervision programs."

1824. A county shall make application for subventions toward the cost of special supervision programs to the Department of the Youth Authority in the manner and form prescribed by the department. Any such application must include a plan or plans for providing special supervision and a method for certifying that moneys received are spent only for these special supervision programs.

1825. (a) No county shall be entitled to receive any state funds provided by this article until its application is approved and unless and until the minimum standards prescribed by the Department of the Youth Authority are complied with and then only on such terms as are set forth hereafter in this section.

(b) A commitment rate for each county and for the state as a whole shall be calculated by the Department of Youth Authority by computing the ratio of new commitments to state and county population, expressed in a rate per hundred thousand population, for each of the calendar years 1959 through 1963. The average of these rates for a county for the five-year period or the average of the last two years of the period, whichever is higher, shall be the base rate for that county The number of commitments shall be the total of the new commitments to the custody of the Director of the Youth Authority and the new criminal commitments to the custody of the Director of Corrections, as certified by the respective departments The county and state population shall be that certified by the Department of Finance to the Controller as of July 1 of each year. Persons returned to the county and placed on probation under the provisions of Sections 1168 and 1203.03 of the Penal Code or by the Department of the Youth Authority under appropriate provisions of this code shall not be counted as having been committed for purposes of determining commitment rates under this subdivision or subdivision (c).

(c) An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in a like manner to that described in subdivision (b) using the population figure of the July 1 included in the year.

(d) The maximum amount that may be paid to a county pursuant to this article is determined by obtaining the dollar amount in the table in this subdivision for such county's base commitment rate and its percentage decrease in rate of commitment and multiplying that dollar amount by the "commitment reduction number." The "commitment reduction number" is obtained by subtracting (1) the product of the most recent annual commitment rate and population of the county for the same year from (2) the product of the base commitment rate and population of the county for the same year employed in (1). The Director of the Youth Authority, with approval of the Director of Finance may annually adjust the dollar amounts in the ensuing table to reflect changes in cost to the state of maintaining persons committed to the custody of the Director of Corrections and the Director of the Youth Authority, and if such adjustments are made, the adjusted amounts shall be employed in making the computation prescribed by this subdivision.

Per Capita Subsidy in Relation to Percentage Decrease
Base Commitment Rates/100,000
(Adult and Juvenile)

Percent of decrease from base rate	Less than 40 100,000	40–49 100,000	50–59 100,000	60–69 100,000	70–79 100,000	80–89 100,000	90 plus 100,000
1 percent	2,400	2,285	2,180	2,135	2,105	2,085	2,080
2 percent	2,800	2,570	2,360	2,265	2,210	2,175	2,160
3 percent	3,200	2,855	2,545	2,400	2,315	2,260	2,240
4 percent	3,600	3,145	2,725	2,535	2,420	2,350	2,320
5 percent	4,000	3,430	2,910	2,665	2,525	2,435	2,400
6 percent	4,000	3,715	3,090	2,800	2,630	2,520	2,480
7 percent	4,000	4,000	3,275	2,935	2,735	2,610	2,560
8 percent	4,000	4,000	3,455	3,065	2,840	2,695	2,640
9 percent	4,000	4,000	3,635	3,200	2,945	2,785	2,720
10 percent	4,000	4,000	3,820	3,335	3,055	2,870	2,800
11 percent	4,000	4,000	4,000	3,465	3,160	2,955	2,880
12 percent	4,000	4,000	4,000	3,600	3,265	3,045	2,960
13 percent	4,000	4,000	4,000	3,735	3,370	3,130	3,040
14 percent	4,000	4,000	4,000	3,865	3,475	3,215	3,120
15 percent	4,000	4,000	4,000	4,000	3,580	3,305	3,200
16 percent	4,000	4,000	4,000	4,000	3,685	3,390	3,280
17 percent	4,000	4,000	4,000	4,000	3,790	3,480	3,360
18 percent	4,000	4,000	4,000	4,000	3,895	3,565	3,440
19 percent	4,000	4,000	4,000	4,000	4,000	3,650	3,520
20 percent	4,000	4,000	4,000	4,000	4,000	3,740	3,600
21 percent	4,000	4,000	4,000	4,000	4,000	3,825	3,680
22 percent	4,000	4,000	4,000	4,000	4,000	3,915	3,760
23 percent	4,000	4,000	4,000	4,000	4,000	4,000	3,840
24 percent	4,000	4,000	4,000	4,000	4,000	4,000	3,920
25 percent	4,000	4,000	4,000	4,000	4,000	4,000	4,000
Over 25 percent	4,000	4,000	4,000	4,000	4,000	4,000	4,000

(e) The state will reimburse the county upon presentation of a valid claim based on actual performance in reducing the commitment rate from its base rate. Whenever a claim made by a county, pursuant to this article, covering a prior fiscal year, is found to be in error, adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(f) In the event a participating county earns less than one-half of the sum paid in the previous year because of extremely unusual circumstances claimed by the county and verified by the Director of the Youth Authority with the approval of the Director of Finance, the Director of the Youth Authority may pay to the county a sum equal to the prior year's payment, provided, however, that in subsequent years the county will be paid only the amount earned.

(g) Funds obtained under this article shall not be used to support existing programs or develop or expand new pro-

grams in juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of this code.

(h) Counties where the actual number of commitments in the base period as established by subdivision (b) is less than 30 may elect either to comply with the procedure set out above or, as an alternative, to receive from the state 90 percent of the salary of one full-time additional probation officer or, in the event there are fewer than 20 persons placed on probation annually otherwise eligible for commitment to state institutions, the county would be entitled to 90 percent of the salary of a half-time officer. In the event a county chooses the alternative proposal, it will be eligible for reimbursement only so long as the officer devotes all of his time in the performance of probation services to supervision of persons eligible for state commitment and (1) if its base rate is below the state average, it does not on an annual basis exceed the base state rate, or (2) if its base rate is above the state average, it does not in the year exceed by 5 percent its own base rate.

1826. The Department of the Youth Authority shall report to the Legislature by the fifth legislative day of the 1969 Regular Session on the experiences and the results under the provisions of this article.

1827. This article shall remain in effect until the 91st day after the final adjournment of the 1969 Regular Session of the Legislature.

CHAPTER 1030

An act to amend Section 35108.5 of the Streets and Highways Code, relating to loans to city parking districts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 35108.5 of the Streets and Highways Code is amended to read:

35108.5. To expedite the making of any such acquisition and improvement, the legislative body may, at any time, transfer into the acquisition and construction fund, out of available funds, such sums as may be deemed necessary, and make such acquisitions or improvements or both, and pay such incidental expenses therefrom as deemed advisable, and such sums so transferred shall be deemed a loan to such special fund, and shall be repaid either from the proceeds of the bonds issued pursuant to this part, or from the gross or net revenues from the operation of the parking place or places, or from the net revenues from parking meters on some or all of the public ways in the district, or from ad valorem assessments levied upon real property in the district.

CHAPTER 1031

An act to amend Section 949a of the Code of Civil Procedure, relating to staying of proceedings in child custody cases.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 949a of the Code of Civil Procedure is amended to read:

949a. An appeal does not stay proceedings as to those provisions of an order or judgment which award, change or otherwise affect the custody, including the right of visitation, of a minor child in any civil action, action filed under the Juvenile Court Law, or special proceeding nor the provisions of an order or judgment for the temporary exclusion of a party from a family dwelling or the dwelling of the other, as provided in Section 157 of the Civil Code; provided, the trial court may, in its discretion, stay execution of such provisions pending review on appeal or for such other period or periods as to it may appear appropriate; provided further, that in the absence of a writ or order of an appellate court providing otherwise, the provisions of such an order or judgment allowing, or eliminating restrictions against, removal of the minor child from the state are stayed by operation of law for a period of 30 days from entry of the order or judgment and are subject to any further stays ordered by the trial court, as herein provided.

CHAPTER 1032

An act to amend Section 72602 of the Government Code, relating to judges.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 72602 of the Government Code is amended to read:

72602. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Whittier Municipal Court District	3
San Antonio Municipal Court District	3
East Los Angeles Municipal Court District	3
Inglewood Municipal Court District	2
South Bay Municipal Court District	3
Compton Municipal Court District	3

Downey Municipal Court District	2
Los Angeles Municipal Court District	49
Santa Anita Municipal Court District	1
Alhambra Municipal Court District	2
Los Cerritos Municipal Court District	2
Long Beach Municipal Court District	5
Beverly Hills Municipal Court District	2
Santa Monica Municipal Court District	2
Burbank Municipal Court District	2
Glendale Municipal Court District	2
Pasadena Municipal Court District	4
El Monte Municipal Court District	3
Pomona Municipal Court District	2
South Gate Municipal Court District	1
Citrus Judicial District	4
Antelope Municipal Court District	1
Culver Municipal Court District	1

CHAPTER 1033

An act to amend Sections 17921 and 17950 of the Health and Safety Code, relating to housing.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 17921 of the Health and Safety Code is amended to read:

17921. The department shall adopt, amend, repeal, and, except as hereinafter provided, enforce rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation and maintenance of all hotels, motels, apartment houses, and dwellings, and buildings and structures accessory thereto. Such rules and regulations may include a schedule of fees to pay the cost of enforcement under Sections 17952 and 17965.

SEC. 2. Section 17950 of said code is amended to read:

17950. The provisions of this part and the rules and regulations promulgated pursuant thereto which relate to apartment houses, hotels, motels, and dwellings, and buildings and structures accessory thereto, apply in all parts of the state.

CHAPTER 1034

An act to add Section 26827.1 to the Government Code, relating to fees for orders and decrees in probate proceedings.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 26827.1 is added to the Government Code, to read:

Section 26827.1. In any county in which the population is 4,000,000 or more, as determined by the 1960 Federal Decennial Census, whenever the court directs that an order or decree in a probate proceeding be prepared by the clerk, the fee for preparing such order or decree shall be five dollars ($5). The fee so paid shall be an expense of administration.

CHAPTER 1035

An act to amend Sections 12509, 12512, and 12654 of, and to add Section 12507 to, the Vehicle Code, relating to drivers' licenses.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 12507 is added to the Vehicle Code, to read:

12507. On or after July 1, 1967, any person 16 years of age but less than 18, may apply for, and the department may issue a driver's license to such person upon successful completion of an examination as required by the department and upon compliance with one of the following:

(a) Satisfactory completion of approved courses in automobile driver education and driver training maintained under Article 6 (commencing with Section 8101) of Chapter 3 of Division 7 of the Education Code in any secondary school of California.

(b) Satisfactory completion of six hours or more of behind-the-wheel instruction by a driving school or an independent driving instructor licensed under the provisions of Chapter 1 (commencing with Section 11100) of Division 5 of this code and either an accredited course in automobile driver education in any secondary school of California pursuant to Article 6 (commencing with Section 8101) of Chapter 3 of Division 7 of the Education Code or satisfactory completion of equivalent professional instruction acceptable to the department. To be acceptable to the department the professional instruction shall

meet minimum standards to be prescribed by the department, which standards shall be at least equal to the requirements for driver education and training contained in the rules and regulations adopted by the State Board of Education pursuant to Section 8101 of the Education Code.

(c) Certification to the department by (1) a school board, principal, or other appropriate school official that the second ary school the applicant attends does not offer an automobile driver training course pursuant to Article 6 (commencing with Section 8101) of Chapter 3 of Division 7 of the Education Code, but that the applicant has satisfactorily completed an accredited course in automobile driver education pursuant to that article; and (2) a California licensed driver over 25 years of age, who holds a five-year license, that the applicant has been given six hours or more of behind-the-wheel instruction, but not more than two hours a day in any one day, by the person so certifying.

Subdivision (c) of this section shall remain in effect until July 1, 1969.

SEC. 2. Section 12509 of said code is amended to read:

12509. On or after July 1, 1967, any person who is over the age of 17 years and 6 months may apply to the department for an instruction permit The department for good cause may issue to the applicant an instruction permit which shall entitle the applicant while having the permit in his immediate possession to drive a motor vehicle upon the highways for a period not exceeding six months when accompanied by, and under the immediate supervision of, a California licensed driver 25 years of age or over, who holds a five-year license, but the applicant need not be so accompanied when operating a motorcycle. The department may further restrict the permits as it may determine to be appropriate to assure the safe operation of a motor vehicle by the permittee.

SEC. 3. Section 12512 of said code is amended to read:

12512. On or after July 1, 1967, except as provided in Sections 12507, 12513, and 12514, no driver's license shall be issued to any person under the age of 18 years.

SEC. 4. Section 12654 of said code is amended to read:

12654. The department may also issue an instruction permit to any physically and mentally qualified person age 15 years and 6 months or over who has completed or is taking driver training instruction as provided in Section 12507. The instruction permit shall be restricted to the operation of a motor vehicle either when taking the driver training instruction of a kind referred to in Section 12507, or when practicing such instruction and accompanied by a licensed driver over 25 years of age.

SEC. 5. It is the intent of the Legislature by the provisions of this act to require education and training before licensing. The expressed belief of the Legislature is that highway accidents can and must be reduced through the education and training of drivers prior to licensing.

CHAPTER 1036

An act to add Section 73695 to the Government Code, relating to the courts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 73695 is added to the Government Code, to read:

73695. Interpreters appointed by the court pursuant to Section 68090 of this code shall be allowed for each day's actual attendance upon the court when legally required, such fee as may be allowed by the court not to exceed thirty dollars ($30) per day provided that the amount allowed to any one person when added to any fee received as interpreter appointed to serve this court or any other court within the County of Fresno may not in the aggregate exceed thirty dollars ($30) for any one day.

CHAPTER 1037

An act to add Section 1748 to the Insurance Code, relating to disciplinary actions against production agencies.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 1748 is added to the Insurance Code, to read:

1748. The commissioner, in any proceeding under the provisions of this article, may, by an alternative order, permit a licensee, found for the first time to have violated this code or any lawful regulation, to elect in writing to pay a specified money penalty, within a specified time in lieu of a license suspension or other permitted action. If the licensee so elects, the sum of money specified shall be paid to the commissioner for the use of the State of California. The sum specified shall not exceed five hundred dollars ($500) for each offense or two thousand five hundred dollars ($2,500) in the aggregate for all offenses involved in any one proceeding, and in no event shall such sum, in the aggregate, exceed 1¼ percent of the gross premiums on insurance transacted by such licensee in the preceding calendar year.

Should a licensee so electing fail to pay the specified sum within the specified time, the commissioner may, unless such order be lawfully stayed, revoke the license of the licensee or suspend the same for such period as he may determine.

All moneys received by the commissioner pursuant to this section shall be remitted to the State Treasurer to the credit of the Insurance Fund, and when appropriated for such purpose by the Legislature shall be available for expenditure by the commissioner in accordance with law in the administration and enforcement of the provisions of this code and other insurance laws.

CHAPTER 1038

An act to add Article 1.5 (commencing with Section 1108.5) to Chapter 8, Division 5 of the Agricultural Code, relating to egg containers.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Article 1.5 (commencing with Section 1108.5) is added to Chapter 8, Division 5 of the Agricultural Code, to read:

Article 1.5. Egg Containers

1108.5. Any person or association engaged in receiving, manufacturing, packing, handling or selling eggs in containers, except in corrugated fiber containers, which contain four dozen or more shell eggs, marked or otherwise identified with the name of such person or association or with any fictitious or other name or word or with any mark or device whatsoever, and any association or corporation, the members or directors of which are so engaged, may file with the department a description of the name or word, mark, or device so used, and an application for registration of the same as a brand, accompanied by a fee of one hundred dollars ($100) for each separate brand. There shall be included as a part of each brand the words, "Registered in California" or the abbreviation "Reg. Cal." The applicant shall also cause such description to be printed once a week for three successive weeks in one or more newspapers of general circulation published in the locality in which the principal place of business of the applicant is situated. The department may refuse to register a brand when it appears that the same or a similar brand has been previously registered by another unless the prior registrant gives his written consent to the subsequent registration. Whenever it appears that two or more applicants have applied for the registration of the same or similar brands, the director may after hearing determine the right of prior ownership in such brand; and when such right of prior ownership is determined the director shall refuse to register, or shall cancel the registration of any duplicate or similar brand. Any person acquiring any container marked with a brand registered under the

provisions of this section, by purchase or by other lawful means, and having the written consent of the registrant of such brand to use the same on the particular container so acquired or to use such brand on containers generally, shall so notify the department and shall not thereafter be required again to file and publish such description but shall acquire as a part of the purchase all such benefit as the vendor had under this code as to the particular containers so acquired or as to containers generally, dependent on the form of such written consent.

1108.6. All certificates of registration granted under the provisions of Section 1108.5 shall expire on the 30th day of June in each year and may be renewed by payment of a renewal fee of one hundred dollars ($100). The renewal to be made on forms supplied by the director. If renewal of such certificates is not made within 60 days after expiration thereof, such certificates shall become null and void. It is unlawful to use the words "Registered in California" or the abbreviation "Reg. Cal." on any container unless the brand appearing thereon is registered under the provisions of Section 1108.5. A description of all brands desired to be registered shall first be submitted to the director for approval.

1108.7. Every person engaged in a business who finds or receives any container in connection with such business, marked with a brand registered under the provisions of Section 1108.5 shall within 14 days notify the owner thereof or his agent. In the event that the finder is unable to locate the owner or his agent, then the said finder shall within seven days notify the director in writing that he has in his possession such containers, particularly describing the trademark or brand thereof.

1108 8. It is unlawful for any person engaged in a business involving the use of such containers without the written consent provided for in Section 1108.5, except the registrant of the brand and the members of any association which is the registrant, to use or fill with eggs, any container so marked or distinguished, of which a description shall have been filed and published. It is unlawful for any person to erase, obliterate, cover up or conceal such name, mark or device without first notifying the director and receiving his approval or to sell, buy, give, take or otherwise traffic in such containers, except as provided in Section 1108.5. All persons purchasing containers marked with a brand registered under the provisions of Section 1108.5 must submit to the director a copy of the bill of sale or other documentary evidence supporting such purchase.

1108.9. It shall be unlawful for any common carrier or private carrier for hire, except those engaged in transporting eggs and containers thereof to and from farms where eggs are produced, to receive or transport any container marked with a brand registered under the provisions of Section 1108.5 unless such carrier has in its possession a bill of lading or invoice showing the name and address of the consignor, the

name and address of the consignee, the number of containers, and the brand appearing thereon. No consignee shall accept or receive any empty container for which he has no authorization to use. Nothing herein shall be construed to derogate from any powers or authority of the Public Utilities Commission of this state.

1109. Whenever the owner of containers so marked or branded or others lawfully entitled to use the same shall require a deposit for security for the safekeeping and return of such containers, it shall not constitute a sale of such containers optional or otherwise.

1109.1. The director shall enforce the provisions of this article.

1109.2. Upon the representation of any interested party, the director may institute proceedings in any court of competent jurisdiction to recover for the owner thereof any container marked with a brand registered under the provisions of Section 1108.5. The expense of such proceedings shall be paid by the interested party on whose representation such proceedings were instituted, and shall be a lien on such container.

1109.3. All money collected under the provisions of this article shall be deposited in the State Treasury to the credit of the Department of Agriculture Fund.

CHAPTER 1039

An act to amend Section 19150 of, and to repeal Section 19151 of, the Health and Safety Code, relating to building permits.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 12, 1965]

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

SECTION 1. Section 19150 of the Health and Safety Code is amended to read:

19150. Every building or structure and every portion thereof shall be designed and constructed to resist stresses produced by lateral forces as provided in Article 23 (commencing with Section 723.01), Part VI, Title 24, California Administrative Code. Stresses shall be calculated as the effect of a force applied horizontally at each floor or roof level above the foundation. The force shall be assumed to come from any horizontal direction. In areas where the State Division of Housing is the enforcement agency, plumbing and electrical equipment and installations shall be subject to the rules and regulations adopted pursuant to Sections 17921 and 17922 of this code.

SEC. 2. Section 19151 of said code is repealed.

CHAPTER 1040

An act to amend Section 20022 of the Government Code, and to add Section 24204 to the Education Code, relating to deferred taxation of school employees income, declaring the urgency thereof to take effect immediately.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 20022 of the Government Code is amended to read:

20022. "Compensation" means the remuneration paid in cash out of funds controlled by the state, the university or contracting agency, plus the monetary value, as determined by the board of living quarters, board, lodging, fuel, laundry and other advantages of any nature furnished a member by his employer in payment for his services or for time during which the member is excused from work because of holidays, sick leave, vacation, compensating time off, or leave of absence, plus any payments in cash by his employer to one other than an employee for the purpose of purchasing an annuity contract for a member under an annuity plan which meets the requirements of Section 403(b) of the Internal Revenue Code of the United States; provided, however, that "compensation" shall not include the provision by an employer of any medical or hospital service or care plan or insurance plan (other than the purchase of annuity contracts referred to in this section) for its employees, any contribution by an employer to meet the premium or charge for such plan, or any payment into a private fund to provide health and welfare benefits for its employees.

SEC. 1.5. Section 24204 is added to the Education Code, to read:

24204. The trustees, subject to such conditions as they may establish, may purchase annuity contracts for any of their employees, and shall reduce the salary of any such employee for whom such contract is purchased in the amount of the cost thereof; provided that each of the following conditions are met:

(a) The annuity contract is under an annuity plan which meets the requirements of Section 403(b) of the Internal Revenue Code of 1954 of the United States.

(b) The employee makes application to the trustees for such purchase and reduction of salary.

(c) All provisions of the Insurance Code applicable to the purchase of such annuities are satisfied.

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:

Annuity programs of the nature described in this bill are already available to classified school employees and participation in such programs without the amendments contained herein can and will seriously jeopardize the retirement benefits and privileges of concerned personnel. This is especially true of older employees nearing the age of retirement. Without these amendments the benefits of the annuity program may be lost by forced reduced retirement allowances.

CHAPTER 1041

An act to amend Section 22950 of, to amend and renumber Section 22518 of, and to repeal Section 22951 of, the Vehicle Code, relating to offstreet parking facilities.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 22950 of the Vehicle Code is amended to read:

22950. Every person engaged in the operation of offstreet parking facilities is guilty of a misdemeanor under Section 42002, who:

(a) Fails to keep a schedule of his parking charges prominently displayed so as to be readily ascertainable by his patrons. Charges shall be for an hourly or half-hourly period and for half-hour or greater periods after the first hour or half-hour.

(b) Charges or attempts to charge a patron an additional fee for the use of his facilities for a period of six minutes or less in excess of the period for which a particular fee is charged. The half-hour fee shall be charged for the use of the facilities for a period of more than six minutes and less than 30 minutes in excess of the period for which a particular fee is charged.

This subdivision does not apply unless the charges exceed twenty-five cents ($0.25) per hour or portion thereof.

(c) Increases or attempts to increase the fee charged a patron for the use of his parking facilities within the period during which the patron is using the parking facilities, unless the schedule of parking charges displayed at the time the patron commences to use the facilities indicates the increased charges and the periods during which they are in effect.

(d) Fails to post the closing hour of his parking facilities.

The provisions of this section shall be applicable only in cities having a population of over 2,000,000 inhabitants.

SEC. 2. Section 22518 of said code is amended and renumbered to read:

22951. No operator of any offstreet parking facility shall park the vehicle of a patron of the facility in any street or alley.

SEC. 3. Section 22951 of said code is repealed.

CHAPTER 1042

An act to amend Sections 13149 and 13271 of the Education Code, relating to the exchange credentials for employees of school districts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 13149 of the Education Code is amended to read:

13149. The standard for the exchange credential shall be as prescribed by the State Board of Education pursuant to Section 13271.

This credential shall authorize service in a position requiring certification qualifications as an exchange certificated employee for performance of the services specified in the credential. Services for which a license is required by the Business and Professions Code may not be authorized unless the applicant holds such a license.

SEC. 2. Section 13271 of said code is amended to read:

13271. The governing board of any school district, subject to the rules and regulations prescribed by the State Board of Education, and notwithstanding anything to the contrary in Article 2 of Chapter 2 of Part 7 of Division 2 of the Labor Code may enter into an agreement with the proper authorities of any foreign country, or of any state, territory, or possession of the United States, or other district within the state, for the exchange and employment of regularly credentialed employees and employees of public schools of any foreign country, state, territory, or possession, or other district within this state. Any certificated person so employed as provided in this section shall be known as an "exchange certificated employee." No exchange shall be made without the consent of the employee to be exchanged.

Due consideration shall be given to the general qualifications and professional status of the exchange employee as compared to the general qualifications and professional status of the employee for whom exchanged. However, it shall not be a requirement that an exchange certificated employee be a teacher of the same subject or grade, or both, as the employee for whom exchanged. If the service authorized is other than teach-

ing, it shall not be a requirement that the service be at the same grade level or that the service be exactly the same as the employee for whom exchanged.

No person may be employed as an exchange employee by a school district in the state unless he holds the necessary valid credential or credentials issued by the State Board of Education authorizing him to serve in a position requiring certification qualifications in the school district proposing to employ him for a period not to exceed one year, except that, by unanimous consent of the governing board, and of the certificated employees concerned, this period may be extended to two years. The State Board of Education may establish minimum standards for the credentials for exchange certificated employees.

CHAPTER 1043

An act to add Section 37101.7 to the Government Code, relating to city license taxes upon contractors.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 12, 1965]

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

SECTION 1. Section 37101.7 is added to the Government Code, to read:

37101.7. (a) In accordance with the provisions of subdivision (b), the legislative body may license for revenue, and fix the license tax upon, persons who transact in the city the business of a contractor licensed pursuant to Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code.

(b) The ordinance which adopts the license and license tax shall not impose a greater license tax upon those persons subject to it who, as contractors, have no fixed place of business within the city, than upon those contractors who have a fixed place of business within the city; provided, however, that such ordinance may impose a license tax graduated according to gross receipts attributable to contracting work done within a city, regardless of whether or not the contractor has a fixed place of business within the city.

CHAPTER 1044

An act to amend Section 704.5 of, and to add Sections 716, 717, 718, 720 and 721 to, the Insurance Code, relating to insurers.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 704.5 of the Insurance Code is amended to read:

704.5. The commissioner may decline to grant or renew or may suspend or revoke a certificate of authority if any then present officer or director of the applicant has been convicted on, or pleaded guilty or nolo contendere to, an indictment or information in any jurisdiction charging a felony for theft or larceny, mail fraud or violating any corporate securities statute or any insurance statute.

SEC. 2. Section 716 is added to said code, to read:

716. No certificate of authority shall be granted to a foreign or alien applicant that has not actively transacted for three years the classes of insurance for which it seeks to be admitted; provided, the foregoing shall not apply to any subsidiary of a seasoned, reputable insurer that has held a certificate of authority in this state for at least three years.

SEC. 3. Section 717 is added to said code, to read:

717. Before granting a certificate of authority or amended certificate of authority to any applicant, the commissioner shall consider the qualifications of said applicant in respect to the following subjects: (a) capital and surplus; (b) lawfulness and quality of investments; (c) financial stability; (d) reinsurance arrangements; (e) competency, character, and integrity of management; (f) ownership and control of issued and outstanding shares in the case of a capital stock insurer; (g) whether claims under policies are promptly and fairly adjusted and are promptly and fully paid in accordance with law and the terms of policies; (h) fairness and honesty of methods of doing business; (i) method by which said applicant was promoted if any of its promoters remain as stockholders or in management; and (j) hazard to policyholders or creditors.

Upon consideration of all relevant qualifications the commissioner shall issue a certificate of authority to such applicant, unless the commissioner shall have made a finding, or findings, that the applicant is materially deficient in respect to one or more of the items as outlined in (a) through (j), above.

SEC. 4. Section 718 is added to said code, to read:

718. If upon due investigation the commissioner shall find that any applicant for a certificate of authority, or amended certificate of authority, will not conduct its business in con-

formity with all applicable provisions of the laws of this state, he shall not grant any certificate of authority, or amended certificate of authority, to such applicant.

Where the applicant is a wholly owned subsidiary of or under the management and control of an admitted insurer, or is the successor in interest by merger, consolidation, sale and purchase, or otherwise, of such an admitted insurer, and the applicant is without substantial prior operating history, the commissioner may reasonably rely on the known characteristics and reputation of the admitted insurer to the extent relevant and appropriate under the circumstances.

SEC. 5. Section 720 is added to said code, to read:

720. The commissioner may after notice and hearing promulgate such reasonable rules and regulations, and amendments and additions thereto, as are necessary or convenient to carry out the purposes and provisions of this code governing the issuance, suspension and revocation of certificates of authority. Any such rule or regulation shall be promulgated 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. 6 Section 721 is added to said code, to read:

721. As used in Sections 704.5, 716, 717 and 718, the term "applicant" includes the attorney-in-fact of a reciprocal or interinsurance exchange. Wherever reference therein is made to an officer, director, or management of the applicant, such reference is deemed to include the officers, directors, and management of the attorney-in-fact of a reciprocal or interinsurance exchange, and the members of the board of governors or other governing committee of the reciprocal itself.

CHAPTER 1045

An act to amend Sections 3702 and 3703 of the Revenue and Taxation Code, relating to publishing notice of tax sales.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 3702 of the Revenue and Taxation Code is amended to read:

3702. The tax collector shall publish the notice of intended sale once a week for three successive weeks in a newspaper of general circulation published in the county seat and in a newspaper of general circulation published in the judicial district in which the property is situated. If the same newspaper of general circulation is published in both the county seat and in such district, or if the publication of the notice of sale is made in a newspaper which is determined pursuant to Section 3391

as most likely to afford adequate notice of the sale, publication in such paper shall satisfy the requirements for publication set forth in this section. If there is no newspaper published in the county seat or in the judicial district, then publication may be made by posting notice in three public places in the county seat or in the judicial district, as the case may be, where no such newspaper is published. The publication shall be started not less than 21 days prior to the sale.

SEC. 2. Section 3703 of said code is amended to read:

3703. If in the judgment of the board of supervisors any property to be sold under this chapter will bring at auction less than the cost of publication in a newspaper, the publication of the notice of intended sale may be made in the same manner as if there were no newspaper published in the county seat or in the judicial district.

CHAPTER 1046

An act to amend Sections 25410 and 25444.5 of the Education Code, relating to junior colleges.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 25410 of the Education Code, is amended to read:

25410. In any junior college district coterminous with a high school or unified district, the governing board of the high school or unified district shall, except as provided in this section or in Section 25444.5, constitute the junior college board and after organizing as a junior college board shall have the management and control of the junior college in the district. If the district is divided into two or more high school or unified districts, or if any territory is included within the boundaries of such junior college district by annexation thereto or by change of boundaries thereof, which territory is not included within the high school or unified district, such junior college district shall be governed by a board of five members who shall be elected in the same manner, for the same terms, and at the same time as are members of the governing boards of other districts. Within 15 days after the effective date of the annexation or change of boundaries for the purpose of electing members of the governing board, the county superintendent of schools having jurisdiction over the junior college district shall call an election. The election shall be called and conducted in the manner provided by law for an election to choose the first governing board members of a newly formed junior college district.

SEC. 2. Section 25444 5 of said code is amended to read:

25444 5. If a unified district is formed to include a high school district and the boundaries of the high school district are coterminous with a junior college district and with the boundaries of the newly formed unified school district, the junior college district shall remain a separate district and shall not become an integral part of the unified district.

This section shall not affect the status of any unified district formed and maintaining a junior college on or before July 1, 1961, and shall not be deemed to require the formation of a junior college district for the maintenance of any junior college now operated by a unified district.

Notwithstanding the provisions of Section 25410, the governing board having jurisdiction over the junior college district at the time unification of the component district or districts takes place shall constitute the governing board of the junior college district.

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

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CHAPTER 1047

An act to add Chapter 4 (commencing with Section 7340) to Part 3 of Division 5 of the Labor Code, relating to aerial passenger tramways.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Chapter 4 (commencing with Section 7340) is added to Part 3 of Division 5, of the Labor Code, to read:

CHAPTER 4. AERIAL PASSENGER TRAMWAYS

7340. As used in this chapter:

(a) "Aerial passenger tramway" includes any method or device used primarily for the purpose of transporting persons by means of cables or ropes suspended between two or more points or structures.

(b) "Permit" means a permit issued by the division to operate an aerial passenger tramway in any place of employment.

7341. No aerial passenger tramway shall be operated in any place of employment in this state unless a permit for the operation thereof is issued by the division, and unless such permit remains in effect and is kept posted conspicuously in the main operating terminal of the tramway.

7342. The operation of an aerial passenger tramway by any person owning or having the custody, management, or operation thereof without a permit is a misdemeanor, and each day of operation without a permit is a separate offense. No prosecution shall be maintained where the issuance or renewal of a permit has been requested and remains unacted upon.

7343. Whenever an aerial passenger tramway in any place of employment is being operated without the permit herein required, and is in such condition that its use is dangerous to the life or safety of any employee, the division, or any person affected thereby, may apply to the superior court of the county in which the aerial passenger tramway is located for an injunction restraining the operation thereof until such condition is corrected. Proof by certification of the division that a permit has not been issued, together with the affidavit of any safety engineer of the division that the operation of the aerial passenger tramway is dangerous to the life or safety of any employee, is sufficient ground, in the discretion of the court, for the immediate granting of a temporary restraining order. No bond shall be required from the division in such proceeding.

7344. The division shall cause all aerial passenger tramways to be inspected at least once each year. If an aerial passenger tramway is found upon inspection to be in a safe condition for operation, a permit for operation for not longer than one year shall be issued by the division.

7345. If inspection shows an aerial passenger tramway to be in an unsafe condition, the division may issue a preliminary order requiring repairs or alterations to be made to the aerial passenger tramway which are necessary to render it safe, and may order the operation or use thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed.

7346. Unless the preliminary order is complied with, a hearing before the division shall be allowed, upon request, at which the owner, operator, or other person in charge of the aerial passenger tramway may appear and show cause why he should not comply with the order.

7347. If it thereafter appears to the division that the aerial passenger tramway is unsafe and that the requirements contained in the preliminary order should be complied with, or that other things should be done to make such aerial passenger tramway safe, the division may order or confirm the withholding of the permit and may make such requirements as it deems proper for its repair or alteration or for the correction of such unsafe condition. Such order may thereafter be reheard by the division or reviewed by the courts in the manner specified for safety orders by Part 1 of this division and not otherwise.

7348. If the operation of an aerial passenger tramway during the making of repairs or alterations is not immediately dangerous to the safety of employees, the division may issue a temporary permit for the operation thereof for not to exceed 30 days during the making of repairs or alterations.

7349. The inspection herein provided for shall be made by a division safety engineer.

7350. The division may fix and collect such fees for the inspection of aerial passenger tramways as it deems necessary, but the charge for each inspection shall not exceed fifty dollars ($50) for the first inspection of each new aerial passenger tramway installation and twenty-five dollars ($25) for the reinspection of existing equipment and subsequent inspections of new equipment. No charge shall be made in any one year for more than one inspection except where safety orders have not been complied with and subsequent inspections are necessary. Then an additional fee not to exceed twenty-five dollars ($25) may, in the discretion of the division, be charged for not more than one subsequent inspection annually.

7351. Fees shall be paid before issuance of a permit to operate an aerial passenger tramway, except that the division, at its own discretion, may issue a temporary operating permit not to exceed 30 days, pending receipt of payment of fees.

7352. All fees collected by the division under this chapter shall be paid into the General Fund of the State Treasury.

7353. No aerial passenger tramway shall be constructed until the plans and design information have been properly certified to the division by an engineer qualified under the Civil and Professional Engineers Act (Chapter 7, commencing with Section 6700, of Division 3 of the Business and Professions Code).

7354. The division shall not issue an operating permit to operate an aerial passenger tramway until it receives certification in writing by an engineer qualified under the Civil and Professional Engineers Act (Chapter 7, commencing with Section 6700, of Division 3 of the Business and Professions Code) that the erection work on such tramway has been completed in accordance with the design and erection plans for such tramway.

7355. Nothing in the foregoing sections of this chapter shall limit the authority of the division to prescribe or enforce general or special safety orders.

CHAPTER 1048

An act to amend Section 17103 of the Education Code, relating to reimbursements from the cafeteria fund.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 17103 of the Education Code is amended to read:

17103. The governing board of a school district shall employ persons for food service positions as a part of the classi-

fied service. Wages, salaries and benefits including employer retirement contributions for all food service personnel shall be paid from the general fund of the school district. Costs of wages, salaries and benefits including employer retirement contributions and other purposes classed as food service shall be excluded from the definition of "current expense of education" as defined in Section 17503 of this code. The governing board may, at any time, order reimbursement from the cafeteria fund or the cafeteria account to the general fund of the district for payments under this section in such amounts as it prescribes but not to exceed food service employee salary, wage and benefit costs then incurred or anticipated.

Any reimbursements in excess of the amount actually required shall be refunded to the cafeteria fund or the cafeteria account not later than the close of the current fiscal year.

The reimbursements from the cafeteria fund or the cafeteria account shall be considered expenses of the cafeteria fund or the cafeteria account, as the case may be, and only those payments made from the general fund which are not reimbursed from the cafeteria fund or the cafeteria account shall be considered expenses of the general fund.

Accounting for such transactions shall be as prescribed in Section 17199 of this code.

CHAPTER 1049

An act to add Section 5505.1 to the Streets and Highways Code, relating to the Improvement Act of 1911.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 5505.1 is added to the Streets and Highways Code, to read:

5505.1. The clerk shall give notice of the presentation of the reassessment and the hearing thereon by mail, as provided in Sections 5070 and 5364, and by posting, as provided in Section 5065.

CHAPTER 1050

An act to add Section 11915.5 to the Water Code, relating to disposal of lands at water projects.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 11915.5 is added to the Water Code, to read:

11915.5. For the purpose of furthering recreation in any project of the department, the department may exchange any real property it has acquired for property in the state owned

by the United States which is of substantially equal value, whether or not such real property of the United States is adjacent to or needed for any project of the department. Such title or rights as the department deems necessary for the proper operation and maintenance of the water conservation, flood control or power features of any water project shall not be included in any exchange consummated under this section.

Any such exchange involving real property acquired by the department solely for recreation shall be concurred in by the Department of Parks and Recreation. Any such exchange involving property acquired by the department solely for fish and wildlife purposes shall be concurred in by the Department of Fish and Game. Any such exchange involving property acquired solely for fish, wildlife and recreational purposes shall be concurred in by the Department of Fish and Game and the Department of Parks and Recreation. Real property of the United States not necessary for a project of the department shall be acquired by the department by exchange under this section only if another agency of state government has agreed to acquire such real property from the department for the actual cost to the department of the real property which is to be given in exchange therefor; provided, that any amount appropriated to the department to reimburse it for prior expenditures for acquisition of such land shall be deducted from the actual cost.

CHAPTER 1051

An act to add Sections 1125.5, 1125.6, 1125.7, 1125.8 and 15010 to the Education Code, relating to school district organization, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 1125.5 is added to the Education Code, to read:

1125.5. (a) Whenever an elementary, high school or unified school district is annexed to another school district in which trustee areas have been established the county committee on school district organization of the county having jurisdiction over the annexing district shall study and make recommendation with respect to trustee areas of the annexing district as enlarged. Procedures contained in Section 1124.3 shall be used for purposes of this section.

(b) Recommendations adopted under provisions of subdivision (a), if approved by the electors, shall become effective on the same date that the annexing district as enlarged becomes effective for all purposes.

SEC. 2. Section 1125.6 is added to said code, to read:

1125.6. The county committee may provide that an election to elect trustees, pursuant to its recommendations under Section 1125.5, shall be held at the same time as is held the election to effect a change in trustee areas.

SEC. 3. Section 1125.7 is added to said code, to read:

1125.7. In the event an election is called pursuant to Section 1124.4, the county superintendent of schools having jurisdiction shall, as to each trustee area having more than its allotted number of representatives in the membership of the governing board for the next succeeding school year, determine by lot which of said representatives shall relinquish their offices either immediately upon the election and qualification of the governing board members who are elected as provided in Section 1125.6 or on the first day of July next succeeding the election establishing trustee areas in the district, whichever is the later.

SEC. 4. Section 1125.8 is added to said code, to read:

1125.8. Members elected to fill vacancies created pursuant to Section 1125.7 shall serve out the unexpired term of the office that was terminated.

The county committee shall designate by lot for each newly formed trustee area the expiring term of office for which a member shall be elected.

SEC. 5. Section 15010 is added to said code, to read:

15010. The governing board of a school district which has been included in a school district unification proposal approved by the electors of the territory involved pursuant to Chapter 10 (commencing with Section 3101) of Division 5, may, prior to the time the new unified school district becomes effective for all purposes, acquire a site for a school building at any place within the new unified school district, and upon the acquisition of such site it shall become a part of the district pending the date when the new unified school district becomes effective for all purposes. The site shall not be acquired until the county committee on school district organization of the county or of each of the counties concerned has received the proposal for acquisition of the site and reported its recommendations thereon to the governing boards of the districts concerned and to each county superintendent of schools concerned. The report of the county committee shall be made within 60 days from the time the proposal for acquisition of the site was submitted to it.

SEC. 6. Section 5 of 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:

One or more school districts which have been included in approved unification proposals which will not be effective for all purposes until July 1, 1966, are confronted with the immediate necessity of acquiring additional school sites. The

authority afforded by Section 5 of this act to acquire such a site, upon review and approval of county school authorities, will provide greater flexibility in site selection. It is essential to the required expansion of affected districts that this authority be extended to them as soon as possible.

CHAPTER 1052

An act to amend Section 40500 of the Vehicle Code, relating to written notices to appear in court.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 40500 of the Vehicle Code is amended to read:

40500. Whenever a person is arrested for any violation of this code not declared to be a felony, or for a violation of an ordinance of a city or county relating to traffic offenses and he is not immediately taken before a magistrate, as provided in this chapter, the arresting officer shall prepare in triplicate a written notice to appear in court or before a person authorized to receive a deposit of bail, containing the name and address of the person, the license number of his vehicle, if any, the name and address, when available, of the registered owner or lessee of the vehicle, the offense charged and the time and place when and where he shall appear.

SEC. 2. This act shall become operative July 1, 1966.

CHAPTER 1053

An act to amend Sections 72604, 72640, 72645, 72646, 72647, 72701, 72702, 72702.5, 72703, 72704, 72704.5, 72706, 72707, 72708, 72709, 72710, 72712, 72751, 72751.5, 72752, 72753, 72754 and 72759 of, and to add Sections 72607, 72608 and 72751.1 to, and to repeal Sections 72650, 72653, 72705.5, 72750.5 and 72760 of, the Government Code, relating to courts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 72604 of the Government Code is amended to read:

72604. Notwithstanding the provisions of Sections 69947 to 69953, inclusive, of the Government Code, or any other provision of law in conflict herewith, in each municipal court

in counties having a population of 2,000,000 inhabitants, or over, as determined by the 1950 federal census, except in municipal court districts where a statute provides otherwise, the official reporter and official reporters pro tempore shall receive for their services the same per diem fee paid to official court reporters pro tempore of the Superior Court of Los Angeles County, provided that said fee shall in no event be less than the sum of forty-five dollars ($45) per day nor more than fifty-five dollars ($55) per day. All other fees of such reporters for transcription shall be as provided in Sections 69947 to 69953 of the Government Code.

SEC. 2. Section 72607 is added to said code, to read:

72607. Notwithstanding the numbers and classifications of court officers and attachés specified in Articles 2, 3, and 4 of Chapter 9, Title 8 of the Government Code, the judges of a municipal court in a county having a population of 3,000,000 or over, with the approval of the board of supervisors, may appoint and employ such additional commissioners, officers, and attachés as are necessary to the performance of duties and exercise of powers within the jurisdiction of the court. The compensation of such appointees shall be as provided in such chapter for the same position, or, where not so provided, as may be established by the judges with the approval of the board of supervisors.

The majority of municipal court judges in such county, with the approval of the board of supervisors, may authorize the marshal, and the judges of any municipal court in such county, with such approval, may authorize the clerk of such court, to appoint such additional deputies in any classifications as may be required for the prompt and faithful discharge of the duties of the respective offices. Deputies so appointed shall receive the respective rates of pay provided for existing classifications, or, if there be no such existing classification for which a pay rate has been established, then they shall receive such rates of pay as shall be established by the judges authorizing such appointments and approved by the board of supervisors.

Appointments made pursuant to this section shall be on an interim basis and shall expire 90 days after the adjournment of the next general session of the Legislature unless ratified at such session It is the intention of the Legislature that the provisions of this section be cumulative to, and not in abrogation of, other provisions of law governing the additional or emergency appointment of deputy clerks and deputy marshals.

SEC. 3. Section 72608 is added to said code, to read

72608. Certain classes of positions prescribed in Articles 2, 3 and 4 of Chapter 9, Title 8 of the Government Code are deemed to be equivalent in job and salary level to position classifications included in the Salary Ordinance of Los Angeles County. In order to maintain parity of compensation between such officers and attachés of municipal courts and county employees having commensurate duties and responsi-

bilities and to provide appropriate salary adjustments for related classes of court positions, the provisions of this section shall govern salary adjustments for officers and attachés of municipal courts in Los Angeles County.

On the effective date of any amendment to said ordinance adjusting the salary of a county employee classification listed in the table of positions set forth in this section, the salary of the equivalent court position listed opposite thereto and each other class of court position indented immediately thereunder shall be adjusted an equivalent number of schedules in the salary schedule to which such position is attached. In no event shall such salary adjustments exceed eight schedule numbers of the schedule number that is provided for such position on the effective date of this section. Any such county employee classification salary adjustment made in 1965 prior to the effective date of this section shall become applicable on October 1, 1965.

TABLE OF POSITIONS

Court classification	County classification
Officer Series	
Inspector	Inspector
Marshal	
Assistant marshal	
Chief deputy inspector	
Captain	Captain
Lieutenant	Lieutenant
Sergeant	Sergeant
Deputy marshal	Deputy sheriff
Deputy marshal, bailiff	
Administrative Series	
Clerk of two-judge district	Division chief, county clerk's office
Clerk (all other judicial districts)	
Chief deputy (all judicial districts)	
All positions subject to civil service provisions enumerated in Articles 2, 3 and 4 not listed in this table, except those specified in Section 72704.5.	
Branch Supervisor—Courtroom Series	
Deputy clerk V	Superior court clerk
Deputy clerk IV	
Except equivalency for deputy clerk V is deemed to be	

Court classification	County classification
two salary schedules above superior court clerk and equivalency for deputy clerk IV is deemed to be two salary schedules below superior court clerk.	
Stenographic Series	
Intermediate stenographic secretary	Intermediate stenographic secretary
Judicial secretary	
Secretary to presiding judge	
Stenographic secretary	
Senior stenographic secretary	
Clerical Series	
Deputy clerk II	Intermediate typist-clerk
Deputy clerk I	
Deputy clerk III	
Administrative clerk	
Payroll clerk	
Senior property clerk	
Typist-clerk	

Salary adjustments made pursuant to this section shall be effective until 90 days after the adjournment of the next succeeding general session of the Legislature.

SEC. 4. Section 72640 of said code is amended to read:

72640. There shall be one marshal for all municipal courts established in judicial districts in Los Angeles County, who shall be appointed pursuant to this article and who shall receive the monthly compensation specified in Schedule 73, set forth in Section 72649.

SEC. 5. Section 72645 of said code is amended to read:

72645. The marshal shall appoint:

(a) One assistant marshal who shall receive the monthly compensation specified in Schedule 69, set forth in Section 72649.

(b) One chief deputy inspector who shall receive the monthly compensation specified in Schedule 65, set forth in Section 72649. Upon the occurrence of a vacancy, this position shall cease to exist.

(c) One chief deputy marshal.

SEC. 6. 72646 of said code is amended to read:

72646. The marshal shall appoint:

(a) Two inspectors, each of whom shall receive monthly compensation as provided in Schedule 63, set forth in Section 72649.

(b) Eleven captains, each of whom shall receive monthly compensation as provided in Schedule 55, set forth in Section 72649. One of the positions shall be classified as captain, legal research.

(c) Twenty-four lieutenants, each of whom shall receive monthly compensation as provided in Schedule 49, set forth in Section 72649.

(d) Twenty-six sergeants, each of whom shall receive monthly compensation as provided in Schedule 43, set forth in Section 72649.

(e) Three hundred five deputies, each of whom shall receive monthly compensation as provided in Schedule 37, set forth in Section 72649. Appointments to such positions shall be made from civil service lists resulting from open competitive examinations and shall be at step B of said schedule; provided, that notwithstanding the provisions of Section 72649, deputies appointed after October 1, 1965, shall be subject to a 12 months period of probation.

SEC. 7. Section 76247 of said code is amended to read:

72647. The marshal shall appoint:

(a) One senior stenographic secretary, who shall receive monthly compensation as provided in Schedule 35, set forth in Section 72649.

(b) Two intermediate stenographic secretaries, each of whom shall receive monthly compensation as provided in Schedule 31, set forth in Section 72649.

(c) One stenographer-secretary who shall receive monthly compensation as provided in Schedule 25, set forth in Section 72649.

(d) One senior property clerk who shall receive monthly compensation as provided in Schedule 29, set forth in Section 72649.

(e) Fifty deputy clerks, grade III, each of whom shall receive monthly compensation as provided in Schedule 27, set forth in Section 72649.

(f) Eighty deputy clerks, grade II, each of whom shall receive monthly compensation as provided in Schedule 21, set forth in Section 72649.

(g) Twenty-five deputy clerks, grade I, each of whom shall receive monthly compensation as provided in Schedule 15, set forth in Section 72649. Appointments to said positions shall be at step D of said schedule.

(h) Nine administrative clerks, each of whom shall receive monthly compensation as provided in Schedule 31, set forth in Section 72649.

(i) Such deputies who shall be keepers as may be reasonably required pursuant to law, at the fee allowed by law for keeping property.

(j) One business manager, who shall receive monthly compensation as provided in Schedule 45, set forth in Section 72649.

(k) One payroll clerk who shall receive monthly compensation as provided in Schedule 25, set forth in Section 72649.

(*l*) One principal clerk who shall receive monthly compensation as provided in Schedule 33, set forth in Section 72649.

(m) One administrative assistant who shall receive monthly compensation as provided in Schedule 35, as set forth in Section 72649.

Two occupants of a position listed in this section may be assigned to additional duties as matron and during the period of such assignment shall receive compensation at the step rate of a higher numbered schedule which will increase her basic compensation by two steps.

SEC. 8. Section 72650 of said code is repealed.

SEC. 9. Section 72653 of said code is repealed.

SEC. 10. Section 72701 of said code is amended to read:

72701. There shall be one referee who shall be appointed by the judges of the court and who shall have the same qualifications, duties, and salary as those provided by law for commissioners of the municipal court.

SEC. 11. Section 72702 of said code is amended to read:

72702. 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 70 of the salary schedule provided in Section 72705.

SEC. 12. Section 72702 5 of said code is amended to read:

72702 5. The clerk may appoint one chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 60 of the salary schedule provided in Section 72705.

SEC. 13. Section 72703 of said code is amended to read:

72703. The clerk may appoint:

(a) One deputy clerk who shall be chief, traffic division, and who shall receive a monthly salary at a rate specified in Schedule 53.

(b) One deputy clerk who shall be chief, civil division, and who shall receive a monthly salary at a rate specified in Schedule 53.

(c) One deputy clerk who shall be chief, criminal division, and who shall receive a monthly salary at a rate specified in Schedule 53.

(d) One deputy clerk who shall be chief, accounting division, and who shall receive a monthly salary at a rate specified in Schedule 51.

(e) Three deputy clerks, assistant division chiefs, each of whom shall receive a monthly salary at a rate specified in Schedule 48.

(f) One deputy clerk who shall be chief, administrative services, and who shall receive a monthly salary at a rate specified in Schedule 53.

(g) One deputy clerk who shall be administrative jury commissioner, and who shall receive a monthly salary at a rate specified in Schedule 49.

(h) One deputy clerk who shall be assistant secretary and jury commissioner, who shall receive a monthly salary at a rate specified in Schedule 53.

(i) Four deputy clerks, principal clerk, each of whom shall receive a monthly salary at a rate specified in Schedule 44.

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 72705.

SEC. 14. Section 72704 of said code is amended to read:

72704. The clerk may also appoint:

(a) Five deputy clerks grade V, each of whom shall receive a monthly salary at a rate specified in Schedule 44.

(b) Fifty-six deputy clerks grade IV, plus one additional such deputy clerk for each judge in excess of 49 and each commissioner in excess of six to which the court is or may become entitled by law, each of whom shall receive a monthly salary at a rate specified in Schedule 40.

(c) One deputy clerk, secretary to the presiding judge, who shall receive a monthly salary at a rate specified in Schedule 35. Appointments to said positions shall be at step C of said schedule.

(d) Fifteen deputy clerks, judicial secretary, each of whom shall receive a monthly salary at a rate specified in Schedule 31. Appointments to said positions shall be at step C of said schedule.

(e) Fifty-five deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 27.

(f) One hundred ten deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 21.

(g) One hundred forty deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 17. Appointments to such position shall be at step C 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 72705.

SEC. 15. Section 72704.5 of said code is amended to read:

72704.5. The clerk may also appoint the following deputy clerks as needed:

(a) One chief tabulating machine operator who shall receive a monthly salary at a rate specified in Schedule 43.

(b) One supervising tabulating machine operator who shall receive a monthly salary at a rate specified in Schedule 36.

(c) Three intermediate tabulating machine operators, each of whom shall receive a monthly salary at a rate specified in Schedule 30.

(d) Six tabulating machine operators, each of whom shall receive a monthly salary at a rate specified in Schedule 26.

(e) Three supervising key punch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 25.

(f) Fifty-five key punch operators, each of whom shall receive a monthly salary at a rate specified in Schedule 20.

(g) One chief tabulating operations who shall receive a monthly salary at a rate specified in Schedule 49.

(h) One EDP senior programmer analyst who shall receive a monthly salary at a rate specified in Schedule 49.

(i) Four EDP programmer analysts, each of whom shall receive a monthly salary at a rate specified in Schedule 45.

(j) Five EDP assistant programmer analysts, each of whom shall receive a monthly salary at a rate specified in Schedule 39.

(k) One EDP supervising equipment operator who shall receive a monthly salary at a rate specified in Schedule 41.

(*l*) One EDP senior equipment operator who shall receive a monthly salary at a rate specified in Schedule 35.

(m) Four EDP equipment operators, each of whom shall receive a monthly salary at a rate specified in Schedule 29.

(n) Two EDP trainees, each of whom shall receive a monthly salary of step 5 of Schedule 25.

Persons appointed to positions enumerated in this section shall be entitled to the same credit for any period of prior employment by the County of Los Angeles as is allowable for an equal period of prior service in a court position of similar classification.

On the effective date of any amendment to the Salary Ordinance of Los Angeles County adjusting the salary of any position having the same classification as a court position listed in this section, the salary of such listed court position shall be adjusted an equivalent number of schedules in the salary schedule to which it is attached. Such salary adjustments shall be effective until 90 days after adjournment of the next succeeding general session of the Legislature.

SEC. 16. Section 72705.5 of said code is repealed.

SEC. 17. Section 72706 of said code is amended to read:

72706. The judges of the municipal court shall appoint as many commissioners, not exceeding six, as the business of the court requires. Each commissioner shall possess the same qualifications as the law requires of a judge of the court. Within the jurisdiction of the court and under the direction of the judges, each commissioner shall exercise the powers and perform the duties authorized by law to be performed by commissioners of the superior court and such additional powers and duties as may be prescribed by law. Each commissioner shall hold office at the pleasure of the judges and shall re-

ceive a monthly salary in the same sum as is paid the Court Commissioners of the Superior Court of the County of Los Angeles; provided, that if the amount of said salary is fixed under a step plan of compensation based upon tenure of service, each incumbent municipal court commissioner on the effective date of this act shall nevertheless receive a salary equal to the top step thereof In no event shall such salary exceed the salary provided for the judges of the municipal courts. The commissioners shall be ex officio deputy clerks of the court and shall be members of any retirement system which includes attachés of the court.

SEC. 18. Section 72707 of said code is amended to read:

72707. The judges of the municipal court shall appoint a secretary and jury commissioner, who shall act as executive assistant to the presiding judge and who shall hold office at the pleasure of the judges. He shall possess the same qualifications as the law requires of a judge of the court and receive an annual salary which is one thousand two hundred dollars ($1,200) in excess of that provided by law for a commissioner of the court.

He shall exercise the powers of jury commissioners of superior courts insofar as they are applicable to the municipal courts. In addition and without extra compensation, he may be appointed and serve as a commissioner of the court. He shall be a member of any retirement system which includes attachés of the court.

SEC. 19. Section 72708 of said code is amended to read:

72708. The judges of the municipal court shall appoint a traffic commissioner who shall hold office at the pleasure of the judges and receive the monthly salary provided by law for a commissioner of the court.

In addition if he possess the qualifications prescribed by law for such office, he may be appointed and serve as a general commissioner of the court without extra compensation. He shall be a member of any retirement system which includes attachés of the court.

SEC. 20. Section 72709 of said code is amended to read:

72709. Each official reporter in the municipal court appointed pursuant to Section 72194 shall be an attaché of the court. In lieu of any other compensation provided by law for his services in reporting testimony and proceedings in the court, each official reporter shall receive a monthly salary in the same sum as is paid official court reporters of the Superior Court of the County of Los Angeles; provided, that if the amount of said salary is fixed under a step plan of compensation based upon tenure of service, the provisions of Section 72705(c) shall apply in fixing the respective salary step placements for official court reporters of the municipal court and any period of appointment as official court reporter pro tempore of the court shall be included as service under this section. In no event shall the salary of an official municipal court reporter exceed the highest salary paid to an official court re-

porter of the Superior Court of Los Angeles County, and in no event shall the salary exceed the rate specified in step E of Schedule 57 of the salary schedule set forth in Section 72705. The salaries of official court reporters shall be paid from the reporters' salary fund.

SEC. 21. Section 72710 of said code is amended to read:

72710. The judges of the court may appoint as many additional reporters as the business of the court requires, who shall be known as official reporters pro tempore. They shall serve without salary, but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in those sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive the same per diem fee paid official court reporters pro tempore of the Superior Court of Los Angeles County; provided, that said fee shall in no event be less than the sum of forty-five dollars ($45) per day nor more than fifty-five dollars ($55) per day, which upon order of the court shall be paid from the reporters' salary fund.

SEC. 22. Section 72712 of said code is amended to read:

72712. There shall be set aside from the revenue of the court a revolving fund in the amount of sixty thousand dollars ($60,000). The fund shall be known as the reporters' salary fund.

At the time of each monthly distribution of the revenue of the court to the cities within the judicial district and to the county within which the court is established, the clerk of the court shall deduct proportionately from their respective total shares such sum as will, when added to the sum then remaining in the fund, equal sixty thousand dollars ($60,000), and deposit it in the fund.

Deductions from the county's share of the revenue shall be made from that portion of it distributable to the salary fund of the county, and deductions from each city's share shall be made from that portion of it distributable to the general fund of each city.

For the purposes of this section the "revenue" of the court includes all fines, forfeitures, and fees accruing to the cities or the county, except law library fees.

SEC. 23. Section 72750.5 of said code is repealed.

SEC. 24. Section 72751 of said code is amended to read:

72751. In each municipal court district having six judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 56.

The clerk may appoint:

(a) Nine deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 17. Appointment to said positions shall be at step C of said schedule.

(b) Ten deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 21.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 27.

(d) Eight deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 40.

(e) One court accountant who shall receive a monthly salary at a rate specified in Schedule 43.

(f) One jury secretary who shall receive a monthly salary at a rate specified in Schedule 45.

(g) One chief clerk—civil who shall receive a monthly salary at a rate specified in Schedule 45.

(h) One chief clerk—criminal who shall receive a monthly salary at a rate specified in Schedule 45.

(i) One chief clerk—traffic who shall receive a monthly salary at a rate specified in Schedule 45.

(j) One occupant of chief clerk position as set forth in this section shall be designated by the clerk as assistant clerk and shall receive a one-step increase in compensation.

SEC. 25. Section 72751.1 is added to said code, to read:

72751.1. In each municipal court district having five judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 55.

The clerk may appoint:

(a) Eleven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 17. Appointments to said positions shall be at step C of said schedule.

(b) Seven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 21.

(c) Nine deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 27.

(d) Seven deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 40.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 46.

SEC. 26. Section 72751.5 of said code is amended to read:

72751.5. In each municipal court district having four judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 55.

The clerk may appoint:

(a) Eleven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 17. Appointments to said positions shall be at step C of said schedule.

(b) Seven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 21.

(c) Eight deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 27.

(d) Six deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 40.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 46.

SEC. 27. Section 72752 of said code is amended to read:

72752. In each municipal court district having three judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 54.

The clerk may appoint:

(a) Eleven deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 17. Appointments to said position shall be at step C of said schedule.

(b) Seven deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 21.

(c) Seven deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 27.

(d) Five deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 40.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 46.

SEC. 28. Section 72753 of said code is amended to read:

72753. In each municipal court district having two judges authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judges of the court, who shall receive a monthly salary at a rate specified in Schedule 54.

The clerk may appoint:

(a) Eight deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 17. Appointments to said positions shall be at step C of said schedule.

(b) Six deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 21.

(c) Six deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 27.

(d) Three deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 40.

(e) One chief deputy clerk who shall receive a monthly salary at a rate specified in Schedule 46.

SEC. 29. Section 72754 of said code is amended to read:

72754. In each municipal court district having one judge authorized by law the officers and attachés shall be appointed and compensated as follows:

There shall be one clerk, appointed by the judge of the court, who shall receive a monthly salary at a rate specified in Schedule 50.

The clerk may appoint:

(a) Three deputy clerks grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 17. Appointments to said positions shall be at step C of said schedule.

(b) Two deputy clerks grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 21.

(c) Two deputy clerks grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 27.

(d) Two deputy clerks grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 40; provided, however, that one of such deputy clerks grade IV whose regular duties shall include the supervision of clerical personnel shall, for the duration of such assignment, receive compensation at the rate of the next higher numbered salary schedule which will increase his basic compensation by one step.

SEC. 30. Section 72759 of said code is amended to read:

72759. In addition to the provision of Section 72190 relating to qualifications, the jury and traffic commissioner shall be appointed from the staff of court clerks and shall receive an annual salary equal to that provided by law for Commissioners of the Municipal Court, Los Angeles Judicial District. He shall be a member of any retirement system which includes clerks and deputy clerks of said court. The jury and traffic commissioner shall continue to be the clerk or deputy clerk of said judicial district in such position as he has theretofore been appointed without additional compensation. The requirements relating to qualifications do not apply to any jury and traffic commissioner who was an incumbent on January 1, 1957.

SEC. 31. Section 72760 of said code is repealed.

SEC. 32. The provisions of this act shall become operative October 1, 1965.

CHAPTER 1054

An act to add Section 1836 to the Education Code, relating to school districts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 1836 is added to the Education Code, to read:

1836. Notwithstanding any other provision of this article, when an elementary school district is included in a unified school district pursuant to Article 9 (commencing with Section 1861) of this chapter, the elementary school district shall

be liable for any bonded indebtedness of the unified school district of which it is a part when such liability is specifically authorized by a vote of two-thirds of the electors of the unified school district voting at any election called for that purpose in accordance with Section 1644.1, prior or subsequent to such inclusion.

CHAPTER 1055

An act to amend Section 22952 of the Vehicle Code, relating to offstreet parking.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 22952 of the Vehicle Code is amended to read:

22952. Every person engaged in the operation of offstreet parking facilities is guilty of a misdemeanor under Section 42002, who:

(a) Tows or removes or authorizes the towing and removal of any vehicle within 24 hours of the expiration of the period for which a particular fee is charged. This subdivision shall not affect or limit any parking lot operator from charging parking fees in accordance with his posted schedule for the additional time such vehicle is parked.

(b) Tows or removes or authorizes the towing and removal of any vehicle when such parking facilities are held open for public use and there was no attendant on duty or other facilities permitting the patron to pay or remit the parking charges at the time such vehicle was first parked. This subdivision shall not affect or limit any parking lot operator from charging parking fees in accordance with his posted schedule for the time such vehicle is parked.

CHAPTER 1056

An act to add Section 14310.5 to the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 14310.5 is added to the Education Code, to read:

14310.5. Any provisions of this part to the contrary notwithstanding, any person heretofore or hereafter retired for service, whose last employment as a member of the system

prior to such retirement was in a state college, may without reinstatement from retirement or any loss or interruption of benefits under this part, serve as a member of the teaching staff of a state college; provided, that such service shall not exceed 90 teaching days in any one fiscal year, and the compensation payable to such persons for such service shall not exceed two thousand dollars ($2,000) in that fiscal year.

CHAPTER 1057

An act to add Section 71597 to the Water Code, relating to municipal water districts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 71597 is added to the Water Code, to read:

71597. A district may by resolution of a four-fifths majority of its directors obtain membership in associations having for their purpose the furtherance of subjects relating to the powers and duties of the district and for the interchange of information relating to such powers and duties. Funds necessary for such purposes may be appropriated.

The Legislature hereby finds and declares that the provisions of this section are declaratory of existing law except insofar as they specify that a resolution of a four-fifths majority of the directors is necessary.

CHAPTER 1058

An act to amend Section 69582 of the Government Code, relating to the courts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 69582 of the Government Code is amended to read:

69582. In the County of Contra Costa there shall be nine judges of the superior court.

CHAPTER 1059

An act to add Section 5536.5 to the Public Resources Code, relating to regional park districts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 5536.5 is added to the Public Resources Code, to read:

5536.5. Members of the board of directors may be allowed actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the district board.

CHAPTER 1060

An act to amend Sections 13350 and 13361 of the Vehicle Code, relating to driver's license revocations in manslaughter cases.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 13350 of the Vehicle Code is amended to read:

13350. The department shall immediately revoke the privilege of any person to drive a motor vehicle upon receipt of a duly certified abstract of the record of any court showing that the person has been convicted of any of the following crimes or offenses:

(a) Manslaughter resulting from the operation of a motor vehicle, except when convicted under paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

(b) Driving when addicted to the use, or under the influence of a narcotic drug or amphetamine or any derivative thereof under Section 23105.

(c) Failure of the driver of a vehicle involved in an accident resulting in injury or death to any person to stop or otherwise comply with Section 20001.

(d) Upon three or more convictions upon violation of Sections 20002, 23103, or 23104 within a period of 12 months from the time of the first conviction, or upon a combination of three or more of any such convictions within a like period.

(e) Any felony in the commission of which a motor vehicle is used, except as provided for in Section 13352.

SEC. 2. Section 13361 of said code is amended to read:

13361. The department may suspend the privilege of any person to operate a motor vehicle upon receipt of a duly cer-

tified abstract of the record of any court showing that the person has been convicted of any of the following crimes or offenses:

(a) Failure to stop in the event of an accident resulting in damage to property only, or otherwise failing to comply with the requirements of Section 20002.

(b) A second or subsequent conviction of reckless driving or upon a first conviction of reckless driving causing bodily injury.

(c) Failure to stop upon striking an unattended vehicle, or otherwise failing to comply with the requirements of Section 20007.

(d) Manslaughter resulting from the operation of a motor vehicle as provided in paragraph (b) of subdivision 3 of Section 192 of the Penal Code.

In any case under this section the department is authorized to require proof of ability to respond in damages as defined in Section 16430.

CHAPTER 1061

An act to amend Sections 1822.2 and 1822.3 of the Education Code, relating to school district bond elections.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 1822.2 of the Education Code is amended to read:

1822.2. Upon petition of 10 percent of the qualified electors residing in any district wholly included in a new or existing district requesting the governing board of such new or existing district to do so, or upon the adoption of a resolution by the governing board of such new or existing district, the governing board of such new or existing district may order an election in such district to determine whether it shall assume the bonded indebtedness of the included district.

SEC. 2. Section 1822.3 of said code is amended to read:

1822.3. When a portion of a district is included in a new or existing district and the portion remains liable for the bonded indebtedness of the district of which it was a part, the governing board of such new or existing district may order an election in such district upon receiving a petition of 10 percent of the qualified electors residing in such portion requesting it to do so or upon adopting a resolution of the governing board of such new or existing district, to determine whether the new or existing district shall assume the portion of the bonded indebtedness of the district of which the portion was formerly a part and for which the portion remains liable after being included in the new or existing district. The election shall be called, held, and conducted by the county superintendent of schools pursuant to Section 1644.

CHAPTER 1062

An act to amend Section 69595 of the Government Code, relating to the courts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 69595 of the Government Code is amended to read:

69595. In the County of San Diego there shall be 20 judges of the superior court on or after October 1, 1965. On or after October 1, 1966, there shall be 21 judges.

CHAPTER 1063

An act to amend Sections 14202 and 14212 of, to add Sections 14204, 14205 and 14206 to, and to repeal Sections 14204, 14205, 14206, 14207 and 14208 of, the Education Code, relating to public contributions to the State Teachers' Retirement System.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 14202 of the Education Code is amended to read:

14202. The county superintendent of schools of each county shall certify to the Retirement Board, on or before the 15th of each May and December

(a) The number of members of the system who appear on the last payroll in the current school year of the respective school districts in the county, preceding the respective dates or who, at the end of the respective periods covered by the payrolls, were on leave of absence granted for service included in Section 14061 and

(b) The number of his deputies and certificated employees, including himself, who are members of the system and appear on the last payroll in the current school year, preceding the respective dates.

SEC. 2. Section 14204 of said code is repealed.

SEC. 3. Section 14204 is added to said code, to read:

14204. Except as provided in Sections 755 and 14203 the contribution to the Permanent Fund for any member whose compensation is paid part from funds of two or more districts or other employing agencies shall be prorated between such

funds in proportion to the amount of compensation paid from each fund.

SEC. 4. Section 14205 of said code is repealed.

SEC. 5. Section 14205 is added to said code, to read:

14205. On or before the 15th of each May and December,

(a) For members whose compensation is paid by the school districts, the county superintendent of schools shall draw requisitions against the funds of the respective school districts within the county, and in favor of the Teachers' Retirement Deposit Fund

(b) For members whose compensation is paid by him, the county superintendent of schools shall draw requisitions against the funds from which salaries were paid, and in favor of the Teachers' Retirement Deposit Fund

(c) For members whose compensation is paid by the county, the county auditor shall transfer from the funds from which the salaries were paid, to the Teachers' Retirement Deposit Fund

in amounts equal to the contributions required by Section 14201 and said amounts shall be deposited in the county treasury to the credit of said fund. The county superintendent of schools thereupon shall draw his requisition against the Teachers' Retirement Deposit Fund in favor of the State Teachers' Retirement System for the amount of said district and other agency contributions and the requisition, when allowed and signed by the county auditor, shall constitute a warrant against the county treasurer. The county superintendent of schools thereupon shall forward the warrant to the Retirement Board in Sacramento along with such reports relative thereto as the board may require.

SEC. 6. Section 14206 of said code is repealed.

SEC. 7. Section 14206 is added to said code, to read:

14206. Employing agencies, other than school districts, the county superintendent of schools, counties or agencies defined in Section 14209, shall remit to the Retirement Board the contributions required by Section 14201 in the same manner and at the times required by Section 14122 and such remittance shall be accompanied by such reports relating thereto as the board may require.

SEC. 8. Section 14207 of said code is repealed.

SEC. 9. Section 14208 of said code is repealed.

SEC. 10. Section 14212 of the Education Code is amended to read:

14212. Within 30 days after the close of each calendar month,

(a) For members whose compensation is paid by the school districts, the county superintendent of schools shall draw requisitions against the funds of the respective school districts within the county, and in favor of the Teachers' Retirement Deposit Fund

(b) For members whose compensation is paid by him the county superintendent of schools shall draw requisitions

against the funds from which salaries were paid, and in favor of the Teachers' Retirement Deposit Fund

(c) For members whose compensation is paid by the county, the county auditor shall transfer from the funds from which the salaries were paid, to the Teachers' Retirement Deposit Fund

in amounts equal to the contributions required by Section 14211 and said amounts shall be deposited in the county treasury to the credit of said fund. The county superintendent of schools thereupon shall draw his requisition against the Teachers' Retirement Deposit Fund in favor of the State Teachers' Retirement System for the amount of said district and other agency contributions and the requisition, when allowed and signed by the county auditor, shall constitute a warrant against the county treasurer. The county superintendent of schools thereupon shall forward the warrant to the Retirement Board in Sacramento along with such reports relating thereto as the board may require.

CHAPTER 1064

An act to add Section 232.5 to the Civil Code, relating to child custody.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 232.5 is added to the Civil Code, to read:

232.5. The provisions of this chapter shall be liberally construed to serve and protect the interests and welfare of the child.

CHAPTER 1065

An act to amend Section 232 of the Civil Code, relating to child custody.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 232 of the Civil Code is amended to read:

232. An action may be brought for the purpose of having any person under the age of 21 years declared free from the custody and control of either or both of his parents when such person comes within any of the following descriptions:

(a) Who has been left by both of his parents or his sole parent in the care and custody of another without any provision for his support, or without communication from such parent or parents, for the period of six months with the intent on the part of such parent or parents to abandon such person. Such failure to provide, or such failure to communicate for the period of six months, shall be presumptive evidence of the intent to abandon. Such person shall be deemed and called a person abandoned by the parent or parents abandoning him. If in the opinion of the court the evidence indicates that such parent or parents have made only token efforts to support or communicate with the child, the court may declare the child abandoned by such parent or parents.

The fact that a child is in a foster care home, licensed under subdivision (a) of Section 1620 of the Welfare and Institutions Code, shall not prevent a licensed adoption agency which is planning adoption placement for the child, from instituting, under this subdivision, an action to declare such child free from the custody and control of his parents. When the requesting agency is a licensed county adoption agency, the county counsel and if there is no county counsel, the district attorney shall institute such action.

(b) Who has been cruelly treated or neglected by either or both of his parents, if such person has been a dependent child of the juvenile court, and such parent or parents deprived of his custody because of such cruel treatment or neglect, for the period of one year continuously immediately prior to the filing of a petition praying that he be declared free from the custody and control of such cruel or neglectful parent or parents.

(c) Whose parent or parents are habitually intemperate, or morally depraved, if such person has been a dependent child of the juvenile court, and the parent or parents deprived of his custody because of such intemperance, or moral depravity, for the period of one year continuously immediately prior to the filing of the petition praying that he be declared free from the custody and control of such habitually intemperate or morally depraved parent or parents.

(d) Whose parent or parents are deprived of their civil rights due to the conviction of a felony, if the felony of which such parent or parents were convicted is of such nature as to prove the unfitness of such parent or parents to have the future custody and control of the child, or if any term of sentence of such parent or parents is of such length that the child will be deprived of a normal home for a period of years.

(e) Whose parent or parents have, in a divorce action, been found to have committed adultery and been divorced on that ground, if the court finds that the future welfare of the child will be promoted by an order depriving such parent or parents of the control and custody of the child.

(f) Whose parent or parents have been declared by a court of competent jurisdiction to be mentally deficient or mentally

ill, if the State Director of Mental Hygiene and the superintendent of the state hospital of which, if any, such parent or parents are inmates or patients certify that such parent or parents so declared to be mentally deficient or mentally ill will not be capable of supporting or controlling the child in a proper manner.

A licensed adoption agency may institute under this section, an action to declare a child, as described in this section, free from the custody and control of his parents. When the requesting agency is a licensed county adoption agency, the county counsel, or if there is no county counsel, the district attorney shall in a proper case institute such action.

CHAPTER 1066

An act to add Section 21709 to the Education Code, relating to school districts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 21709 is added to the Education Code, to read:

21709. (a) The governing board of each school district shall, within 30 days after the end of each fiscal year, submit to the county superintendent of schools who has jurisdiction over the school district a report containing the following information, concerning any election held pursuant to Sections 1644, 1644.1, 1822, 1822.1, 1822.2, 1822.3, 1822.4, 19590, 21751 and 21752 for the approval of the issuance of bonds or the assumption of any bonded indebtedness or other indebtedness:

(1) The total amount of the bond issue, bonded indebtedness or other indebtedness involved.

(2) The percentage of registered electors of the district who voted at the election.

(3) The results of the election, with the percentage of votes cast for and against the proposition involved.

(b) The county superintendent of schools of each county shall compile the information received under subdivision (a) and within 60 days after the end of each fiscal year transmit his compilation to the State Department of Education.

CHAPTER 1067

An act to add Section 1262.5 to the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 1262.5 is added to the Unemployment Insurance Code, to read:

1262.5. (a) Whenever the department learns that a trade dispute is in progress, the department shall conduct a preliminary investigation and shall establish a class or classes of claimants based upon the ultimate facts of general and common application as to the eligibility of the members of such class or classes and shall make a preliminary determination as to whether or not any class or classes of employees involved in the dispute may be, or are, ineligible pursuant to Section 1262 from receiving benefits during the dispute.

(b) If in the opinion of the department 100 or more persons involved are likely to be finally individually determined to be not ineligible under Section 1262, the department shall transmit a notice of its preliminary determination to each employer and labor organization involved in the dispute.

(c) The department shall promptly publish its preliminary determination in two newspapers of general circulation in the geographical areas wherein the dispute is occurring.

(d) An employer involved in the trade dispute or a union whose members have been determined to be ineligible by the preliminary determination may within 10 days after such publication file an appeal. Except as provided in this section, the proceedings on the appeal shall be conducted in the same manner as those conducted under Article 3 (commencing with Section 1326) of Chapter 5 of this part with respect to benefit claims.

(e) A hearing on an appeal filed by an employer or a union concerning a preliminary determination shall be held not later than 25 days after publication of the preliminary determination. Notice of the hearing shall be published in two newspapers of general circulation in the geographical area involved not later than five days prior to the hearing.

(f) The only issues which may be raised at a hearing held on an appeal shall be whether or not the department has correctly (i) established the class or classes of employees, and (ii) determined that the specified class or classes are not ineligible under Section 1262.

(g) The referee may affirm, modify or reverse the preliminary determination of the department. He shall issue his decision within 10 days, if practicable, after the conclusion of the hearing.

(h) The first paragraph of Section 1335(b) shall not apply to proceedings pursuant to this section. At such time as the determination under this section has become final, the payment of benefits, if any are payable, shall not thereafter be withheld solely because the same issue or issues which had become final in a determination hereunder are raised in an appeal involving an individual claimant.

(i) Nothing contained herein shall preclude an employer or a claimant from contesting the determination of the eligibility of an individual for benefits or his inclusion within one of the classes determined not to be disqualified or otherwise limit appeal rights specified in this part.

CHAPTER 1068

An act to add Section 374e to the Penal Code, relating to litter.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 374e is added to the Penal Code, to read:

374e. Every person who throws, places, discards, deposits or dumps, or causes to be thrown, placed, discarded, deposited or dumped, any trash, refuse, paper, bottle, can, garbage, carcass of any bird or mammal, or rubbish into any bay, lagoon, channel, river, creek, slough, canal, lake or reservoir, or other stream or body of water, or upon a bank, beach or shore within 150 feet of the high-water mark of any such water, is guilty of a misdemeanor.

CHAPTER 1069

An act to amend Sections 6348, 6348.1, and 6348.3 of the Business and Professions Code, relating to law libraries

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 6348 of the Business and Professions Code is amended to read:

6348. A board may expend surplus funds in excess of ten thousand dollars ($10,000) under its control, not necessary for use to maintain the law library, to acquire or lease real property and erect thereon a library building to house the law library. In the alternative, a board of law library trustees may appropriate from such surplus funds in excess of ten thousand

dollars ($10,000), so much as in the discretion of said board may be necessary to obtain adequate quarters for the law library in any building hereafter erected by the board of supervisors of the county in which the law library is maintained. The moneys so appropriated shall not be more than the proportion of the total cost of such building which the space allotted to the law library bears to the total usable space in the building. The moneys so appropriated may be transferred to the board of supervisors of the county for use in erecting the building, or may be paid directly on contracts for the erection thereof made by the board of supervisors.

SEC. 2. Section 6348.1 of said code is amended to read:

6348.1. An appropriation to obtain quarters for the law library in a building to be erected by the board of supervisors of the county, may be made subject to such terms and conditions, including approval of plans and specifications, and regarding maintenance and use of the quarters, as may be mutually agreed upon by the board of law library trustees and the board of supervisors.

Where a board of law library trustees determines to erect a library building to house the law library, the State of California or the county or the city in which the building is to be located, may set apart and dedicate or lease land owned by any of them for the permanent use of the building and access thereto.

SEC. 3. Section 6348.3 of said code is amended to read:

6348.3 A library building erected to house the law library may include not more than four courtrooms with offices in connection therewith, offices for use of a county bar association, and an office for a notary public and public stenographer, which courtrooms and offices board of law library trustees may lease, the income to be deposited in the law library fund.

CHAPTER 1070

An act to amend Sections 13551, 13554, 15301, and 15402 of, and to add Sections 13560, 15301.5 and 15310, and to add Article 5 (commencing with Section 13691) to Chapter 4, Part 8, Division 2 of, and to repeal Sections 13552 and 15303 and Article 5 (commencing with Section 13691) of Chapter 4 of Part 8 of Division 2 of, the Revenue and Taxation Code, relating to inheritance and gift taxation.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 13551 of the Revenue and Taxation Code is amended to read:

13551. Upon the death of a spouse:

(a) None of the community property transferred to a spouse is subject to this part, except as provided in Section 13694.

(b) All of the decedent's half interest in the community property passing to anyone other than the surviving spouse is subject to this part.

SEC. 2. Section 13552 of said code is repealed.

SEC. 3. Section 13554 of said code is amended to read:

13554. Where community property is transferred within the provisions of Chapter 4 of this part other than by will or the laws of succession from one spouse to the other, the property transferred is not subject to this part except as provided in Section 13694.

SEC. 4. Section 13560 is added to said code, to read:

13560. If one spouse makes a gift of an interest in separate property to the other and the interest so given, together with an equal interest retained by the donor, becomes their community property, such equal interests shall be treated as held by them as their separate property, and not as community property, for purposes of this part.

SEC. 5. Article 5 (commencing with Section 13691) of Chapter 4 of Part 8 of Division 2 of said code is repealed.

SEC. 6. Article 5 (commencing with Section 13691) is added to Chapter 4 of Part 8 of Division 2 of said code, to read:

Article 5. Powers of Appointment

13691. "Charitable beneficiary," as used in this article, means a transferee of property which is within the exemption specified in Article 3 (commencing with Section 13841) of Chapter 5 of this part.

13692. "General power of appointment" means a power which is exercisable in favor of the decedent, his estate, his creditors, or the creditors of his estate, provided that the following shall not be deemed to be general powers of appointment:

(a) A power to consume, invade, or appropriate property for the benefit of the decedent which is limited by an ascertainable standard relating to the health, education, support, or maintenance of the decedent.

(b) A power not exercisable by the decedent except in conjunction with the creator of the power.

(c) A power not exercisable by the decedent except in conjunction with a person having a substantial interest in the property subject to the power, which is adverse to exercise of the power in favor of the decedent. For the purposes of this subsection a person who, after the death of the decedent, may be possessed of a power of appointment (with respect to the property subject to the decedent's power) which he may exercise in his own favor shall be deemed as having an interest in the property and such interest shall be deemed adverse to such exercise of the decedent's power.

If the power is exercisable by the decedent only in conjunction with another person and if after the application of subdivisions (b) and (c) the power is a general power of

appointment and is exercisable in favor of such other person, such power shall be deemed a general power of appointment only in respect of a fractional part of the property subject to such power, such part to be determined by dividing the value of such property by the number of such persons (including the decedent) in favor of whom such power is exercisable.

For purposes of subdivisions (b) and (c) of this section, a power shall be deemed to be exercisable in favor of a person if it is exercisable in favor of such person, his estate, his creditors or the creditors of his estate.

13693. "Limited power of appointment" means a power which does not qualify under the preceding section as a general power of appointment.

13694. Except as otherwise provided in this article, a gift of a general or limited power of appointment made in conjunction with a disposition of property otherwise subject to this part effected before or after 5 p.m. of June 25, 1935, is a transfer subject to this part from the donor to the donee at the date of the donor's death, except that if a power of appointment over any portion or all of the donor's half interest in community property is given to the donor's spouse, the value of any interest, other than the power itself, given the donee in such property subject to such power, up to but not exceeding the value of a life estate therein of the donee, is not subject to this part.

13695. Where a limited power of appointment given in conjunction with a disposition of property effected before 5 p.m. of June 25, 1935, by a donor who died prior to that date, is exercised after that date by the donee, the exercise of the power is a transfer subject to this part from the donee to the person appointed at the time of the exercise, as though the property to which the power relates belonged absolutely to the donee and is transferred by him by will.

13696. If at the time of his death a decedent has a general power of appointment with respect to property, the exercise of the power is subject to this part as a transfer of the property from the decedent to the person to whom the property is appointed and the decedent's failure to exercise the power is subject to this part as a transfer of the property from the decedent to the person to whom the property passes by virtue of the nonexercise of the power. For purposes of this section, the power of appointment shall be considered to exist on the date of the decedent's death even though the exercise of the power is subject to a precedent giving a notice or even though the exercise of the power takes effect only on the expiration of a stated period after its exercise, whether or not on or before the date of the decedent's death notice has been given or the power has been exercised.

13697. The exercise or release by the decedent during his lifetime of a power with respect to property which, but for such exercise or release would be subject to tax by virtue of

the preceding section, is a transfer subject to this part if the exercise or release is of such a nature that if it were a transfer of property owned by the decedent such transfer would be subject to this part under Article 3 of Chapter 4 of this part. A disclaimer or renunciation of such a power of appointment shall not be deemed a release of such power.

The lapse of a power of appointment during the life of the individual possessing the power shall be considered a release of such power. The preceding sentence shall apply with respect to the lapse of powers during any calendar year only to the extent that the property, which could have been appointed by exercise of such lapsed powers, exceeded in value, at the time of such lapse, the greater of the following amounts:

(a) Five thousand dollars ($5,000), or

(b) Five percent of the aggregate value, at the time of such lapse, of the assets out of which, or the proceeds of which, at the exercise of the lapsed powers could have been satisfied.

13698. If at the date of the donor's death a power of appointment is irrevocably limited, in whole or in part, to be exercised in favor of a charitable beneficiary, to the extent that it is so limited the gift of the power is not a transfer subject to this part from the donor to the donee.

13699. In the case of a gift of a limited power of appointment, if the donee irrevocably exercises, or obligates himself to exercise, the power, in whole or in part, in favor of a charitable beneficiary before any tax on the gift has been finally determined, to the extent that the power is so exercised, or obliged to be exercised, the gift of the power shall be deemed a transfer to the charitable beneficiary.

13700. If a gift of a limited power of appointment is taxed under this part as a transfer from the donor to the donee, and thereafter the donee irrevocably exercises, or obligates himself to exercise, the power, in whole or in part, in favor of a charitable beneficiary, the court which originally fixed the tax, on satisfactory proof to it, pursuant to an application after notice to the Controller made within six months after execution of the document exercising the power, or obliging the donee to exercise the power, in favor of the charitable beneficiary, shall modify its original order fixing the tax by a new order based upon a computation wherein the charitable beneficiary shall be deemed to be the transferee to the extent the power is exercised or is obligated to be exercised in its favor.

13701. If a gift of a limited power of appointment is taxed under this part as a transfer from the donor to the donee, and thereafter, as the result of a nonexercise of the power, in whole or in part, the whole or any part of the property subject to the power passes to a charitable beneficiary, the court which originally fixed the tax, on satisfactory proof to it, pursuant to an application after notice to the Controller made within six months after the passage of the property to the charitable beneficiary, shall modify its original order fixing the tax by a new order based upon a computation wherein the charitable beneficiary shall be deemed to be the transferee to the extent

the power is exercised or is obligated to be exercised in its favor.

SEC. 7. Section 15105.5 is added to said code, to read:

15105.5. The exercise or release of a general power of appointment shall, for the purposes of this part be deemed a transfer of the property subject to the power by the individual possessing the power.

The lapse of a power of appointment during the life of the individual possessing the power shall be considered a release of such power. The rule of the preceding sentence shall apply with respect to the lapse of powers during any calendar year only to the extent that the property which could have been appointed by exercise of such lapsed powers exceeds in value the greater of the following amounts:

(a) Five thousand dollars ($5,000), or

(b) Five percent of the aggregate value of the assets out of which, or the proceeds of which the exercise of the lapsed power could be satisfied.

A disclaimer or a renunciation of such power shall not be deemed a release of the power.

For purposes of this section, the term "general power of appointment" means a power which is exercisable in favor of the individual possessing the power (hereafter in this section referred to as the "possessor"), his estate, his creditors, or the creditors of his estate, provided that the following shall not be deemed to be general powers of appointment:

(a) A power to consume, invade, or appropriate property for the benefit of the possessor which is limited by an ascertainable standard relating to the health, education, support, or maintenance of the possessor.

(b) A power not exercisable by the possessor except in conjunction with the creator of the power.

(c) A power not exercisable by the possessor except in conjunction with a person having a substantial interest in the property subject to the power, which is adverse to exercise of the power in favor of the possessor. For the purposes of this subsection a person who, after the death of the possessor, may be possessed of a power of appointment (with respect to the property subject to the possessor's power) which he may exercise in his own favor shall be deemed as having an interest in the property and such interest shall be deemed adverse to such exercise of the possessor's power.

If the power is exercisable by the possessor only in conjunction with another person and if after the application of subdivisions (b) and (c) the power is a general power of appointment and is exercisable in favor of such other person, such power shall be deemed a general power of appointment only in respect of a fractional part of the property subject to such power, such part to be determined by dividing the value of such property by the number of such persons (including the possessor) in favor of whom such power is exercisable.

For purposes of subdivisions (b) and (c) of this section a power shall be deemed to be exercisable in favor of a person if it is exercisable in favor of such person, his estate, his creditors, or the creditors of his estate.

SEC. 8. Section 15301 of said code is amended to read:

15301. In the case of a transfer to either spouse by the other of community property, none of the property transferred is subject to this part.

SEC. 9. Section 15301.5 is added to said code, to read:

15301.5. In the case of a transfer to either spouse by the other of quasi-community property, one-half of the property transferred is subject to this part.

SEC. 10. Section 15303 of said code is repealed.

SEC. 11. Section 15310 is added to said code, to read:

15310. If one spouse makes a gift of an interest in separate property to the other and the interest so given, together with an equal interest retained by the donor, becomes their community property, such equal interests shall be treated as held by them as their separate property, and not as community property, for purposes of this part.

SEC. 12. Section 15402 of said code is amended to read:

15402. The exemption allowed by this article shall not apply to a future interest in property; provided, that no part of a gift to an individual who has not attained the age of 21 years on the date of such transfer shall be considered a gift of a future interest in property for the purposes of this section if the property and the income therefrom may be expended by, or for the benefit of, the donee before his attaining the age of 21 years, and will to the extent not so expended pass to the donee on his attaining the age of 21 years, and in the event the donee dies before attaining the age of 21 years, be payable to the estate of the donee or as he may appoint under an unlimited power of appointment.

CHAPTER 1071

An act to amend Section 13716 of the Education Code, relating to apprentice employees in merit system school districts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 13716 of the Education Code is amended to read:

13716. The commission may classify as apprentice positions certain positions where the principal requirement is that of learning to perform efficiently, by study and practice, specific duties concerning which a definite plan of systematic instruction and special supervision has been approved by the California Apprenticeship Council for the designated trade.

The apprenticeship training plan adopted by the governing board of the school district must be approved by the California Apprenticeship Council.

No assignment to any position classified as an apprentice position shall be allowed to continue beyond the predetermined apprenticeship period approved by the California Apprenticeship Council for the designated trade, except that the school district's joint apprenticeship committee may approve retention of an employee as an apprentice up to six months beyond the predetermined apprentice period.

Selection of eligibles shall be made in accordance with their position on employment lists established by competitive or qualifying examinations.

The provisions of Section 13592 of this code shall be applicable to apprentice positions, provided that relative age may be considered as a factor in the ranking of candidates for apprentice positions.

Credit for prior training in a regularly indentured apprenticeship program shall be given to qualified candidates.

In all cases of apprenticeship probationary periods, the standards of duration and qualifications shall be fixed by the commission insofar as they do not exceed the maximum standards set up by the California Apprenticeship Council. Termination for cause may be prescribed for any apprentice who fails to attain the predetermined standards of apprenticeship or for causes as prescribed by the rules of the commission.

The commission shall recommend to the governing board a graduated scale of compensation rates for the various levels of apprentices, taking into consideration the percentage relationship to the districts' journeyman wage of the trade as provided in the statement of policies of the California Apprenticeship Council.

The commission may determine that promotional examinations shall be held for entrance into various levels of apprentice positions and entrance into journeyman positions in a skilled trade.

CHAPTER 1072

An act to amend Section 2101 of, and to add Section 2101.5 to, the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 2101 of the Unemployment Insurance Code is amended to read:

2101. It is a misdemeanor to willfully make a false statement or representation or knowingly fail to disclose a material fact to obtain, increase, reduce, or defeat any benefit or pay-

ment, whether for the maker or for any other person, under any of the following statutes administered by the department:

(a) The provisions of this division.

(b) The provisions of any unemployment insurance law of the federal government.

(c) The provisions of any training allowance law of the federal government.

(d) The provisions of any trade readjustment allowance law of the federal government.

(e) The provisions of any other allowance law of the federal government.

SEC. 2. Section 2101.5 is added to said code, to read:

2101.5. It is a misdemeanor to willfully make a false statement or representation or knowingly fail to disclose a material fact for the purpose of lowering or avoiding any contribution required of the maker or other person, or to avoid becoming or remaining subject to this division.

SEC. 3. The amendment to Section 2101 of, and the addition of Section 2101.5 to, the Unemployment Insurance Code made by this act shall be operative with respect to acts or omissions commencing on and after the effective date of this act, and the provisions of Section 2101 of said code in effect prior to such amendment and addition shall continue to be applicable with respect to acts or omissions commencing prior to the effective date of this act.

CHAPTER 1073

An act to add Section 23758.2 to the Education Code, relating to the California State Colleges.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 23758.2 is added to the Education Code, to read:

23758.2. The trustees may enter into agreements with public colleges and universities in other states whereby qualified students from a state college may attend such other college or university without payment of any tuition fee charged by that institution to persons who are nonresidents of the state in which it is situate, and students from that institution may attend a state college without payment of the nonresident tuition established pursuant to Section 23754. No nonresident tuition shall be charged of students attending a state college pursuant to an agreement entered into under this section; provided, that during any year, the number of students attending state colleges from a particular public college or university in another state, pursuant to such agreement, shall not exceed the number of state college students attending such institution under that agreement.

CHAPTER 1074

An act to add Section 12.4 to the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), relating to the powers of the district.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 12.4 is added to the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), to read:

Sec. 12.4. As an alternative to the provisions of this act, the provisions of the Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915 may be applicable for the construction of any facility within the powers of the district. The rights, powers, duties, responsibilities and jurisdiction conferred upon the various boards, officers, and agents of a city by the acts specified above shall be exercised by the corresponding board, officers, and agents of the district. In the application of the acts specified above, the proceedings instituted by the district, the terms used in the acts specified above have the following meaning:

(a) "City council" or "council" means the board of supervisors of Alameda County Flood Control and Water Conservation District.

(b) "Municipality" or "city" means the district.

(c) "Superintendent of streets," "street superintendent" or "city engineer" means the director of public works of the district.

(d) "Tax collector" means the county tax collector.

(e) "Treasurer" or "city treasurer" means the treasurer of the district.

(f) "Mayor" means the chairman of the board.

(g) "Clerk" and "city clerk" mean the clerk to the board of supervisors.

(h) "Right-of-way" means any parcel of land in, on, under, or through which a right-of-way or easement has been granted to the district for the purpose of constructing or maintaining any district works or improvements.

Any certificates or documents required by the acts specified above to be filed or recorded in the office of the superintendent of streets or of the street superintendent shall be filed or recorded in the office of the director of public works of the district.

The rights, powers, duties, responsibilities, and jurisdiction conferred upon officers and agents of cities by the acts specified herein shall be exercised or assumed, as the case may be, by the respective boards, officers and agents of the district.

The improvements herein authorized to be constructed are restricted to those permitted to be constructed or acquired pursuant to the powers of the district.

No assessment or bond hereafter levied or issued pursuant to any of the improvement acts specified herein shall become a lien and no person shall be deemed to have notice thereof until a certified copy of said assessment and the diagram thereto attached shall be recorded in the office of the county recorder if the improvement district or any part thereof is unincorporated territory and the superintendent of streets of the city or cities of the improvement district or any part thereof is in incorporated territory.

CHAPTER 1075

An act to add Section 12.3 to the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes 1949), relating to notice of establishment of benefit areas and special drainage areas.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 12.3 is added to the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes 1949), to read:

Sec. 12.3. Prior to the establishment of any special benefit area pursuant to Section 12.1 or special drainage area pursuant to Section 12.2 of this act, the board shall adopt a resolution specifying its intention to establish such benefit area or special drainage area. Such resolution shall refer to a map or maps showing the general location of such area and be accompanied by a proposed ordinance prescribing whatever fees and charges are to be imposed therein and fixing a time and place for public hearing of the resolution.

The notices required to be given for such hearing, the procedures to be followed at such hearing, including objections, protests and persons qualified to enter a protest shall comply substantially with the requirements of Section 11 of this act.

The provisions of this section shall be exclusive in determining the proper procedure for the establishment of any special benefit area pursuant to Section 12.1 or special drainage area, pursuant to Section 12.2, any other provision of law notwithstanding.

CHAPTER 1076

An act to amend Section 12.2 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes 1949), relating to special drainage areas.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 12.2 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes 1949), is amended to read:

Sec. 12.2. The board of supervisors, by resolution thereof adopted from time to time, may establish special drainage areas within the district without reference to the boundaries of other zones or special drainage areas, setting forth in such resolutions descriptions thereof by metes and bounds and entitling each of such areas by an area designation or number, and institute drainage plans for the specific benefit of such areas.

Before acquiring authority to proceed with the establishment of any special drainage area, the exterior boundaries of which will include any land lying within the exterior boundary of any chartered or incorporated city within the district, the board shall first obtain the concurrence of such city by a resolution or ordinance adopted by a majority of the members of the city council of such city.

A special drainage area may include all lands contributing to the drainage requirements of an area, excluding such lands as are already developed or those adequately served by existing local drainage facilities serving the area at the time of the adoption of a plan for additional drainage facilities.

Whenever drainage facilities, conforming to the instituted drainage plan, are required in the development of any land within a special drainage area and where, in the opinion of the board, it is necessary that other facilities be constructed which can be, or will be, used for the benefit of other property in the drainage area, and such drainage facilities are dedicated to the public, the board may contract with the developer and agree to reimburse, and may reimburse him, for all or any portion of such drainage facilities. Such contract shall provide that the board may collect a reasonable charge from any person, corporation or agency using such facilities for the benefit of other property in the special drainage area.

Fees may be collected pursuant to this section for payment of all or any portion of any such drainage facility costs if the costs, whether actual or estimated, are based upon findings by the board, that development of property within the planned special drainage area will require construction of the facilities described in the drainage plan, and that fees are fairly apportioned within the local drainage area on the basis

of benefits conferred on property within the area. The fee as to any property within the special drainage area may be charged as a condition precedent to the development of such property, and no building permit therefor shall be issued until payment thereof, and said fee shall not exceed the pro rata share of the amount of the total actual or estimated costs of all such drainage facilities within the special drainage area which would be assessable on such property if such costs were apportioned on a uniform fee schedule, excluding, however, such property within the area as, in the opinion of the board, is incapable of development.

The fees collected by the district, pursuant to this section, shall be paid into a special drainage facilities fund. A separate fund shall be established for each special drainage area. Any money placed in such fund shall be expended solely for land acquisition, construction, engineering, repair, maintenance and operation or reimbursement for the same, in whole or in part, of local drainage facilities within the planned special drainage area from which the fees comprising the fund were collected.

The term "developer," as used herein, shall include a subdivider, industrial developer, or any person, corporation, district, public or private agency, or group that may participate in the special drainage facilities constructed pursuant to this section.

Any drainage facilities constructed in any special drainage area may be installed by the developer at his sole cost and expense in accordance with plans and specifications prepared or approved by the district, by the district with its own funds, or by the district with funds supplied by the developer, and the cost thereof may be collected and repaid, in whole or in part, in the manner provided for in this section.

CHAPTER 1077

An act to amend Section 11102 of the Vehicle Code, relating to driving schools.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1 Section 11102 of the Vehicle Code is amended to read:

11102. (a) Every person, in order to qualify to operate a driving school shall meet the following requirements:

(1) Be of good moral character.

(2) Maintain an established place of business open to the public. No office or place of business shall be established within 200 feet of any building used by the department as an office after September 8, 1953.

(3) Have the equipment necessary to the giving of proper instruction in the operation of motor vehicles.

(4) Pay to the department an examination fee of one hundred dollars ($100) which shall entitle the applicant to three examinations within a period of one year, and a license fee of twenty-five dollars ($25).

(5) Be 21 years of age or older.

(6) Have worked for an established licensed driver training school as a driving instructor for a period of not less than 1,000 hours, except that this paragraph does not apply to any person who holds a general secondary credential or a special secondary credential in public safety, including driver education and driver training.

(b) The qualifying requirements referred to in this section shall be met within one year from the date of application for a license or a new application, examination and fee shall be required.

CHAPTER 1078

An act to amend Section 25507 of the Corporations Code, relating to corporate securities.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 25507 of the Corporations Code is amended to read:

25507. If the commissioner finds that the proposed plan of business of the applicant and the proposed issuance of securities are fair, just, and equitable, that the applicant intends to transact its business fairly and honestly, and that the securities that it proposes to issue and the method to be used by it in issuing or disposing of them are not such as, in his opinion, will work a fraud upon the purchaser thereof, the commissioner shall issue to the applicant a permit authorizing it to issue and dispose of securities, as therein provided, in this state, in such amounts and for such considerations and upon such terms and conditions as the commissioner may provide in the permit. Otherwise, he shall deny the application and refuse the permit, and notify the applicant in writing of his decision.

If a permit to issue or sell securities (except notes, bonds, debentures, or other evidences of indebtedness, whether interest bearing or not) of a company organized under the laws of this state exclusively for social purposes and not for pecuniary profit, no part of the earnings of which inures to the benefit of any private shareholder or individual, terminates by reason of mere lapse of time, it shall be extended, upon application and without the payment of additional fees, for a reasonable period of time.

CHAPTER 1079

An act to add Section 5.1 to the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), relating to the collection, treatment, reclamation, and disposal of waste waters within the district.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 5.1 is added to the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), to read:

Sec. 5.1. The district shall have, in addition to the other powers vested in it by this act, the following powers:

To control, distribute, store, spread, sink, treat, purify, recapture and salvage any water, including but not limited to sewage waters for the beneficial use or uses of the district or its inhabitants or the owners of rights to waters therein. The district may also acquire, construct, and operate facilities for the collection, treatment, and disposal of sewage, waste and storm water of the district and its inhabitants and may contract with any public agency concerning facilities and services.

CHAPTER 1080

An act to add Section 2145.5 to the Business and Professions Code, relating to medicine.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 2145.5 is added to the Business and Professions Code, to read:

2145.5. In exceptional cases, when clearly outstanding physicians who are leaders in important fields in medicine and surgery and who are graduates of medical schools other than those of the United States or Canada are greatly needed to fill important full-time faculty positions in approved California medical schools for the teaching of medical students who are candidates for the degree "doctor of medicine," and such full-time faculty physicians and surgeons cannot be recruited from graduates of approved medical schools in the United States and Canada, and if such physician has been offered by the dean of the medical school a full-time faculty appointment, the Board of Medical Examiners may review the credentials of such physician and may decide whether to require such

physician to pass an oral or a written examination in order to satisfy criteria for such appointment, and if authorized by the board, such physician may engage in the full-time teaching of medicine, but shall not engage in the practice of medicine nor hold himself out as a physician and surgeon in this state.

CHAPTER 1081

An act to amend Section 7052 of the Education Code, relating to school libraries.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965]

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

SECTION 1. Section 7052 of the Education Code is amended to read:

7052. The libraries shall be open to the use of the teachers and the pupils of the district during the school day. In addition, the libraries may be open at such other hours, including evenings and Saturdays, as the governing board may determine. Libraries open to serve students during evening and Saturday hours shall be under the supervision of certificated personnel. Certificated personnel employed to perform full-time services in an elementary, junior high, or high school during the regular schoolday, may supervise, but shall not without their consent be required to supervise, a school library on evenings or Saturdays. If such a person agrees to supervise the school library during Saturday or evening hours, he shall be compensated in the amounts determined by the governing board of the district as indicated on the salary schedule.

CHAPTER 1082

An act to add Section 7033 to the Business and Professions Code, relating to the regulation of contractors.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 7033 is added to the Business and Professions Code, to read:

7033. Every city or city and county which requires the issuance of a business license as a condition precedent to engaging, within the city or city and county, in a business which is subject to regulation under this chapter, shall require that each licensee and each applicant for issuance or renewal of

such license shall file, or have on file, with such city or city and county, a signed statement that such licensee or applicant is licensed under the provisions of this chapter and stating that the license is in full force and effect, or, if such licensee or applicant is exempt from the provisions of this chapter, he shall furnish proof of the facts which entitle him to such exemption.

CHAPTER 1083

An act to add Section 119 to the Business and Professions Code, relating to business and professional licenses

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 119 is added to the Business and Professions Code, to read:

119. Any person who does any of the following is guilty of a misdemeanor:

(a) Displays or causes or permits to be displayed or has in his possession any canceled, revoked, suspended, fictitious, or fraudulently altered license, or any document simulating a license or purporting to be or to have been issued as a license.

(b) Lends his license to any other person or knowingly permits the use thereof by another.

(c) Displays or represents any license not issued to him as being his license.

(d) Fails or refuses to surrender to the issuing authority upon its lawful demand any license which has been suspended, revoked, or canceled.

(e) Permits any unlawful use of a license issued to him.

(f) Photographs, photostats, duplicates, or in any way reproduces any license or facsimile thereof in such a manner that it could be mistaken for a valid license, or displays or has in his possession any such photograph, photostat, duplicate, reproduction, or facsimile unless authorized by the provisions of this code.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration" or any other indicia giving authorization to engage in a business or profession regulated by this code or referred to in Sections 1000 and 3600.

CHAPTER 1084

An act to add Section 13884 to the Health and Safety Code, relating to fire protection districts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 13884 is added to the Health and Safety Code, to read:

13884. Where the board of directors is composed of the supervising authority, the board by resolution may appoint five commissioners to act as its agents in managing the affairs of the district. The board may delegate any or all of its powers to the commissioners who may take action with reference to any and all matters delegated to them. The board shall determine whether the commissioners shall serve at the pleasure of the board, or for a term of four years subject to removal by the board for cause. If the commissioners are appointed for four-year terms, the terms shall be staggered so that not less than one nor more than two are to be regularly appointed in any one year.

CHAPTER 1085

An act to amend Section 50730 of the Water Code, relating to reclamation district elections.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 50730 of the Water Code is amended to read:

50730. There shall be an election in each district every two or four years as provided by the bylaws, and at such time and place in or near the district as designated by the board of supervisors. The costs of the election shall be a charge upon the district.

CHAPTER 1086

An act to add Sections 3031.5 and 7149.5 to the Fish and Game Code, relating to hunting and fishing licenses.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 3031.5 is added to the Fish and Game Code, to read:

3031.5. For the purpose of obtaining a hunting license, enrollees in the Job Corps, created by the Economic Opportunity Act of 1964 (Public Law 88-452), shall be deemed to be residents of California.

SEC. 2. Section 7149.5 is added to said code, to read:

7149.5. For the purpose of obtaining a sport fishing license, enrollees in the Job Corps, created by the Economic Opportunity Act of 1964 (Public Law 88-452), shall be deemed to be residents of California.

CHAPTER 1087

An act to amend Section 828.81 of the Agricultural Code, relating to standard containers.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 828.81 of the Agricultural Code is amended to read:

828.81. Tomato lug 53 ..... $11\frac{15}{16}$ x $11\frac{15}{16}$ x $18\frac{3}{4}$
Tomato lug 54 ..... $10\frac{5}{8}$ x $10\frac{5}{8}$ x $16\frac{13}{16}$ to $17\frac{3}{16}$
Tomato lug 55 ..... 10 to 11 x $11\frac{3}{8}$ x $18\frac{1}{2}$
Tomato lug 56 ..... $9\frac{1}{8}$ to 10 x $11\frac{3}{8}$ x 18 to $18\frac{1}{2}$
Tomato lug 57 ..... $10\frac{1}{4}$ to $11\frac{1}{4}$ x $10\frac{11}{16}$ x $16\frac{3}{8}$

Standard tomato lugs 55 and 56 when used with an "H" divider may measure $\frac{3}{8}$ inch less in width and $\frac{3}{8}$ inch less in length provided the side pieces of the "H" divider completely cover the entire area of both sides of the container and the center divider extends the full depth of the container.

CHAPTER 1088

An act to repeal and add Chapter 7 (commencing with Section 7076) of Division 4 of the Water Code, relating to the protection of ground water.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Chapter 7 (commencing with Section 7076) of Division 4 of the Water Code is repealed.

SEC. 2. Chapter 7 (commencing with Section 7076) is added to Division 4 of said code, to read:

CHAPTER 7. WATER WELLS

Article 1. Declaration of Policy

7076. The Legislature finds that the greater portion of the water used in this state is obtained from underground sources and that such waters are subject to impairment in quality and purity, causing detriment to the health, safety and welfare of the people of the state. The Legislature therefore declares that the people of the state have a primary interest in the location, construction, maintenance, abandonment and destruction of water wells, which activities directly affect the quality and purity of underground waters.

Article 2. Reports

7078. Every person who hereafter intends to dig, bore, or drill a water well, or who intends to deepen or reperforate any such well, shall file with the department a notice of intent to engage in such construction or repair prior to commencing such construction or repair; provided, that when such construction or repair must be accomplished immediately in order to prevent damage to persons or property due to the loss of an existing water supply, such notice shall be filed with the department as soon as possible thereafter, but in any event not more than five days after commencement of such construction or repair.

The report shall be made on forms furnished by the department and shall contain such information as the department may require, including, but not limited to: (a) description of the well site sufficiently exact to permit location and identification of the well; (b) proposed date of construction of well; (c) the use for which the water well is intended; (d) the work to be done and a description of type of construction; and (e) in event of late filing, the reasons therefor.

7079. Every person who hereafter digs, bores or drills a water well, or who deepens or reperforates any such well,

shall file with the department a report of completion of such well within 30 days after its construction or repair has been completed.

The report shall be made on forms furnished by the department and shall contain such information as the department may require, including, but not limited to: (a) description of the well site sufficiently exact to permit location and identification of the well; (b) detailed log of the well; (c) description of type of construction; (d) details of perforation; and (e) methods used for sealing off surface or contaminated waters.

7080. Reports made pursuant to Section 7079 shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, that any report shall be made available to any person who obtains a written authorization from the owner of the water well.

7081. Every person who hereafter converts, for use as a water well, any oil or gas well originally constructed under the jurisdiction of the Department of Conservation pursuant to the provisions of Article 4 (commencing with Section 3200), Chapter 1, Division 3 of the Public Resources Code, shall comply with all provisions of this chapter.

7082. Failure to comply with any provision of this chapter, or willful and deliberate falsification of any report required by this chapter, is a misdemeanor.

Before commencing prosecution against any person, other than for willful and deliberate falsification of any report required by this chapter, the person shall be given reasonable opportunity to comply with the provisions of this chapter.

7083. Nothing in this chapter shall affect the powers and duties of the State Department of Public Health with respect to water and water systems pursuant to Chapter 7 (commencing with Section 4010) of Division 5 of the Health and Safety Code, nor the requirement of compliance with said chapter.

CHAPTER 1089

An act to amend Section 28142 of the Government Code, relating to county officers.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 28142 of the Government Code is amended to read:

28142 In a county of the 42nd class the following shall receive as compensation for the services required of them by law or by virtue of their offices, the following sums:

(a) The auditor two thousand five hundred twenty dollars ($2,520) a year and in addition two hundred dollars ($200) annually for preparing the county budget when prepared by him. If the office of recorder is consolidated with that of auditor, the auditor as such shall receive no compensation.

(b) The district attorney, twelve thousand dollars ($12,000) a year and such fees as are paid to that officer.

(c) Each supervisor, three thousand six hundred dollars ($3,600) a year and eight cents ($0.08) a mile for mileage and expenses in traveling from his residence to the county seat, but only one mileage shall be allowed for any regular or special session of the board. Actual expense outside the county shall be allowed and paid.

(d) Grand jurors and trial jurors in the superior courts, three dollars and fifty cents ($3 50) for each day's attendance and seven cents ($0.07) for each mile necessarily traveled each way in attending court. In criminal cases the fees and mileage of the trial jurors in the superior court shall be paid by the treasurer out of the general fund of the county upon warrants drawn by the auditor upon the written order of the judge of the court in which the jurors were in attendance, and the treasurer of the county shall pay the warrants. The fees of jurors in justice courts shall be two dollars and fifty cents ($2.50) for each day's attendance and mileage at the rate of seven cents ($0.07) a mile each way traveled in attending court.

CHAPTER 1090

An act to amend Section 13294 of the Government Code, relating to the duties and powers of the Department of Finance.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 13294 of the Government Code is amended to read:

13294. The Department of Finance shall examine the books of the several state agencies as often as the director deems necessary, taking into consideration the work done by other auditors, including the internal auditors of the various state agencies, so that duplication of auditing effort may be minimized.

CHAPTER 1091

An act to add Section 13812.5 to the Health and Safety Code, relating to fire protection districts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 13812.5 is added to the Health and Safety Code, to read:

13812.5. Every district organized or reorganized pursuant to this part shall be designated by the name and style of "_____ Fire Protection District (using the name of the district) of _____ County" (using the name of the county in which the district is situated). Every fire department or district organized or reorganized pursuant to any law which this part supersedes or under any of the provisions of Part 3 (commencing with Section 14001) of this division which voluntarily or automatically comes under the provisions of this part shall be known and designated by the name and style set forth in this section.

This section shall apply to any fire department or district organized or reorganized from and after September 15, 1961. Every district which fails to redesignate its name to conform to the provisions of this section shall hereafter be known by the name and style set forth in this section.

CHAPTER 1092

An act to amend Section 22500 of the Vehicle Code, relating to vehicle parking.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 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, except that a bus engaged as a common carrier or a taxicab may stop in an unmarked crosswalk to load or unload passengers when authorized by the legislative body of any city pursuant to ordinance.

(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 1093

An act to add Section 31840.1 to the Government Code, relating to the County Employees' Retirement Law.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 31840.1 is added to the Government Code, to read:

31840.1. The provisions of this article extending rights to a member of a county retirement system established under this chapter or subjecting him to any limitation, by reason of his membership in the State Employees' Retirement System, shall apply in like manner and under like conditions to said member by reason of his membership in any retirement system maintained by the Regents of the University of California, provided said member enters any retirement system maintained by said regents pursuant to an agreement made on or after January 1, 1965, between said regents and a county making provision for the operation by said regents of all or any part of the hospital facilities of that county and for reciprocal university retirement system rights and limitations substantially comparable to those prescribed by this article.

CHAPTER 1094

An act to repeal Chapter 7 (commencing with Section 7300) of Part 4 of Division 6 of, and to add Chapter 7 (commencing with Section 7300), to Part 4 of Division 6 of, the Welfare and Institutions Code, relating to the Langley Porter Neuropsychiatric Institute.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Chapter 7 (commencing with Section 7300) of Part 4 of Division 6 of the Welfare and Institutions Code is repealed.

SEC. 2. Chapter 7 (commencing with Section 7300) of Part 4 of Division 6 is added to said code, to read:

CHAPTER 7. THE LANGLEY PORTER NEUROPSYCHIATRIC INSTITUTE

7300. A neuropsychiatric hospital for which an appropriation for planning was provided by Item 354 of the Budget Act of 1965 shall be established on the grounds of, or adjacent

to the campus of the University of California Medical School Center, San Francisco, which shall be the Langley Porter Neuropsychiatric Institute.

7301. As used in this chapter, "institute" means the Langley Porter Neuropsychiatric Institute established pursuant to Section 7300.

7302. Whenever in any provision of this code, or in any statute heretofore or hereafter enacted the term "the Langley Porter Clinic" is used, it shall be deemed to mean the Langley Porter Neuropsychiatric Institute.

7303. The institute shall be operated and maintained pursuant to a coordinating plan and agreement entered into by the Regents of the University of California and the Department of Mental Hygiene.

7304. The institute shall be conducted and maintained for diagnosis and treatment and for teaching and research in the field of neuropsychiatry and mental retardation to the end that critical shortages of trained personnel will be relieved and with the expectation that through research more rapid and economical treatment and preventive methods concerning mental disorders and retardation will be developed. The University of California shall utilize the facilities of the institute for teaching, research, and training in the field of neuropsychiatry and mental retardation. The Department of Mental Hygiene shall utilize the facilities of the institute for the care of patients and for such research and training as it may undertake in the field of neuropsychiatry and mental retardation. Admissions may be either on a voluntary basis after approval by the medical superintendent, or on transfer from another institution under the jurisdiction of the department after approval by the Director of Mental Hygiene, and no person shall be committed either directly to the Langley Porter Neuropsychiatric Institute or to the Department of Mental Hygiene for placement therein. All admissions shall be for temporary observation, research, diagnosis and treatment purposes as determined by the medical superintendent; in the cases of transfer from another institution, the patients so transferred may be returned, upon the completion of the study, diagnosis or treatment, to an institution of the type from which they came.

The charges for the care, treatment or services rendered to all persons admitted to the hospital shall not be limited by any provision of this code but shall be based on the average cost per day as determined by the Director of Mental Hygiene. The liability for the charges so determined shall be governed by the provisions of Article 5 of Chapter 1, Part 5 of this division.

There shall be conducted and maintained in conjunction with the hospital unit an outpatient clinic. The charges for service in the outpatient clinic shall be determined by the Director of Mental Hygiene in accordance with schedules for such charges as set forth in the rules and regulations of the department.

The department shall establish such rules and regulations as are necessary properly to carry out the provisions of this chapter.

7305. The Department of Mental Hygiene may enter into such agreements with the Regents of the University of California as are necessary or appropriate to carry out the provisions of this chapter.

The Department of Mental Hygiene may establish rules and regulations for the institute that are not in conflict with this chapter or the agreement provided for in this section.

7306. There shall be a superintendent and medical director of the institute. He shall be appointed by the Director of Mental Hygiene with the prior approval of the Regents of the University of California. The superintendent and medical director of the institute shall be a person who has demonstrated by his past experience his qualifications in teaching and research in the fields of psychiatry and related clinical sciences and in addition has the qualifications required for the superintendents of state hospitals under the jurisdiction of the Department of Mental Hygiene. In addition to the usual duties required of superintendents of state hospitals under the jurisdiction of the department, the superintendent and medical director shall be responsible for the integration of the institute's operation with the teaching and research program of the university.

Prospective applicants for the position of Superintendent and Medical Director shall be given an oral examination by (1) the Director of Mental Hygiene or the Chief Deputy Director or other Deputy Director of the Department of Mental Hygiene designated by the Director of Mental Hygiene, (2) the Chancellor of the University of California, San Francisco, or any member of the medical faculty of that campus he shall designate, and (3) a third examiner chosen by mutual agreement of the director and the chancellor. The three examiners shall formulate the terms, conditions and content of the examination in consultation with a representative of the State Personnel Board.

Nothing contained in this chapter shall prevent the making of a temporary appointment of a superintendent and medical director with concurrence of the Director of Mental Hygiene and the Chancellor of the University of California, San Francisco, in consultation with a representative of the State Personnel Board pending the holding of an examination to qualify a list of persons eligible to be appointed to the position.

7307. The secretary to the superintendent of the Langley Porter Neuropsychiatric Institute 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, but only for official public business and matters incidental to or required for the completion of dealings with public officers or public agencies. The secretary shall not charge any fee for any such service.

SEC. 3. The Director of the Department of General Services, with the approval of the Director of the Department of Mental Hygiene, is authorized to transfer to the Regents of the University of California, and to convey to said regents, all of the state's rights, title, and interest in the land and buildings constituting the Langley Porter Neuropsychiatric Institute provided for by former Chapter 7 (commencing with Section 7300) of Part 4 of Division 6 of the Welfare and Institutions Code, repealed by Section 1 of this act, upon such terms and conditions and with reservations and exceptions as in his opinion may be for the best interest of the state.

SEC. 4. The Director of General Services is hereby authorized to transfer to the Regents of the University of California, and to convey to said regents all of the state's rights, title, and interest in that parcel or parcels of land acquired or to be acquired by the state for the new Langley Porter Neuropsychiatric Institute for which an appropriation for planning was provided by Item 354 of the Budget Act of 1965, upon such terms and conditions and with such reservations and exceptions as in his opinion may be in the best interests of the state.

SEC. 5. This act, except Section 4 of this act and Sections 7303 and 7305 of the Welfare and Institutions Code, as added by Section 2 of this act, shall become operative upon the completion and acceptance of the construction of the institute for which an appropriation for planning was provided by Item 354 of the Budget Act of 1965. Section 4 of this act and said Sections 7303 and 7305 of the Welfare and Institutions Code, shall become operative on the same date as this act takes effect.

CHAPTER 1095

An act to add Section 6503.9 to the Welfare and Institutions Code, relating to state hospitals.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 6503.9 is added to the Welfare and Institutions Code, to read:

6503.9. The Director of General Services, with the consent of the Department of Mental Hygiene, may grant to the Regents of the University of California, upon such terms, conditions, and with such reservations and exceptions as in the opinion of the Director of General Services may be for the best interest of the state, the necessary easements and rights-of-way for a utilities relocation and campus access road on the Langley Porter Neuropsychiatric Institute property. The right-of-way shall be across, along and upon the following described property:

A strip of land approximately 40′ in width extending from the southerly line of Parnassus Avenue beginning at a point on the southerly boundary of Parnassus Avenue 331′ from the westerly boundary of said parcel of land described by deed dated October 1, 1940, and extending in a southerly direction to the south boundary of Langley Porter property.

CHAPTER 1096

An act to repeal Sections 73526, 73606 and 74306 of the Government Code, and add Sections 73526, 73526.1, 73606, 73606.1, 74306, and 74306.1 to the Government Code, relating to court reporters.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 73526 of the Government Code is repealed.

SEC. 2. Section 73526 is added to said code, to read:

73526. Official reporters shall be appointed by the judges of the court pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

The annual salary of each regular official reporter for the performance of duties required of such reporter by law shall be ten thousand six hundred eighty dollars ($10,680), and the compensation of official reporters pro tempore shall be at the rate of thirty-five dollars ($35) a day, or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

SEC. 3. Section 73526.1 is added to said code, to read:

73526.1. In any civil action or proceeding, in addition to the fees required by Sections 72054 to 72073, inclusive, a fee of nine dollars and fifty cents ($9.50) shall be paid to the clerk of the court by each party or jointly by parties appearing jointly, once only in any such action or proceeding, in the following instances:

(a) Upon the filing of a complaint or other first paper.

(b) Upon the filing of the answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff.

SEC. 4. Section 73606 of said code is repealed.

SEC. 5. Section 73606 is added to said code, to read:

73606. Official reporters shall be appointed by the judges of the court pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

The annual salary of each regular official reporter for the performance of duties required of such reporter by law shall be ten thousand six hundred eighty dollars ($10,680), and the compensation of official reporters pro tempore shall be at the rate of thirty-five dollars ($35) a day, or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

SEC. 6. Section 73606.1 is added to said code, to read:

73606.1. In any civil action or proceeding, in addition to the fees required by Sections 72054 to 72073, inclusive, a fee of nine dollars and fifty cents ($9.50) shall be paid to the clerk of the court by each party or jointly by parties appearing jointly, once only in any such action or proceeding, in the following instances:

(a) Upon the filing of a complaint or other first paper.

(b) Upon the filing of the answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff.

SEC. 7. Section 74306 of said code is repealed.

SEC. 8. Section 74306 is added to said code, to read:

74306. Official reporters shall be appointed by the judges of the court pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

The annual salary of each regular official reporter for the performance of duties required of such reporter by law shall be ten thousand six hundred eighty dollars ($10,680), and the compensation of official reporters pro tempore shall be at the rate of thirty-five dollars ($35) a day, or any fractional part thereof.

Vacation allowances and sick leave allowances for official reporters shall be the same as provided for classified employees of the county under the authority of the county charter.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

SEC. 9. Section 74306.1 is added to said code, to read:

74306.1. In any civil action or proceeding, in addition to the fees required by Sections 72054 to 72073, inclusive, a fee of nine dollars and fifty cents ($9.50) shall be paid to the

clerk of the court by each party or jointly by parties appearing jointly, once only in any such action or proceeding, in the following instances:

(a) Upon the filing of a complaint or other first paper.

(b) Upon the filing of the answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff.

CHAPTER 1097

An act to amend Section 2110 of the Streets and Highways Code, relating to county roads.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965]

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

SECTION 1. Section 2110 of the Streets and Highways Code is amended to read:

2110. The moneys payable to the counties under subdivision (b) of Section 2104 shall be apportioned among the several counties as follows:

(a) Seven hundred thousand dollars ($700,000) shall be apportioned for snow removal on county roads as follows:

(1) For the 1963–64 fiscal year, and for each fiscal year thereafter, the Controller shall compute percentages for the apportionment of such amount to the several counties in the state for snow removal on county roads, including the purchase of snow removal equipment therefor, and shall apportion such amount to the counties in the computed percentages. The percentage each county is to be apportioned during such fiscal year shall be derived by adding its snow removal expenditures for the three preceding fiscal years as to which the Controller has received snow removal expenditure reports pursuant to Section 2152, and dividing the sum by the total amount of snow removal expenditures by all counties in the state during said fiscal years.

(2) On or before the first day of March of each year, commencing with 1962, the Controller shall notify each county of the amount apportioned to it pursuant to this subdivision for expenditure for snow removal on county roads during the following fiscal year.

(b) The remaining five hundred thousand dollars ($500,000) shall be apportioned for heavy rainfall and storm damage on county roads to the following counties in the named percentages:

Alameda	2.629
Amador	.135
Butte	.161
Colusa	.339

Contra Costa	10.575
Del Norte	.251
Fresno	.639
Humboldt	4.935
Los Angeles	9.913
Marin	3.781
Mendocino	2.084
Monterey	3.701
Napa	1.950
Nevada	.718
Orange	.051
Placer	.085
Plumas	.897
Riverside	1.185
San Benito	1.070
San Bernardino	2.609
San Francisco	1.016
San Diego	2.760
San Luis Obispo	5.782
Santa Barbara	7.661
Santa Cruz	12.162
Sierra	.333
Siskiyou	.814
Sonoma	10.238
Trinity	2.137
Ventura	8.543
Yuba	.846

CHAPTER 1098

An act to amend Sections 27803 and 27901 of, and to add Sections 27902.1, 27902.2 and 27902.3 to, the Education Code, relating to election of library district trustees.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 27803 of the Education Code is amended to read:

27803. The trustees shall hold office for the term of four years beginning on the second day of the calendar year next succeeding their appointment or election. In any existing district the term of office of the trustees expiring prior to the first general election to be held in an even-numbered year shall continue until his successor in office is duly elected in such election.

SEC. 2. Section 27901 of said code is amended to read:

27901. An election shall be held biennially in each library district for the election of one or more library trustees who

shall hold office for four years beginning on the second day of the calendar year next succeeding his election. This election shall be known as the general district election and shall be held in the district on the same day as the state general election in the even-numbered years.

SEC. 3. Section 27902.1 is added to said code, to read:

27902.1. If on the 20th day prior to a general election one person only has been nominated for each of the positions of trustee to be filled at that election, or no person has been nominated for any such position, and a petition signed by 5 percent of the registered voters requesting that the election be held has not been presented to the board, an election shall not be held.

SEC. 4. Section 27902 2 is added to said code, to read:

27902.2. In such case the publication provided for in Section 27903 shall instead of calling an election state that no election is to be held but that the board of supervisors will appoint those nominated for the positions of trustee.

SEC. 5. Section 27902.3 is added to said code, to read:

27902.3. If pursuant to Section 27902.1 a district election is not held, the board of supervisors of the county in which the district, or the largest part thereof in area, is situated shall at its next regular meeting appoint to the positions of trustee those persons nominated, and such persons shall qualify, take office, and serve exactly as if elected at a general district election. If no person has been nominated, the board of supervisors shall appoint any qualified voter of the district to the position.

CHAPTER 1099

An act to add Section 291 to Vehicle Code, relating to the Department of Public Works.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 291 is added to the Vehicle Code, to read:

291. The Department of Public Works is part of the Highway Transportation Agency as defined in Section 13975 of the Government Code

CHAPTER 1100

An act to add Section 21664 to the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 21664 is added to the Vehicle Code, to read:

21664. It is unlawful for the driver of any vehicle to make an exit from or to leave any freeway which has full control of access and no crossings at grade upon any on-ramp providing entrance to such freeway.

CHAPTER 1101

An act to add Section 1253.2 to the Unemployment Insurance Code, relating to unemployment compensation benefits

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 1253.2 is added to the Unemployment Insurance Code, to read:

1253.2 An unemployed individual who is in all respects otherwise eligible for unemployment compensation benefits shall not be deemed ineligible for any week in which pursuant to the provisions of a collective bargaining agreement he is allowed not more than one uncompensated day off in that week or is allowed not more than one uncompensated holiday on one day in that week if:

(a) He is employed in longshoring operations;

(b) His employer regularly offers employment to individuals employed in such operations seven days a week;

(c) He is able to work and available for work for six days of the week except as provided in Section 1253.1.

SEC. 2. The provision of the Unemployment Insurance Code as amended by this act shall apply to weeks claimed with an effective date beginning on or after the effective date of this act.

CHAPTER 1102

An act to amend Sections 6.1 and 22 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617, Statutes of 1951), relating to the Contra Costa County Flood Control and Water Conservation District.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 6.1 of the Contra Costa County Flood Control and Water Conservation District Act (Chapter 1617, Statutes of 1951) is amended to read:

Sec. 6.1. As provided in this section, the board shall appoint a commission consisting of five (5) members who shall be residents of the County of Contra Costa. The board may delegate any or all of its powers to the commission. The board may by resolution provide for compensation for services and payment of the actual necessary expenses incurred by said members in the performance of official duties under this act, payable from the funds of the district. Members of the commission shall serve four (4) year terms and may be replaced or reappointed by the board at the completion of their term. Terms shall be staggered so that not less than one nor more than two commissioners are to be regularly appointed in any one year. All vacancies shall be filled for the unexpired term of the commissioner whose office is vacant in the same manner as such commissioner received appointment, except that the board of supervisors shall allocate each office on the commission to a supervisorial district and appointments to any vacancy in such office shall be made by the supervisor then representing such supervisorial district.

When the board of supervisors has delegated any or all of its powers to the commission, the terms "board" and "board of supervisors" mean the commission. The commission may, by resolution, certified to by the chairman of the commission, take action with reference to any and all matters which have been delegated to it by the Board of Supervisors of the County of Contra Costa.

SEC. 2. Section 22 of said act is amended to read:

SEC. 22. All contracts for any improvement or unit of work when the cost thereof according to the estimate of the engineer, will exceed five thousand dollars ($5,000), shall be let to the lowest responsible bidder or bidders in the manner hereinafter provided. The board shall first determine whether such contract shall be let as a single unit for the whole of the work, or shall be divided into severable convenient parts, or both, according to the best interests of the district. The board shall make call for bids and advertise such call by three (3) insertions in a daily newspaper of general circulation or by

two (2) insertions in a weekly newspaper of general circulation printed and published in said district inviting sealed proposals for the construction or performance of the improvement or work before any contract is made therefor. Such call for bids shall state whether such work is to be performed as a unit for the whole thereof or shall be divided into severable convenient specific parts, or both, as stated in the call. The board may let such work by single contract for the whole thereof as a unit or it may divide such work into severable convenient parts by separate contracts, as stated in such call, according to the best interests of the district. The board shall require the successful bidder or bidders to file with the board good and sufficient bonds to be approved by the board conditioned upon the faithful performance of the contract and upon the payment of their claims for labor and material in connection therewith, such bonds to contain the terms and conditions set forth in Title 1, Division 5, Chapter 3 of the Government Code and to be subject to the provisions of that chapter. The board shall also have the right to reject any and all bids. In the event no proposals are received pursuant to advertisement therefor, or the estimated cost of such work does not exceed the sum of five thousand dollars ($5,000), or the work consists of channel protection, or maintenance work, or emergency work when necessary in order to protect life and property from impending flood damage, the board of supervisors may, without advertising for bids therefor, have said work done by day labor, under the direction of the board, by contract, or by a combination of the two. The district shall have the power to acquire in the open market without advertising for bids therefor, materials, equipment and supplies for use in any work or for any other purpose; provided, however, that materials and supplies for use in any new construction work or improvement, except work referred to in the preceding sentence, may not be purchased if the cost thereof exceeds two thousand five hundred dollars ($2,500), without advertising for bids and awarding the contract therefor to the lowest responsible bidder.

CHAPTER 1103

An act to add Section 17922.5 to the Health and Safety Code, relating to building safety.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 12, 1965]

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

SECTION 1. Section 17922.5 is added to the Health and Safety Code, to read:

17922.5. The department shall adopt, amend, repeal, and except as hereinafter provided, enforce rules and regulations

for the installation of glassed or glazed exterior openings in hazardous locations in buildings that will provide adequate safety to the occupants and general public. The rules and regulations shall include provisions imposing requirements reasonably consistent with recognized and accepted standards such as those contained in the Uniform Building Code, 1964 edition, as adopted by the International Conference of Building Officials.

CHAPTER 1104

An act to amend Sections 11801, 11802, 11803, and 11809 of, and to add Section 11801.5 to, the Vehicle Code, relating to vehicle salesmen.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 11801 of the Vehicle Code is amended to read:

11801. The department shall prescribe and provide forms to be used for application for licenses to be issued under the terms and provisions of this article and require of such applicants, as a condition precedent to issuance of such license, such information touching on and concerning the applicant's character, honesty, integrity and reputation as it may consider necessary; provided, however, that every application for a vehicle salesman's license shall contain, in addition to such information as the department may require, a statement of the following facts:

(a) Name and address of the applicant.

(b) Whether the applicant has ever had a court judgment rendered for which he has been liable as a result of his activity in connection with an occupation licensed under this chapter and whether such judgment remains unpaid or unsatisfied.

(c) Whether the applicant ever had a license, issued under the authority of this chapter, revoked, suspended, or subjected to other disciplinary action and whether the applicant was ever a partner in a partnership or an officer, director, or stockholder in a corporation licensed under the authority of this chapter, the license of which was revoked, suspended, or subjected to other disciplinary action.

(d) Whether the applicant holds a valid California driver's license.

(e) Name, address, and license number of the licensed dealer employing the applicant.

SEC. 2. Section 11801.5 is added to said code, to read:

11801.5. The application for a vehicle salesman license shall be accompanied with the recommendation of the dealer who is

to be the applicant's employer certifying that he has examined into the background of the applicant and that the applicant is of good moral character. No license shall issue in the absence of compliance herewith.

SEC. 3. Section 11802 of said code is amended to read:

11802. (a) The department shall issue a vehicle salesman's license when satisfied that the applicant has furnished the required information, and that he intends in good faith to act as a vehicle salesman, and has paid the fees as required in Section 11809, and that the employing dealer has furnished the required certification as provided for in Section 11801.5 of this code.

(b) The department may refuse to issue or to renew, or may suspend or revoke a license, when satisfied that:

1. The information contained in the application is incorrect.

2. The applicant or licensee, based on the information contained in the application or by subsequent investigation, is not of good moral character.

(a) The conviction of a crime involving moral turpitude shall be evidence that the applicant or licensee is not of good moral character.

3. The applicant or licensee has outstanding an unpaid final court judgment rendered in connection with an activity licensed under the authority of this chapter.

4. The applicant or licensee does not hold a valid California driver's license.

5 The applicant or licensee was previously the holder of or was a partner in a partnership or was an officer, director, or stockholder involved in management of a corporation which was the holder of a license and certificate issued under this chapter, which license and certificate were revoked for cause and never reissued by the department or which license and certificate were suspended for cause and the terms of suspension have not been fulfilled.

(c) Pending the satisfaction of the department that the applicant has met the requirements under this chapter, it may issue a temporary permit to any person applying for a vehicle salesman's license. The temporary permit shall permit the operation by the salesman for a period not to exceed 120 days while the department is completing its investigation and determination of all facts relative to the qualifications of the applicant to such a license Such temporary permit shall be invalid when the applicant's license has been issued or refused

(d) The department may issue a probationary vehicle salesman's license upon any ground or grounds contained in subdivision (b) of this section subject to conditions to be observed in the exercise of the privilege granted either upon application for issuance of a license or upon application for renewal of a license The conditions to be attached to the exercise of the privilege shall not appear on the face of the license but shall be such as may, in the judgment of the department, be in the public interest and suitable to the qualifications of the ap-

plicant as disclosed by the application and investigation by the department of the information contained therein.

SEC. 4. Section 11803 of said code is amended to read:

11803. (a) If the department suspends or revokes a vehicle salesman license, the licensee shall be entitled to an appropriate hearing. Such hearing shall be conducted pursuant to Chapter 5 (commencing at Section 11500), of Part 1, Division 3, Title 2 of the Government Code.

(b) If the department issues or renews a vehicle salesman license requiring conditions of probation or if the department refuses to issue or renew a vehicle salesman license the applicant shall be entitled to demand in writing a hearing as hereinabove provided before the director or his representative within 60 days after notice of refusal or issuance of the probationary license.

(c) A person whose application for a license or for the renewal thereof has been denied may reapply for such license after a period of not less than one year has elapsed from the date of filing of such denial, provided however that if such denial was filed under the authority of subsections 3, 4, and 5 of Section 11802(b) of this code, an earlier reapplication may be made accompanied by evidence satisfactory to the department that such grounds no longer exist.

SEC. 5. Section 11809 of said code is amended to read:

11809. The following fee shall be paid to the department:

(a) Application fee for the original issuance of a license ---------- $10

(b) Annual renewal fee (May 1 to May 31) ---------- 10

(c) Penalty upon late renewal (June 1 to June 30) ---- 5

(1) For the purposes of the penalty provisions of this section, an application for the original issuance of a license for a succeeding license year filed on or after June 1 of a preceding license year by an applicant licensed during said preceding license year shall be considered a late renewal unless the applicant at the time of said filing certifies in writing that he was unemployed as a vehicle salesman from June 1 of said preceding license year to the date of such filing.

CHAPTER 1105

An act to add Section 1462 to the Government Code, relating to public officials.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 1462 is added to the Government Code, to read:

1462. No fee shall be charged by any officer to file or record any official bond of any official of this state or any political subdivision of this state.

CHAPTER 1106

An act to add Section 20804.2 to the Education Code, relating to school district taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 20804.2 is added to the Education Code, to read:

20804.2. Whenever a high school district and a junior college district which are coterminous have, pursuant to provisions of Section 20803, increased the combined tax rate otherwise applicable to the districts, and thereafter, the districts cease to be coterminous, the maximum tax rate of the high school district shall be the previously authorized combined tax rate less thirty-five cents ($0.35) on each one hundred dollars ($100) of assessed valuation.

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:

One or more coterminous high school and junior college districts in the state, as a result of district reorganizations, will cease to be coterminous, and the statutory provisions authorizing a combined maximum tax rate for such coterminous districts will no longer be applicable. In order that the rate fixed by this act for a high school district affected by such a reorganization will be applicable for purposes of the budgeting and taxation procedures which must be complied with early in the 1965–1966 fiscal year, it is necessary that this act take effect immediately.

CHAPTER 1107

An act to add Section 5.2 to the Alameda County Flood Control and Water Conservation District Act, (Chapter 1275, Statutes of 1949), relating to the powers of district to borrow money to construct works authorized pursuant to the district act.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 5.2 is added to the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes of 1949), to read:

Sec. 5.2. The district, for any district purpose, has the authority to issue time warrants bearing interest at a rate not exceeding six percent (6%) per annum which shall be general obligations of the district, or any zone thereof, payable from revenues and assessments of the district or any zone thereof. Such warrants shall be payable not later than five years from the date thereof and the total aggregate amount of such warrants of the district or any one zone outstanding at any one time may not exceed the lesser of either two million dollars ($2,000,000) or one percent (1%) of the assessed valuation of the taxable real property in the district or zone for which such time warrants are issued.

CHAPTER 1108

An act to amend Section 132 of the Civil Code, relating to divorce judgment.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 132 of the Civil Code is amended to read:

132. When an interlocutory judgment has been entered pursuant to Section 131 and one year has expired from the date of service of copy of summons and complaint upon the defendant spouse, the court on motion of either party, or upon its own motion, may enter the final judgment granting the divorce, and such final judgment shall restore them to the status of single persons, and permit either to marry after the entry thereof; and such other and further relief as may be necessary to complete disposition of the action, but if any appeal is taken from the interlocutory judgment or motion for a new trial made, final judgment shall not be entered until such motion or appeal has been finally disposed of, nor then, if the motion has been granted or judgment reversed. The death of either party after the entry of the interlocutory judgment does not impair the power of the court to enter final judgment as hereinbefore provided; but such entry shall not validate any marriage contracted by either party before the entry of such final judgment, nor constitute any defense of any criminal prosecution made against either.

CHAPTER 1109

An act to add Section 139.7 to the Civil Code, relating to support payments.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 139.7 is added to the Civil Code, to read:

139.7. An order for payment of an allowance for the support of one of the parties pursuant to Section 139 shall terminate at the end of the period specified in the order and shall not be extended unless the court in its original order retains jurisdiction.

CHAPTER 1110

An act to add Section 13443 to, and to repeal Sections 13443 and 13444 of, the Education Code, relating to probationary employees.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 13443 of the Education Code is repealed.

SEC. 2. Section 13443 is added to said code, to read:

13443. (a) On or before the 15th day of May in any year, the governing board may give notice in writing to a probationary employee that his services will not be required for the ensuing year, provided that in no case shall such notice be given until after the requirements of this section have been met.

(b) No later than March 15 and before an employee is given notice that his services will not be required for the ensuing year, the governing board and the employee shall be given written notice by the superintendent of the district or his designee, or in the case of a district which has no superintendent by the clerk or secretary of the governing board, that it has been recommended that such notice be given to the employee, and stating the reasons therefor.

(c) The employee may request a hearing before the governing board to determine if there is cause for not reemploying him for the ensuing year. A request for a hearing must be in writing and must be delivered to the person who sent the notice pursuant to subdivision (b), on or before a date specified therein, which shall not be less than seven days after the date on which the notice is served upon the employee. If an

employee fails to request a hearing on or before the date specified, his failure to do so shall constitute his waiver of his right to a hearing. The notice provided for in subdivision (b) shall advise the employee of the provisions of this subdivision.

(d) In the event a hearing is requested by the employee, the proceeding shall be conducted and a decision made in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code and the governing board shall have all the power granted to an agency in the said Chapter 5, except that the respondent shall file his notice of defense, if any, within five days after service upon him of the accusation and he shall be notified of such five-day period for filing in the accusation. The hearing shall be commenced on or before April 15, and in the event the hearing is conducted by a hearing officer alone, he shall prepare the proposed decision and submit it to the governing board on or before May 1 of the year in which the proceeding is commenced. All expenses of the hearing, including the cost of the hearing officer, shall be paid by the governing board from the district funds. The board may adopt from time to time such rules and procedures not inconsistent with provisions of this section, as may be necessary to effectuate this section.

(e) The governing board's determination not to reemploy a probationary employee for the ensuing school year shall be for cause only. The determination of the governing board as to the sufficiency of the cause pursuant to this section shall be conclusive, but the cause shall relate solely to the welfare of the schools and the pupils thereof. The decision made after the hearing shall be effective on May 15 of the year in which the proceeding is commenced.

(f) If a governing board notifies a probationary employee that his services will not be required for the ensuing year, the board shall, within 10 days after delivery to it of the employee's written request, provide him with a statement of its reasons for not reemploying him for the ensuing school year.

(g) Any notice or request shall be deemed sufficient when it is delivered in person to the person or persons to whom it is directed, or when it is deposited in the United States registered mail, postage prepaid and addressed to the last known address of the addressee or addressees.

(h) In the event that the governing board does not give notice provided for in subdivision (a) of this section on or before May 15, the employee shall be deemed reemployed for the ensuing school year.

(i) If after request for hearing pursuant to subdivision (c) any continuance is granted pursuant to Government Code Section 11524, the dates prescribed in subdivisions (a), (d), (e) and (h) which occur on or after the date of granting the continuance shall be extended for a period of time equal to such continuance.

SEC. 3. Section 13444 of said code is repealed.

CHAPTER 1111

An act to add Section 6933 to the Education Code, relating to occupational training.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 12, 1965]

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

SECTION 1. Section 6933 is added to the Education Code, to read:

6933. The governing board of any school district, or the county superintendent of schools of any county, maintaining secondary schools may enter into contracts with the governing boards of other such school districts, or with a county superintendent of schools, and with any department or agency of the state to obtain or provide services and other assistance necessary in connection with providing effective rehabilitation services, to include but not limited to occupational training, mobility training, sheltered workshops and work-experience programs.

Any school district governing board, or the county superintendent of schools of any county, which enters into a contract with the State Department of Rehabilitation under this section may employ, or allow to be employed, in the school district or with a county superintendent of schools, employees of the State Department of Rehabilitation or other persons not employed by the department but certified by the department to be fully qualified for such employment. A certification to the State Department of Education by the State Department of Rehabilitation that the individual meets all the requirements and fulfills all the qualifications of that department for the position for which he is being considered shall serve as evidence that the individual meets the academic, professional and experience requirements for a standard designated services credential with a specialization in pupil personnel services as a rehabilitation counselor or mobility instructor for the blind, in accordance with requirements adopted by the State Board of Education, which the individual must obtain in order to render services in the public schools.

Notwithstanding any other provision of this code, when an individual is so certified by the State Department of Rehabilitation as qualified for employment, other teacher certification requirements required by this code or by Title V of the California Administrative Code shall be waived for that individual,

CHAPTER 1112

An act to amend Sections 5.5 and 5.38 of, and to add Sections 3.11 and 3.12 to, the Mount San Jacinto Winter Park Authority Act (Chapter 1040 of the Statutes of 1945), relating to the Mount San Jacinto Winter Park Authority.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 3.11 is added to the Mount San Jacinto Winter Park Authority Act (Chapter 1040 of the Statutes of 1945), to read:

Sec. 3.11. All meetings of the authority shall be conducted pursuant to the Ralph M. Brown Act, Chapter 9 (commencing with Section 54950) of Part 1, Division 2, Title 5 of the Government Code.

SEC. 2. Section 3.12 is added to said act, to read:

Sec. 3.12. All records of the authority shall be open to inspection by the public during regular office hours.

SEC. 3. Section 5.5 of said act is amended to read:

Sec. 5.5. The authority shall determine the time, form and manner of the issuance of revenue bonds.

The authority shall give public notice, in such manner as it may determine, inviting sealed bids upon any bonds which it proposes to issue. If satisfactory bids are received, the bonds offered for sale shall be sold to the bidder whose bid will result in the lowest net interest cost on account of such bonds, but the authority must reject any and all bids for the bonds which shall be below the par value thereof plus the interest which shall have accrued thereon from the date thereof (or, if any past due coupon or coupons have been detached from said bonds prior to the delivery thereof, then from the due date of the latest coupon so detached) to the date of the purchaser's payments for said bonds. The net interest cost under each bid shall be determined by ascertaining the total amount of interest which the state would be required to pay under that bid, from the date of sale to the respective maturity dates of the bonds then offered for sale, at the coupon rate of rates specified in such bid, less the total amount of the premium, if any, offered by such bid. The bid under which the amount so ascertained is the least shall be deemed to be the bid resulting in the lowest net interest cost. 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, it may reject all bids received, if any, and readvertise. It shall not sell any of the bonds at private sale.

SEC. 4. Section 5.38 of said act is amended to read:

Sec. 5.38. All bonds issued under this act shall be investigated and certified by the California Districts Securities Commission under the Districts Securities Commission Law, Chap-

ter 1 (commencing with Section 20000) of Division 10 of the Water Code, as such law reads or is hereafter amended to read. If the commission determines that the bonds are adequately secured and the revenues of the authority applicable to the payment thereof are or will be sufficient to pay the principal and interest of the bonds, and if the commission certifies to that effect, the bonds shall be eligible as legal investments for both public and private funds in the same manner as is provided in the Districts Securities Commission Law.

SEC. 5. 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 Assembly Interim Committee Reports to the 1965 Legislature.

CHAPTER 1113

An act to amend Section 74001 of the Government Code, relating to municipal courts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 74001 of the Government Code is amended to read:

74001. There shall be the following number of judges: in the Anaheim-Fullerton Municipal Court, seven, and there shall be eight on and after September 15, 1966; in the Santa Ana-Orange Municipal Court, five, and there shall be six on and after September 15, 1966; in the Huntington Beach-Seal Beach Municipal Court, two, and there shall be three on and after September 15, 1966; in the Newport Beach Municipal Court, two, and there shall be three on and after September 15, 1966; and in the Laguna Beach-San Clemente Municipal Court, one, and there shall be two on and after September 15, 1966.

CHAPTER 1114

An act to amend Sections 6481, 6482, 6486, 6487, 6489, 6490, 6491, 6492, 6493, 6498, 6500, 6503, 6504, 6506, 6507, and 6508 of the Fish and Game Code, relating to shellfish cultivation.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 6481 of the Fish and Game Code is amended to read:

6481. When a shellfish bed is established pursuant to this code, only nonnative cultivated shellfish in the bed belong to the person establishing the bed, and that person is entitled to the exclusive use and occupation of the land on which the bed is located, for the purpose of maintaining the bed. The provisions of this section apply only for the term of the license provided in Section 6480.

SEC. 2. Section 6482 of said code is amended to read:

6482. Beds of native oysters (Ostrea lurida) on state tidelands, in all bays, lagoons, and estuaries in this state, together with such other areas of state tidelands as the department may set aside for the cultivation of oyster seed, are oyster reserves, and shall be, remain, and continue the property of the state, and be administered for the best interests of the state by the department. Oyster beds so reserved shall not be allotted or leased for the exclusive use of any person.

SEC. 3. Section 6486 of said code is amended to read:

6486. The establishment of any shellfish culture in state waters shall be accomplished only under such regulations as the commission may prescribe.

SEC. 4. Section 6487 of said code is amended to read:

6487. The department may authorize removal of oysters for commercial purposes from state-owned beds and reserves. The department shall charge and collect the prevailing price for such oysters, seed, or shell removed.

SEC. 5. Section 6489 of said code is amended to read:

6489. The commission may allot to any citizen of California unallotted state water bottoms upon which to exercise the exclusive privilege of cultivating shellfish. Use of such state water bottoms shall conform to the minimal use of such bottoms, which is the minimum amount of shellfish to be planted per unit of area as established by commission regulation.

No unallotted state water bottoms shall be allotted unless the commission determines that such allotment is in the public interest.

SEC. 6. Section 6490 of said code is amended to read:

6490. Any citizen of California desiring to acquire the exclusive privilege of cultivating shellfish on unallotted state water bottoms shall make application to the commission for that purpose, designating the particular area desired. The application shall be accompanied by a map of the area desired, showing sufficient adjacent geography for ready placement, and the acreage of the area.

Each application for an allotment of state water bottoms shall be accompanied by a fee of fifty dollars ($50).

The applicant shall assume responsibility for any infringement on privately owned water bottoms, or water bottoms owned by, or under the jurisdiction of, any city or county.

SEC. 7. Section 6491 of said code is amended to read:

6491. The commission, after consulting its records of filings, shall, if the area requested is found to be unallotted and

the application conforms with this article, and upon a finding that an allotment would be in the public interest, allot the area to the applicant, to be held by him for the term of the allotment or until such time as it is abandoned.

Ninety days before any water bottoms are allotted, the commission shall cause legal notices of the application to be published in a newspaper of general circulation in each county where the water bottoms or any part thereof are located, describing the area to be allotted, the name of the applicant and the type of operation to be conducted. Publication shall be made in accordance with Sections 6060 and 6066 of the Government Code.

SEC. 8. Section 6492 of said code is amended to read:

6492. Upon an allotment being declared abandoned, all improvements, buildings and shellfish on state lands therein shall become the property of the state, by virtue of such abandonment. Until such time as the lands are reallotted by the commission, the department may operate and maintain the area in the best interest of the state.

SEC. 9. Section 6493 of said code is amended to read:

6493. An allotted area shall be considered for abandonment by the commission when, for a period of two years, it has not been improved at the applicable planting rate established by commission regulations. The transfer of such an allotment shall not affect the effective date of two-year period.

SEC. 10. Section 6498 of said code is amended to read:

6498. The granting of an allotment shall in no way affect public access for hunting and fishing to the state lands contained in the allotted area, except that access to the area for the purposes of hunting or fishing shall be only by boat floating on the surface of the water covering the area and operated in such a manner as to cause no damage to the area or the shellfish therein.

SEC. 11. Section 6500 of said code is amended to read:

6500. An allotted area shall be plainly marked by a stake at each corner, if rectangular; or, if irregular in shape, at the intersection of two lines of different directions. The tops of the stakes shall be painted white and shall show at least four feet above high water. In some conspicuous place in the area a sign shall be displayed which shall be above high water and shall be not less than six feet in length and one foot in width, on which shall be painted in black letters upon a white background the words "oyster beds" or "mussel beds" or such words as may be applicable, under which shall appear the name of the person to whom the area has been allotted and the allotment number. Failure to post and maintain boundary stakes and signs as required by this chapter shall be cause for consideration of forfeiture of allotment, license, and permits unless the allottee can show the commission reasonable cause why the allotment should not be abandoned.

Nothing in this article authorizes any impediment or obstruction to the navigation of any channels.

SEC. 12. Section 6503 of said code is amended to read:

6503. In addition to the fees provided for in this article, an allottee shall pay an annual rental fee of one dollar ($1) per each acre or part thereof for all state water bottoms allotted to him, to be paid according to the following schedule: for the first year, ten percent (10%) of the annual rental; for the second year, twenty percent (20%) of said rental; for the third year, thirty percent (30%) of said rental; and for each year thereafter one hundred percent (100%) of said rental. The rental year is the period from July 1st of any year to June 30th of the following year or any fraction thereof.

For the purposes of this section, any allotment transferred from one person to another shall be considered as an existing allotment, not as a new allotment, and the rental shall be paid by the allottee of record on the due date.

SEC. 13. Section 6504 of said code is amended to read:

6504. An annual rental fee shall be paid to the department within 30 days after the beginning of the rental period. If it is not paid within 60 days after the close of the month in which it is due, a 10 percent penalty shall be paid. The commission shall declare the allotment abandoned unless the allottee can show reasonable cause for failure to pay such rental fees within 90 days of the beginning of the rental period.

SEC. 14. Section 6506 of said code is amended to read:

6506. In addition to the fees provided for in this article, every person operating under an allotment shall pay a privilege tax of one cent ($0.01) per packed gallon or fraction thereof of shucked shellfish harvested by him from his allotment. If the shellfish are marketed in the shell, the tax shall be based on the equivalent yield of shucked shellfish meat.

In determining the yield of Pacific oysters it shall be deemed that one hundred (100) oysters will yield one packed gallon of shucked oyster meat.

SEC. 15. Section 6507 of said code is amended to read:

6507. The privilege tax imposed by Section 6506 shall be paid monthly to the department within 30 days after the close of each month. If not paid within 60 days after the close of the month in which it is due, a ten percent (10%) penalty shall be paid.

The commission shall revoke a license and declare the allotment abandoned unless the allottee presents to the commission reasonable cause for failure to pay such privilege tax within 90 days after the close of the month in which it is due.

Blanks for the purpose of making privilege tax returns shall be supplied by the department.

SEC. 16 Section 6508 of said code is amended to read:

6508. Any licensee operating under a license granted under Section 6480 shall make such commercial fishing reports as may be required of persons engaged in commercial fishing activities under Article 6 (commencing with Section 8010), Chapter 1, Part 3, of Division 6.

Any person operating in accord with Section 6480 shall supply information as requested by the department. The department shall provide forms for recording information pertaining to shellfish culture operations conducted under provisions of this code. Such forms shall be completed and totaled from company records at the end of each month's operation and shall show:

(a) Name, weight, number and gallons of each species of shellfish harvested.

(b) Name of the licensee.

(c) Location of bed from which shellfish were harvested including allotment number and year class of shellfish if harvested from allotted state lands.

(d) Date of harvesting.

(e) Price or value of shellfish sold.

Such reports shall be delivered to the department on the 10th day of each month.

CHAPTER 1115

An act to amend Section 1670 of the Insurance Code, relating to insurance producers' licenses.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 1670 of the Insurance Code is amended to read:

1670. If an applicant for any license under this chapter, within six months from the date of the receipt by the commissioner of the application, whether or not the filing is complete, or within six months from the date of the issuance to him of a certificate of convenience, if any, whichever is the later date, neither fully qualifies for and receives such license on a permanent basis, nor is denied its issue, such application is automatically denied without prejudice to the filing of a new application for such license unless in a proceeding under a statement of issues the commissioner for good cause determines such denial should be set aside or stayed.

CHAPTER 1116

An act to amend Section 1127 of, and to add Section 1127.5 to, the Probate Code, relating to charitable corporation trustees.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 12, 1965.]

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

SECTION 1. Section 1127 of the Probate Code is amended to read:

1127. Except as provided in Section 1127.5, the person appointed under Section 1125 or Section 1126 of this code, before acting as trustee, shall give a bond such as is required of a person appointed administrator. He shall be allowed the cost of such bond to the extent provided by Section 541.5.

SEC. 2. Section 1127.5 is added to the Probate Code, to read:

1127.5. Upon the petition of a nonprofit corporation named or designated as trustee in a will or acting as a successor trustee thereunder within the scope of its own charitable purposes and trust, the court may name as substitute or successor trustee a charitable corporation of which the nonprofit corporation is the sole member without requiring any bond not theretofore required of the nonprofit corporation.

CHAPTER 1117

An act to amend Section 826 of the Welfare and Institutions Code and Sections 1418 and 1418.5 of the Penal Code, relating to exhibits and documents.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 826 of the Welfare and Institutions Code is amended to read:

826. After five years from the date on which the jurisdiction of the juvenile court over a minor is terminated, the judge or clerk of the juvenile court, or the probation officer, may destroy all records and papers in the proceedings concerning the minor. Exhibits shall be destroyed as provided under Sections 1418, 1418.5, and 1419 of the Penal Code. For the purpose of this section, "destroy" means destroy or dispose of for the purpose of destruction.

The juvenile court record, any minute book entries, dockets, and judgment dockets shall not be destroyed and shall constitute for all purposes the record in lieu of the records, papers, and exhibits destroyed. The juvenile court record, any minute book entries, dockets, and judgment dockets in juvenile traffic matters may be microfilmed or photocopied in lieu of the original record and the original record then destroyed. 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.

SEC. 2. Section 1418 of the Penal Code is amended to read:

1418. The court may, on application of the party entitled thereto, or an agent designated in writing by the owner, order all such exhibits, other than documentary exhibits, as may be

released from the custody of the court without prejudice to the state, delivered to such party any time after the final determination of the action or proceeding. In all cases in which the death penalty has been imposed no such order shall be made until the sentence of death has been carried out. If the party entitled to such exhibits is unknown, or fails to apply for the return of such exhibits, the procedure for their disposition shall be as follows:

After the expiration of one year from the final determination of the action or proceeding, the court in which the case was tried shall make an order specifying what exhibits may be released from the custody of the court without prejudice to the state. Upon receipt of such an order, the clerk of the court shall post a notice conspicuously in three public places in the county referring to the order, describing briefly the exhibits which the court has ordered disposed of and fixing the date and the place at which such exhibits will be offered for sale at public auction. The date fixed must be at least 20 days after the posting of the notice.

At any time prior to the time fixed for the auction, the owner or any person entitled to the possession of any of such exhibits may obtain from the court an order returning them to him.

Articles not returned to their owners or to persons entitled to their possession at or prior to the time set for the auction shall be sold by the clerk to the highest bidder for cash; said articles shall be sold singly or in combinations. The money received from such sales shall be placed in the general fund of the county.

All exhibits offered for sale for which no bids have been received may be destroyed by the clerk or returned to the files.

Where the exhibit consists of money or currency and is unclaimed at the time of the auction, the clerk shall not offer it for sale but shall immediately upon the conclusion of the sale deposit it in the general fund of the county.

SEC. 3. Section 1418.5 of said code is amended to read:

1418.5. The court may, on application of the party entitled thereto, or an agent designated in writing by the owner, order such documentary exhibits as may be released from the custody of the court without prejudice to the state delivered to such party any time after the final determination of the action or proceeding.

If the party entitled to such documentary exhibits is unknown, or fails to apply for the return of said exhibits, the procedure for their disposition shall be as follows:

After the expiration of one year from the final determination of the action or proceeding, the court in which the case was tried shall make an order requiring such exhibits to be destroyed; provided, that no such order shall be made authorizing the destruction of any documentary exhibit if the destruction of such exhibits would prejudice the state.

In all cases in which the death penalty has been imposed no such order shall be made until the sentence of death has been carried out.

CHAPTER 1118

An act to amend Section 11275 of the Government Code, as proposed by Chapter No. 371 of the Statutes of 1965, relating to administrative costs.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 11275 of the Government Code as proposed by Chapter No. 371 of the Statutes of 1965 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 Finance; 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 Finance. 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.

CHAPTER 1119

An act to amend Section 4181 of, and to add Section 4181.5 to, the Fish and Game Code, relating to depredating game mammals.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 4181 of the Fish and Game Code is amended to read:

4181. Any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by elk, bear, beaver, or wild boar, may apply to the department for a permit to kill such mammals. The department, upon satisfactory evidence of such damage or destruction, actual or immediately threatened, shall issue a revocable permit for the taking and disposition of such mammals under regulations promulgated by the commission. Mammals so taken shall not be sold, nor shipped from the premises on which they are taken, except under instructions from the department. It shall be unlawful for any person to violate the terms of any permit issued under the provisions of this section.

SEC. 2 Section 4181.5 is added to said code, to read:

4181.5. Any owner or tenant of land or property that is being damaged or destroyed or is in immediate danger of being damaged or destroyed by deer may apply to the department for a permit to kill such deer. The department, upon satisfactory evidence of such damage or destruction, actual or immediately threatened, shall issue a revocable permit for the taking and disposition of such deer for a designated period not to exceed 60 days under regulations promulgated by the commission.

The regulations of the commission shall include provisions concerning the type of weapons to be used to kill the deer. The weapons shall be such as will ensure humane killing, but the regulations of the commission shall provide for the use of a sufficient variety of weapons to permit the designation of particular types to be used in any particular locality commensurate with the need to protect persons and property. Firearms using .22-caliber rimfire cartridges may be used only when authorized by the director. No pistols shall be used. The caliber and type of weapon to be used by each permittee shall be specified in each permit by the issuing officer who shall take into consideration the location of the area, the necessity for clean kills, the safety factor, local firearms ordinances, and other factors which apply. Rifle ammunition used shall have expanding bullets; shotgun ammunition shall have only single slugs.

The department shall issue tags similar to those provided for in Section 4331 at the same time the permit is issued. A permittee under this section shall carry the tags while hunting deer, and upon the killing of any deer, shall immediately fill out both parts of the tag and punch out clearly the date of the kill. One part of the tag shall be immediately attached to the antlers of antlered deer or to the ear of any other deer and kept attached until ten (10) days after the permit has expired. The other part of the tag shall be immediately sent to the department after it has been countersigned by any person authorized by Section 4341.

A permit issued pursuant to this section may be renewed only after a finding by the department that further damage

has occurred or will occur unless such permit is renewed. A person seeking renewal of the permit shall account for all prior tags issued at the time he received any prior permits, and if any tags are unused, he must show either that any deer killed could not reasonably be tagged or why the killing was not accomplished within the allotted time and why such killing would be accomplished under a new time period.

CHAPTER 1120

An act to add Article 4 (commencing with Section 321) to Chapter 2 of Division 2 of the Education Code, relating to the public school system.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Article 4 (commencing with Section 321) is added to Chapter 2 of Division 2 of the Education Code, to read:

Article 4. Reports

321. As used in this article

(a) "School district" does not include an elementary school district with less than one hundred one (101) units of average daily attendance or a high school district with less than three hundred one (301) units of average daily attendance.

(b) "Full-time equivalent classroom teacher" means a full-time equivalent classroom teacher as defined in Section 17507.

(c) "Full-time equivalent employees in nonteaching functions" mean all employees other than those defined in subdivision (b).

(d) "Classification" means one of the classifications specified in Section 323.

322. Commencing with the 1966 calendar year, on or before December of each even-numbered year, each school district shall submit to the Superintendent of Public Instruction, on forms that he shall provide and in accordance with regulations which he shall adopt, a report containing all of the following information as of the single date specified by the Superintendent of Public Instruction:

(a) The number of full-time equivalent classroom teachers employed by the district.

(b) The number of full-time equivalent employees in nonteaching functions employed by the district.

323. The Superintendent of Public Instruction shall place all districts in one of the following classifications:

(1) Elementary districts not operated by a common administration.

(2) High school districts not operated by a common administration.

(3) Junior college districts.

(4) Unified districts operating a junior college.

(5) High school districts operating a junior college.

(6) Other unified school districts.

(7) Elementary and high school districts under one common administration.

324. (a) After receiving reports pursuant to this article, the Superintendent of Public Instruction shall, for each classification, compare the figures reported to him for full-time equivalent classroom teachers with those for full-time equivalent employees in nonteaching functions; and he shall compute a ratio of such nonteaching employees to the classroom teachers for each classification of districts.

(b) The Superintendent of Public Instruction shall rank each district in each classification on the basis of the ratio computed pursuant to subdivision (a), from the lowest ratio to the highest.

325. The Superintendent of Public Instruction shall prepare a report containing the information computed pursuant to subdivision (b) of Section 324, and submit it to the Legislature at each general session, commencing with the 1967 General Session. Upon request of the governing body of a school district, including a district specified in subdivision (a) of Section 321, he shall transmit a copy of the report to the district.

326. The report which is submitted to the Legislature under this article shall contain no editorial or subjective comment by the Superintendent of Public Instruction, or any other public officer, concerning the information required to be set forth in it.

SEC. 2. The Superintendent of Public Instruction may, commencing with the 1966–67 fiscal year, include in the budget request which he submits to the Department of Finance for the operation of the Department of Education, a request for funds to carry out the activities which he is required to perform pursuant to Article 4 (commencing with Section 321) of Chapter 2 of Division 2 of the Education Code.

CHAPTER 1121

An act to amend Section 17656 of the Education Code, relating to computations of the foundation programs for school districts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 17656 of the Education Code is amended to read:

17656. For each elementary school district which, exclusive of pupils attending the seventh and eighth grades of a junior high school, has an average daily attendance of 101 or more but less than 901 during the fiscal year, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school and pupils for whom a foundation program is computed under Section 17655.5, by two hundred thirty-nine dollars ($239).

For each elementary school district which, exclusive of pupils attending the seventh and eighth grades of a junior high school, has an average daily attendance of 901 or more during the fiscal year, he shall compute an amount determined by multiplying the total average daily attendance, exclusive of pupils attending the seventh and eighth grades of a junior high school, and pupils for whom a foundation program is computed under Section 17655.5 by two hundred forty-nine dollars ($249).

CHAPTER 1122

An act to add Section 13187.2 to the Education Code, relating to teaching credentials

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 13187.2 is added to the Education Code, to read:

13187.2. All credentials heretofore issued on the basis of the first sentence of subdivision (c) of Section 13187.1 and all service performed under such credentials are hereby validated.

All evaluations for a credential made prior to December 1, 1963, on the basis of the first sentence of subdivision (c) of Section 13187.1 are hereby validated, and credentials are authorized to be issued in accordance with such evaluations.

CHAPTER 1123

An act to amend Section 42001 of the Vehicle Code, relating to penalties for traffic violations.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 42001 of the Vehicle Code is amended to read:

42001. Every person convicted of a misdemeanor for a violation of Division 10 (commencing with Section 20000), Division 11 (commencing with Section 21000), except Chapters 11 (commencing with Section 22950) and 13 (commencing with Section 23250) and except Section 21461 as it applies to vehicular crossings, and Section 25264, Division 12 (commencing with Section 24000), Division 13 (commencing with Section 29000), and Division 15 (commencing with Section 35000) and Sections 2800, 2801, 2802, 2803, 2804 insofar as they affect failure to stop and submit to inspection of equipment or for an unsafe condition endangering any person, 2806, 2809, and 2812, except where a different penalty is expressly provided in said provisions, shall be punished upon a first conviction by a fine not exceeding fifty dollars ($50) or by imprisonment in the county jail for not exceeding five days and for a second conviction within a period of one year by a fine of not exceeding one hundred dollars ($100) or by imprisonment in the county jail for not exceeding 10 days, or by both such fine and imprisonment and for a third or any subsequent conviction within a period of one year by a fine of not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not exceeding six months or by both such fine and imprisonment. For the purpose of determining the penalty to be imposed pursuant to this section, the court may consider a teletype communication from the Department of Motor Vehicles containing information from its records showing prior convictions; and the communication is prima facie evidence of such convictions, if the defendant admits them, regardless of whether or not the complaint commencing the proceedings has alleged prior convictions.

In addition to imposing any other punishment authorized by this section, the court may require any person convicted of a misdemeanor described in this section involving a traffic violation to attend a traffic violators' school for not more than 12 hours for instruction in the operation of a motor vehicle consistent with the provisions of this code.

For the purposes of this section, a prior bail forfeiture shall be deemed to be a conviction of the offense charged.

CHAPTER 1124

An act to amend Section 24408 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 24408 of the Vehicle Code is amended to read:

24408. (a) Every new motor vehicle registered in this state after January 1, 1940, which has multiple-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted.

(b) The indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped. Any such lamp on the exterior of the vehicle shall exhibit red or amber light, the light source in such exterior lamp shall not exceed two candlepower, and the light shall not show to the front or sides of the vehicle.

CHAPTER 1125

An act to amend Sections 25251 and 25300 of the Vehicle Code, relating to flashing lights on motor vehicles.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 25251 of the Vehicle Code is amended to read:

25251. Flashing lights are permitted on vehicles as follows:

(a) To indicate an intention to turn or move to the right or left upon a roadway, turn signal lamps and turn signal exterior pilot indicator lamps may be flashed on the side of a vehicle toward which the turn or movement is to be made.

(b) When disabled upon the roadway or when disabled or parked off the roadway but within 10 feet thereof, turn signal lamps may be flashed as warning lights provided the front turn signal lamps at each side are being flashed simultaneously and the rear turn signal lamps at each side are being flashed simultaneously.

(c) For use on authorized emergency vehicles.

SEC. 2. Section 25300 of said code is amended to read:

25300. (a) Every motortruck having an unladen weight of 4,000 pounds or more, every trailer coach, and every truck

tractor, irrespective of weight, shall be equipped with at least three pot torches, or three red electric lanterns, or three red emergency reflectors.

All warning signals shall be maintained in good working condition.

(b) When any such vehicle or any trailer or semitrailer towed by such vehicle is disabled on the roadway during darkness, warning signals of the type specified in subdivision (a) shall be immediately placed as follows:

(1) One at the traffic side of the disabled vehicle, not more than 10 feet to the front or rear thereof;

(2) One at a distance of approximately 100 feet to the rear of the disabled vehicle in the center of the traffic lane occupied by such vehicle; and

(3) One at a distance of approximately 100 feet to the front of the disabled vehicle in the center of the traffic lane occupied by such vehicle.

(4) If disablement of any such motor vehicle occurs within 500 feet of a curve, crest of a hill or other obstruction to view, the driver shall so place the warning signal in that direction as to afford ample warning to other users of the highway, but in no case less than 100 nor more than 500 feet from the disabled vehicle.

(5) If disablement of the vehicle occurs upon any roadway of a divided or one-way highway, the driver shall place one warning signal at a distance of approximately 200 feet and one such signal at a distance of approximately 100 feet to the rear of the vehicle in the center of the lane occupied by the stopped vehicle, and one such signal at the traffic side of the vehicle not more than 10 feet to the rear of the vehicle.

(c) When any such vehicle or any trailer or semitrailer towed by such vehicle is disabled or parked off the roadway but within 10 feet thereof during darkness, warning signals of the type specified in subdivision (a) shall be immediately placed by the driver as follows: one at a distance of approximately 200 feet and one at a distance of approximately 100 feet to the rear of the vehicle, and one at the traffic side of the vehicle not more than 10 feet to the rear of the vehicle. The signals shall, if possible, be placed between the edge of the roadway and the vehicle, but in no event less than two feet to the left of the widest portion of the vehicle or load thereon.

(d) The requirements of this section may be complied with until the devices mentioned above can properly be placed by either placing lighted red fusees in the required locations or by use of turn signal lamps, provided front turn signal lamps at each side are being flashed simultaneously and rear turn signal lamps at each side are being flashed simultaneously.

(e) The pot torches, lanterns, or reflectors shall be displayed continuously during darkness while the vehicle remains disabled upon the roadway or parked or disabled within 10 feet thereof.

(f) Subdivisions (b), (c), (d), and (e) do not apply to a vehicle:

(1) Parked in a legal position within the corporate limits of any city.

(2) Parked in a legal position upon a roadway bounded by adjacent curbs.

CHAPTER 1126

An act to amend Section 13302 of the Education Code, relating to employment of special lecturers.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 13302 of the Education Code is amended to read:

13302. The principal of any day or evening secondary school in which there are classes for adults, at his discretion may employ when so directed by the governing board of the school district, special lecturers well qualified in their subjects to speak in lecture and forum series, without the lecturer being required to hold a teacher's certificate.

Such lecturer shall not be employed in any school for more than four lectures each term.

CHAPTER 1127

An act to amend Section 28139 of the Government Code, relating to county officers.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 28139 of the Government Code is amended to read:

28139. In a county of the 39th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, ten thousand five hundred dollars ($10,500) a year.

(b) The district attorney, sixteen thousand three hundred fifty dollars ($16,350) a year. He shall not engage in private law practice during his term of office.

(c) Each supervisor, seven thousand eight hundred dollars ($7,800) a year and ten cents ($0.10) a mile: (1) each way, for traveling to and from his residence to the courthouse while going to or returning from meetings of the board of super-

visors, and (2) for each mile actually and necessarily traveled when traveling, either within or without the county on county business.

(d) Grand jurors and all trial jurors in the superior court, for each day's attendance six dollars ($6), and fifteen cents ($0.15) for each mile actually traveled, in going only. The judge of the court shall make an order directing the auditor to draw his warrant in favor of the juror for the per diem and mileage and the treasurer shall pay the warrant.

CHAPTER 1128

An act to amend Sections 23104.2 and 25501 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 23104.2 of the Business and Professions Code is amended to read:

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

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

SEC. 2. Section 25501 of said code is amended to read:

25501. No manufacturer, bottler, importer, or wholesaler of products of the brewing industry shall:

(a) Furnish, give, rent, lend, or sell, directly or indirectly, any equipment, fixtures, or supplies, other than alcoholic beverages, to any person engaged in operating, owning, or maintaining any on-sale premises where alcoholic beverages are sold for consumption on the premises; provided, however, that this subdivision shall not prohibit the furnishing of draft beer pumps and iceboxes to such persons who operate on a temporary basis.

(b) Directly or indirectly, hold the ownership or any interest, by stock ownership or otherwise, in any firm, corporation, partnership, or business, furnishing, supplying, or dealing in any office, store, or restaurant furnishings or equipment, other than signs for interior use or supplies authorized to be given under this division to any person engaged in operating, owning, or maintaining any on-sale premises.

CHAPTER 1129

An act to add Section 12596 to the Government Code, relating to the enforcement of charitable trusts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 12596 is added to the Government Code, to read:

12596. Any action brought by the Attorney General against trustees or other persons holding property in trust for charitable purposes or against any charitable corporation or any director or officer thereof to enforce a charitable trust or to impress property with a trust for charitable purposes or to recover property or the proceeds thereof for and on behalf of any charitable trust or corporation, may be brought at any time within ten (10) years after the cause of action shall have accrued.

CHAPTER 1130

An act to validate certain acts of taxing agencies and revenue districts and of their officers, relating to property taxation.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 13, 1965]

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

SECTION 1. As used in this act "taxing agency" includes the state, county, and city. "Taxing agency" also includes every district that assesses property for taxation purposes and levies taxes or assessments on the property so assessed.

SEC. 2. As used in this act "revenue district" includes every city and district for which the county officers assess property and collect taxes or assessments.

SEC. 3. Every act and proceeding heretofore taken by any taxing agency or revenue district or the officers thereof relative to the preparation, transmitting, computing, determining or fixing the budget or the tax rate or rates of any taxing agency or revenue district, or to the assessment or equalization of property or to the levy of taxes thereon or to tax sales or certificates of tax sales, tax deeds or other conveyances, are hereby confirmed, validated and declared legally effective.

SEC. 4. (a) This act is limited to the correction of defects, irregularities and ministerial errors which the Legislature originally could have omitted from the statutory requirements of law under which the acts hereby confirmed, validated and declared legally effective were taken.

(b) This act is limited to the validation of acts and proceedings to the extent to which the same can be effectuated under the State and Federal Constitutions.

(c) This act shall not operate to confirm, validate, or legalize any act, proceeding or other matter the legality of which is being contested or inquired into in any legal proceeding, now pending and undetermined or which may be pending and undetermined during the period of 30 days from and after the effective date of this act, and shall not operate to confirm, validate, or legalize any act, proceeding or other matter which has heretofore been determined in any legal proceeding to be illegal, void or ineffective.

SEC. 5. If any provisions of this act or its application to any person or circumstances is held invalid, the remainder of the act and the application of its provisions to other persons or circumstances is not affected.

CHAPTER 1131

An act to add Section 22503.5 to the Vehicle Code, relating to local parking ordinances.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 22503.5 is added to the Vehicle Code, to read:

22503.5. Notwithstanding any other provision of this code, the legislative body of any city may, by ordinance, establish special parking regulations for two-wheeled or three-wheeled motor vehicles.

CHAPTER 1132

An act to amend Sections 8, 10 and 10.1 of the San Mateo County Flood Control District Act (Chapter 2108, Statutes of 1959), relating to the San Mateo County Flood Control District.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 8 of the San Mateo County Flood Control District Act (Chapter 2108, Statutes of 1959) is amended to read:

Sec. 8. The board of supervisors of said district shall have power, in any year:

1. To levy taxes or assessments in each or any of the zones of the district to pay the cost and expenses of administering,

engineering, 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 zone or zones, according to the benefits derived or to be derived by said respective zones, by either of the following methods:

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

(b) By a levy or assessment upon all real property within a zone or participating zone, including both land and improvements thereon.

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.

2. To levy taxes or assessments by either method authorized by subdivision 1 of this section in each or any, of said zones, according to the special benefits derived or to be derived by the specific properties therein, to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zone or zones, including the constructing, administering, engineering, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said zone or zones.

3. To levy taxes or assessments within a zone within which one or more subzones are established pursuant to Section 10.1 of this act in the manner provided by, and subject to the limitations of, that section.

4. Said taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from said taxes shall be paid into the county treasury to the credit of said district, and said board of supervisors shall have the power to control and order the expenditure thereof for said purposes; provided, however, that no revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under the provisions of subdivision 1 of this section shall be expended for administering, engineering, constructing, maintaining, operating, extending, repairing, or otherwise improving any works or improvements located in any other zone except as provided in Section 11 hereof; and provided, further, however, that the maximum tax or assessment rate for any zone or subzone established pursuant to Section 10 hereof shall be fixed by the board in its resolution establishing the zone or subzone but the aggregate taxes or assessments levied in any zone or subzone established under this act for any fiscal year shall not exceed the maximum tax or assessment rate so established by the board, nor shall such taxes or assessments exceed forty cents ($0.40) on each one hundred dollars ($100) of assessed valuation of the taxable property in such zone or subzone, whichever is less, exclusive of any tax levied to meet the bonded

indebtedness of any such zone or subzone and the interest thereon, unless a majority of the electors voting at an election held for that purpose are in favor of a higher maximum tax or assessment rate for such zone or subzone. Any election on the question of increasing the maximum tax or assessment rate to be levied in any such zone or subzone shall be held and conducted in the same manner as is provided in this act for the holding and conducting of special bond elections within zones.

SEC. 2. Section 10 of said act is amended to read:

Sec. 10. The board of supervisors of the district created by this act, by resolutions thereof adopted from time to time, may establish any zone or zones within said district without reference to the boundaries of other zones, in the manner provided in this section The boundaries of any such zone which is established primarily for flood control purposes shall follow and be the same as the boundaries of a natural drainage basin as determined by engineering studies or surveys authorized by the board of supervisors. No such zone established primarily for flood control purposes shall include more than one natural drainage basin.

The board may, and upon the receipt of a petition signed by the owners of property representing at least ten percent (10%) of the assessed valuation of the real property within a proposed zone shall, institute proceedings for the establishment of any zone within the district pursuant to this act whenever in the judgment of the board it is deemed desirable that such zone be established hereunder. For the purpose of acquiring authority to proceed with the establishment of any such zone the board shall adopt a resolution specifying its intention to establish such zone setting forth (a) that the public interest and necessity require that a zone be so established, (b) a general description of the area of the proposed zone, (c) a general description of the improvement deemed desirable, and (d) a general estimate of the cost of the contemplated improvements in the event that the zone is established. The zone may be described by reference to a map on file in the office of the county clerk and it shall not be necessary to set forth a metes and bounds description thereof A general description of the proposed improvements in the event that the zone is established shall be sufficient and it shall not be necessary to prepare detailed plans and specifications of the work to be done. The estimate of cost may include an estimate of all expenses to be incurred in connection with the establishment of the proposed zone, including all incidental expenses of financing the proposed work, but neither the cost of physical construction nor the incidental expense need be itemized.

If any proposed zone includes all or part of the territory of any city the board shall file a certified copy of its resolution of intention with the governing body of such city in order that the governing body of that city may be notified of the proposed zone. If the governing body of such city fails to

protest the proposed zone by filing a certified copy of its resolution of protest with the board within sixty (60) days after the receipt by such city of the certified copy of the resolution of intention of the board, the board shall thereupon have exclusive jurisdiction to proceed with and to conduct all hearings on the establishment of the proposed zone, to permit or cause all necessary changes to be made in the boundaries of the proposed zone, and to conduct all proceedings on the establishment of the proposed zone. If the governing body of such city protests in the manner herein provided the board shall have jurisdiction to proceed but the territory of such city may be excluded within the proposed zone only if 10 percent of the voters of said territory protest in writing to the board the establishment of said zone. Said protest by voters of a city must be filed with the board within 120 days of the receipt by the city of the certified copy of the resolution of intention. Upon receipt of such voters' protest the board shall call an election in the territory in question to be held in the manner hereinafter provided for an election in an entire zone insofar as may be applicable; and if a majority of the voters vote against the inclusion of the territory it shall be excluded from the proposed zone. However, the board may proceed with the establishment of the proposed zone or any part thereof without the inclusion of any territory of such city within the proposed zone by modifying its resolution of intention so as to exclude the territory of such city from any such zone. Nothing herein shall be construed to limit the right of the board to abandon the establishment of any proposed zone at any time. Upon acquiring jurisdiction to proceed the board shall by resolution fix a time and place for public hearing of said resolution of intention, or as modified, and notice of such hearing shall be given by publication once a week for two consecutive weeks prior to said hearing, the last publication of which notice must be at least seven (7) days before said hearing, in a newspaper of general circulation, circulated in such zone, if there be such a newspaper, and if there be no such newspaper, then by posting notice for two consecutive weeks prior to said hearing in five public places designated by the board, in such zone. Said notice of hearing shall also contain a text of the resolution of intention of the board to establish the proposed zone. Notice of said hearing shall also be given in writing to the city council of each city wholly or partially included within such proposed zone, by letter addressed to the city clerk of such city or cities.

At the time and place fixed for the hearing, or at any time to which said hearings may be continued, the board shall consider all written protests or objections to the establishment of the proposed zone. Each such objection or protest shall include the description and assessed valuation of the real property owned by the protestant. Upon the conclusion of the hearing the board may proceed with the establishment of the proposed zone, unless prior to the conclusion of said hearing a

written protest against the establishment of the proposed zone signed by the holders of title to real property or assessable rights therein, or evidence of title thereto, representing ten percent (10%) or more of the assessed valuation of the real property within such proposed zone be filed with the board, or the territory of any city representing fifty percent (50%) or more of the total assessed value of the real property within the proposed zone is included within the proposed zone and such city has protested within the time and in the manner provided above, or both, in which event, the board shall either abandon further proceedings relating to the establishment of the proposed zone or shall submit the question of whether or not the proposed zone shall be established to the voters within the proposed zone at either a regular election or a special election called for the purpose. If a majority of the votes cast at said election are cast in favor of the establishment of the proposed zone, the board shall establish the zone by resolution, setting forth in said resolution the description of the zone by metes and bounds and entitling the zone by a zone number. Said zone shall be deemed established from and after the date of the resolution of the board establishing the same. However, before taxes or assessments as hereinabove provided for may be levied therein, compliance must be had with the provisions of Government Code Sections 54900 to 54904, inclusive. If a majority of the votes cast at said election are against the establishment of the proposed zone the board shall abandon the establishment of the zone and no further proceedings to establish a zone of the same or substantially the same area shall be instituted by the board for a period of six months from the date of said election. The provisions of this section to the contrary notwithstanding, no territory of any city with a population of more than 40,000 inhabitants, based upon the 1950 federal census, shall be included within any zone established or to be established as herein provided without the request, by resolution, of a majority of the governing body of said city to such inclusion.

In all matters in this section referred to, the last equalized assessment roll of the County of San Mateo next preceding the filing of the protest shall be prima facie evidence as to the ownership of real property, the names and number of the persons who are the holders of title or evidence of title, or assessable rights therein, and as to the assessed valuation of real property within the proposed zone.

Executors, administrators, special administrators and guardians may sign the protest provided for in this act on behalf of the estate represented by them If the property is assessed in the name of such representatives, that fact shall establish the right of such representatives to sign the protest, if assessed in the name of the decedent, minor or incompetent person, certified copies of the letters or such other evidence as may be satisfactory to the board must be produced.

Where real property appears to be owned in common or jointly by a partnership, or where letters of representatives of decedents, minors or guardians are joint, only one of the owners or representatives or partners need sign the protest for all joint owners or representatives or partners; provided, the party claiming the right to protest for all produces the written consent of his coowners or representatives or partners so to do, duly acknowledged by the consenting coowners or representatives or partners in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the recorder's office of the county.

Where real property is assessed in the name of a trustee or trustees, such trustee or trustees shall be deemed to be the person entitled to sign the protest, and if assessed in the name of more than one trustee the right to sign the protest shall be determined in like manner as above provided with respect to coowners

The protest of any public or quasi-public corporation, private corporation or unincorporated association, may be signed by any person authorized by the board of directors or trustees or other managing body thereof, which authorization shall be in writing; and a proxy executed by an officer or officers thereof, attested by its seal and duly acknowledged, shall constitute sufficient evidence of such authority, and shall be filed with the board.

The owner of any real property or interest therein, appearing upon the assessment roll, which has been assessed in the wrong name or to unknown owners, or which has passed from the owner appearing as such on the last equalized assessment roll, since the same was made, shall be entitled to sign the protest represented thereby, either by the production of a proxy from such former owner, or by furnishing evidence of his ownership by a conveyance duly acknowledged showing the title to be vested in the person claiming the right to sign the protest, accompanied by a certificate of a competent searcher of titles, certifying that a search of the official records of the county, since the date of the conveyance, discloses no conveyance or transfer out from the grantee or transferee named in the conveyance.

Where the real property has been contracted to be sold, the vendee shall be entitled to sign the protest, unless such real property is assessed in the name of the vendor, in which event the vendor shall be entitled to do so.

The board shall likewise be entitled to inquire and take evidence for the purpose of identifying any person claiming the right to sign the protest as being the person shown on the assessment roll or otherwise as entitled thereto And, unless satisfactory evidence is furnished, the right to sign said protest may be denied.

Any other provision of this section to the contrary notwithstanding, after the establishment of any zone in the manner herein provided, the board may, by resolution, at any time

amend the boundaries by withdrawing property from said zone, or may divide said zone into two or more zones, by setting forth in such resolution descriptions of the amended or divided zones by metes and bounds and entitling each of such zones by a zone number.

Property so excluded from any zone shall continue to be subject to the obligation and payment of any bonds or other indebtedness incurred in the zone prior to such exclusion.

After the establishment of any zone in the manner herein provided territory within said district whether incorporated or unincorporated and whether contiguous to said zone or not may be annexed to said zone if in the opinion of the board the additional territory will be benefited by annexation to said zone. For the purpose of annexing territory within the district to a zone the board shall proceed in the same manner as for the establishment of a zone, except that wherever it is required to set forth the area, the improvements, or the cost of improvements for the zone, there shall instead be set forth the area, improvements, or cost of improvements for the territory proposed to be annexed to said zone, and wherever protests are called for or authorized or an election is to be held, the provisions relating thereto shall refer only to the territory proposed to be annexed.

SEC. 3. Section 10.1 of said act is amended to read:

Sec. 10.1. The board shall, by resolution, at the time of the establishment of a zone pursuant to Section 10 of this act, order the formation of any subzone within such a zone where, in the opinion of the board the contemplated improvements authorized by this act and the operation and maintenance thereof will be of special benefit to any such subzone, and are not of equal benefit to the entire zone within which any such subzone is proposed to be established. Notice of the intention to form any such subzone or subzones within a zone shall be given in the same manner as the notice of hearing on the formation of a zone pursuant to Section 10 of this act. Any such subzone may be formed within the zone without regard to the boundaries of any natural drainage basin and the board may form as many subzones within a zone as may, in the opinion of the board, be necessary. At the time of the formation of any such subzone the board shall determine, after engineering studies for such purpose, the percentage (%) of benefit from the improvements proposed to be made within the zone and from the operation and maintenance thereof, to inure to the property in any such subzone. In the event that any bonded indebtedness is thereafter incurred within a zone established pursuant to Section 10 of this act which contains one or more such subzones, the property within each such subzone shall be taxed to pay that percentage (%) of the principal and interest of such bonded indebtedness determined to be the percentage (%) of benefit to the property within such subzone, by the board in the manner above mentioned In the event that any tax or assessment for improvements, operation, maintenance or any

other purpose is thereafter levied within a zone established pursuant to Section 10 of this act which contains one or more such subzones, the property within each such subzone shall be taxed or assessed to pay that percentage of the improvement costs, and of the operation, maintenance or other cost thereof, determined to be the percentage of benefit to the property within such subzone by reason of such improvements.

The board may, after the establishment of any zone pursuant to Section 10 of this act, establish any such subzone after such notice and public hearing as the board may deem necessary in connection therewith and may fix the percentage of benefit therefor in the same manner and for the same purpose as for a subzone established at the time of the establishment of the zone, provided, however, that no such subzone established within a zone after a bonded indebtedness has been approved by the voters within such zone shall be effective for the purpose of determining the percentage of principal and interest on any such bonded indebtedness to be borne by such subzone except with respect to a bonded indebtedness approved by the voters after the formation of such subzone. In the event that one or more subzones have been established within a zone pursuant to this section, any proposition for the incurring of a bonded indebtedness within a zone, or for increasing the maximum tax rate within the zone or subzone, shall indicate the fact that such subzone or subzones have been established in such manner as the board may deem appropriate.

The procedure for the levy and collection of taxes within each such subzone for the purpose herein provided in this section shall be the same as the procedure for the levy and collection of taxes within a zone established pursuant to Section 10 of this act.

CHAPTER 1133

An act to amend Sections 28141 and 70032 of the Government Code, relating to county officers and employees.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 28141 of the Government Code is amended to read:

28141. In a county of the 41st class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eight thousand six hundred forty dollars ($8,640) a year.

(b) The district attorney, fifteen thousand seven hundred dollars ($15,700) a year. He shall devote his full time during office hours to the duties of his office and shall not engage in the private practice of law during his term of office.

(c) Each supervisor, four thousand eight hundred dollars ($4,800) a year for all services rendered as supervisor and as member of the board of equalization. Each supervisor shall also receive ten cents ($0.10) a mile for each mile actually and necessarily traveled when traveling within or without the county on county business. In lieu of mileage, supervisors may use automobiles provided and maintained by the county in connection with the performance of their official duties.

(d) Trial jurors in the superior court shall receive six dollars ($6) for each day's attendance and mileage at the rate of ten cents ($0.10) for each mile actually and necessarily traveled from their residences to the county seat. Grand jurors shall receive seven dollars ($7) for each day's attendance and ten cents ($0.10) for each mile actually traveled. The fees and mileage shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

The compensation provided by this section shall be payable to incumbent officers.

SEC. 2. Section 70032 of said code is amended to read:

70032. Such regular official court reporter shall be paid an annual salary of six thousand four hundred dollars ($6,400) for taking down in shorthand the testimony and other proceedings in the trial or hearing of any matter in the superior court as required by law or by order of the court. No further fee shall be collected from, or assessed against, any party to any proceeding for such reporting services, but such reporter shall be allowed, and shall receive, unless waived by him, the fees allowed by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees for transcriptions shall be paid pursuant to Article 9 (commencing at Section 69941), Chapter 5, Title 8, of this code and any other law pertinent to the case.

Such reporter pro tempore shall be paid at the rate provided in Section 69948, and shall receive the other fees set forth in Article 9 (commencing at Section 69941), Chapter 5, Title 8, of this code.

CHAPTER 1134

An act to add Section 32127.3 to the Health and Safety Code, relating to local hospital districts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 32127.3 is added to the Health and Safety Code, to read:

32127 3. Notwithstanding any other provision of law, the board of directors of any district may, without establishing a fund for capital outlays, use all or any portion of the funds of the district which are derived from tax levies accumulated, assessed, or received after the effective date of this section, and all or any funds of the district on the effective date of this section which were derived from previous tax levies, for capital improvements, if both of the following conditions are satisfied:

(a) The capital improvements for which the funds are used, and the use of the funds for such purpose, have been approved by the local hospital committee for the hospital planning region in which the district is located.

(b) A majority of the district electors voting at an election held for that purpose approve the use of such tax revenues of the district for the capital improvements.

CHAPTER 1135

An act to amend Sections 3068 and 3073 of the Civil Code, and to amend Sections 10652, 11520, 22700, 22702, 22704, 22851, 22855, and 22856 of, to add Sections 22701 and 22705 to, and to repeal Sections 10651, 22701, 22703, 22705 and 22706 of, the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 3068 of the Civil Code is amended to read:

3068. (a) Every person has a lien dependent upon possession for the compensation to which he is legally entitled for making repairs or performing labor upon, and furnishing supplies or materials for, and for the storage, repair or safekeeping of, and for the rental of trailer parking space for, any vehicle of a type subject to registration under the Vehicle Code, subject of the limitations set forth in this chapter.

(b) That portion of the lien in excess of two hundred dollars ($200), for any work or services rendered or performed at the request of any person other than the holder of the legal title, is invalid, unless prior to commencing any such work or service the person claiming the lien gives actual notice in writing either by personal service or by registered letter addressed to the legal owner named in the registration certificate, and the consent of the holder of the legal title is obtained before any such work or services are performed. If any portion of a lien includes charges for the care, storage or safekeeping of, or for the rental of trailer parking space for, a vehicle for a period in excess of 60 days, the portion of the lien which accrued after the expiration of such period is invalid unless the provisions

of Sections 10650 and 10652 of the Vehicle Code have been complied with by the holder of the lien.

SEC. 2. Section 3073 of said code is amended to read:

3073. Where the vehicle subject to the lien is appraised at a value not exceeding one hundred dollars ($100) by an officer or employee of the Department of Motor Vehicles, the lienholder may sell such vehicle at public sale, upon the giving of notice as provided in this section. At least 10 days before the sale, the lienholder shall notify the legal owner, the registered owner, and the department by registered mail or certified mail of the time and place of the sale. At least 10 days before the sale, the lienholder shall also post a notice of the sale in a conspicuous place on the premises where the vehicle is stored, giving the date of the sale and a description of the vehicle, including the make, model, type, and license number.

SEC. 3. Section 10651 of the Vehicle Code is repealed.

SEC. 4. Section 10652 of said code is amended to read:

10652. Whenever any vehicle of a type subject to registration under this code has been stored in a garage, repair shop, parking lot, or trailer park for 30 days, the keeper shall report such fact to the Department of California Highway Patrol in Sacramento by receipted mail, which shall at once notify the legal owner as of record. This section shall not apply to any vehicle stored by a peace officer pursuant to Article 3 (commencing with Section 22850) of Chapter 10 of Division 11 of this code.

SEC. 5. Section 11520 of said code is amended to read:

11520. (a) Any licensed automobile dismantler who obtains actual possession as a transferee of a vehicle subject to registration hereunder for the purpose of dismantling, shall within twenty-four (24) hours forward notification on an appropriate form, to the department at its headquarters in Sacramento, of acquiring such vehicle and at the same time a copy of said form shall be forwarded to the California Highway Patrol at its headquarters in Sacramento and to local enforcement agencies when required by local ordinance.

(1) A period of seven (7) days, exclusive of Saturdays, Sundays, and holidays set forth in Sections 6700 and 6701 of the Government Code, shall elapse following the forwarding of the notification before the dismantling shall begin, unless earlier permission has been received from the department as provided in subdivision (b) of this section. Vehicles acquired under the provisions of Section 3072 of the Civil Code shall not be dismantled until permission has been received from the department.

This subdivision shall not apply if the dismantler complies with subdivision (b) within 24 hours from the time of obtaining actual possession of such vehicle as a transferee, exclusive of Saturdays, Sundays and holidays set forth in Sections 6700 and 6701 of the Government Code, nor shall it apply to any vehicle received pursuant to subdivision (b) of Section 11515 or 22705 of this code or Section 3073 of the Civil Code.

(b) Any person desiring to dismantle any vehicle subject to registration hereunder shall surrender to the department the report as required, the certificate of ownership, registration card, and the license plate or plates last issued therefor, and thereby make application for a transfer of ownership. Such person shall not dismantle the vehicle until permission has been received from the department, except as provided in this section.

(1) When the department has received the report when required, the certificate of ownership from such person, the registration card and last issued license plate or plates as required herein, the transfer shall be deemed complete and no transfer fee or prior unpaid transfer fee shall be paid.

(2) When the transferee is an automobile dismantler who acquired the same for the purpose of dismantling, he shall not be required to file an affidavit of nonoperation nor be required to pay fees as would otherwise be required if said vehicle were to be registered for operations on the highways.

(c) Automobile dismantlers licensed hereunder shall maintain a record of all vehicles acquired for dismantling, which shall contain the name and address of the person from whom such vehicle was purchased or acquired and the date thereof, the registration number last assigned to the vehicle and a brief description of the vehicle, including insofar as the hereinafter specified data may exist with respect to a given vehicle, the make, type, serial number and the identifying number used for registration purposes.

(1) Within 90 days of the date of taking possession, a licensed automobile dismantler shall surrender, or show diligent effort to secure and surrender to the department the documents evidencing ownership, and the license plates last issued for each vehicle acquired for dismantling purposes.

(d) It shall be prima facie evidence that an identifiable vehicle in a dismantled condition has been so partially dismantled by the person having possession thereof.

(e) Any person who violates this section is guilty of a misdemeanor. Any person not licensed under the provisions of this chapter who is convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than five days nor more than six months or by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) or by both such fine and imprisonment and upon a second or any subsequent conviction by imprisonment in the county jail for not less than 30 days nor more than one year or by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000) or by both such fine and imprisonment.

SEC. 6. Section 22700 of said code is amended to read:

22700. (a) No person shall abandon a vehicle upon any highway.

(b) No person shall abandon a vehicle upon public or private property without the express or implied consent of

the owner or person in lawful possession or control of the property.

SEC. 7. Section 22701 of said code is repealed.

SEC. 8. Section 22701 is added to said code, to read:

22701. The abandonment of any vehicle in a manner as provided in Section 22700 shall constitute a prima facie presumption that the last registered owner of record, not having complied with the provisions of Section 5900, is responsible for such abandonment and is thereby liable for the cost of removal and disposition of the vehicle.

SEC. 9. Section 22702 of said code is amended to read:

22702. (a) Any member of the California Highway Patrol or any regularly employed and salaried deputy of the sheriff's office of a county in which a vehicle is located or any regularly employed and salaried officer of a police department in a city in which a vehicle is located who has reasonable grounds to believe that the vehicle has been abandoned, may remove the vehicle from a highway or from public or private property.

(b) Any member of the California State Police who has reasonable grounds to believe that a vehicle has been abandoned upon property owned by the state, or rented or leased from others by the state, or property of a district agricultural association as to which the California State Police is providing policing services, may remove the vehicle from such property.

(c) The public agency employing the officer shall make an appraisal of any such vehicle within five days after removal.

SEC. 10. Section 22703 of said code is repealed.

SEC 11. Section 22704 of said code is amended to read:

22704. Article 3 shall govern notice of removal and disposition of a vehicle appraised at a value exceeding one hundred dollars ($100) but shall have no application to lower value vehicles.

SEC. 12. Section 22705 of said code is repealed.

SEC. 13. Section 22705 is added to said code, to read:

22705. If the vehicle is appraised at a value not exceeding one hundred dollars ($100), the public agency which removed the vehicle shall:

(a) Within 48 hours after appraisal notify the Department of California Highway Patrol in Sacramento of the removal of such vehicle.

(b) File with the Department of Motor Vehicles in Sacramento a certificate which shall describe the vehicle including the location of any license plates thereon, state the appraised value and that the vehicle will be junked or dismantled, and indicate that;

(1) Notice of intent to junk or dismantle the vehicle has been mailed to the registered and legal owners at the address of record with the department, or

(2) The owner has signed a release under penalty of perjury disclaiming any future interest, which release shall be included with the certificate.

In the event the owner has not signed a release and has not, within 15 days after official notification, reclaimed the vehicle such action shall constitute a waiver of interest.

(c) Upon completion and forwarding of the certificate, execute and deliver a bill of sale free of any lien for fees and penalties due and payable to the department together with a copy of the certificate to either the lienholder who shall endorse the bill of sale to a licensed automobile dismantler, or to the licensed automobile dismantler, or to the public agency for disposal, whichever has the vehicle in possession.

SEC. 14. Section 22706 of said code is repealed.

SEC. 15. Section 22851 of said code is amended to read:

22851. Whenever a vehicle has been removed to a garage under the provisions of this chapter and the keeper of the garage has received the notice or notices as provided herein, the keeper shall have a lien dependent upon possession for his compensation for towage and for caring for and keeping safe such vehicle for a period not exceeding 90 days and, if the vehicle is not recovered by the owner within said 90 days or the owner is unknown, the keeper of the garage may satisfy his lien in the manner and after giving the notices required in Sections 3071 and 3072 of the Civil Code. Notwithstanding the provision of this section, if the vehicle is appraised at a value not exceeding one hundred dollars ($100) by a person authorized to make such appraisal, the keeper of the garage may, if the vehicle is not recovered by the owner within 20 days or the owner is unknown, satisfy his lien as provided in Section 3073 of the Civil Code or Section 22705 of this code.

SEC. 16. Section 22855 of said code is amended to read:

22855. The following persons shall have the authority to make appraisals of the value of vehicles for purposes of this chapter, subject to the conditions stated in this chapter:

(a) Any member of the California Highway Patrol designated by the commissioner.

(b) Any regularly employed and salaried deputy sheriff designated by the sheriff of any county.

(c) Any regularly employed and salaried police officer designated by the chief of police of any city.

(d) Any officer or employee of the Department of Motor Vehicles designated by the director of said department.

(e) Any member of the California State Police designated by the chief thereof.

SEC. 17. Section 22856 of said code is amended to read:

22856. The commissioner, Chief of the California State Police, or any sheriff or chief of police who designates a person authorized to make appraisals shall certify the name of every such person to the Department of Motor Vehicles in Sacramento.

CHAPTER 1136

An act to add Chapter 1.7 (commencing with Section 5097) to Division 5 of the Public Resources Code, relating to archaeological, paleontological, and historical sites.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Chapter 1.7 (commencing with Section 5097) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 1.7. ARCHAEOLOGICAL, PALEONTOLOGICAL, AND HISTORICAL SITES

5097. As used in this chapter, "state lands" means lands owned by, or under the jurisdiction of, the state or any state agency. It does not include lands owned by, or under the jurisdiction of a city, county, or district, or fire trails under the jurisdiction of the Division of Forestry in the Department of Conservation.

5097.1. Prior to the commencement of construction of any major public works project on any state lands, the state agency proposing to construct the project, or on whose behalf the project is to be constructed, may submit to the State Department of Parks and Recreation general plans sufficient to indicate the nature of the project, its location, and the excavations which will be undertaken in connection with the project.

5097.2. Upon receipt of plans for a proposed construction project upon state lands, the Department of Parks and Recreation may conduct an archaeological site survey on the affected state lands in order to determine whether such lands may contain any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological sites, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature. The Department of Parks and Recreation shall submit to the state agency by or on whose behalf the project is to be constructed, its recommendations concerning the preservation, photographing, recording, or excavation for, any archaeological, paleontological, or historical features which may be located upon such lands.

5097.3. The state agency by or on whose behalf public works are to be constructed on state lands may undertake such surveys, excavations or other operations on the state lands as it deems necessary to preserve or record any archaeological, paleontological, or historical features which may be located on such lands, after receiving the recommendations of the Department of Parks and Recreation, or the state agency may contract with the Department of Parks and Recreation to under-

take such operations. The Department of Parks and Recreation may carry out such operations.

5097.4. No archaeological program conducted by the Department of Parks and Recreation shall impair, impede or delay any state construction project.

5097.5. No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

As used in this section, "public lands" means lands owned by, or under the jurisdiction of, the state, or any city, county, district, authority, or public corporation, or any agency thereof.

5097.6. Expenditures to carry out the purposes of this chapter shall be made only pursuant to legislative appropriation for these purposes or by contract with other state agencies.

CHAPTER 1137

An act to amend Sections 28123, 73663, 73665, 73666, and 73670 of, and to repeal Sections 73667 and 73668 of, the Government Code, relating to compensation for public service in counties.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 28123 of the Government Code is amended to read:

28123. In a county of the 23rd class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, ten thousand dollars ($10,000) a year.

(b) The district attorney, eighteen thousand dollars ($18,000) a year. He shall devote his entire time during office hours to the duties of his office and shall not engage in private law practice.

(c) Each supervisor, nine thousand six hundred dollars ($9,600) a year, necessary traveling expenses incurred in the performance of his official duties, and mileage at ten cents ($0.10) a mile for all distances traveled by him as supervisor, mileage not to exceed in any one year one thousand five hundred dollars ($1,500) for each supervisor.

(d) The fees of grand jurors are five dollars ($5) for each day's attendance, and mileage at the rate of fifteen cents

($0.15) for each mile necessarily traveled in attending court, in going only. The fees of trial jurors in the superior courts are five dollars ($5) for each day's attendance and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending court, in going only. The fees of jurors in justice courts are three dollars ($3) for each day's attendance and mileage at the rate of fifteen cents ($0.15) for each mile necessarily traveled in attending the court, in going only.

In criminal cases the fees and mileage of all trial jurors shall be paid by the treasurer of the county out of the general fund of the county upon warrants drawn by the county auditor upon the written order of the judge of the court in which the jury was in attendance.

The fees of jurors on coroner's juries are two dollars ($2) for each day's attendance, to be paid out of the general fund of the county upon the presentation and filing with the board of supervisors of a duly verified claim, proper allowance of the claim by the board, and the approval of the coroner.

SEC. 2. Section 73663 of said code is amended to read:

73663. The clerk may appoint, with the approval of the judge, one chief deputy clerk, two deputy clerks III, one deputy clerk II and five deputy clerks I.

SEC. 3. Section 73665 of said code is amended to read:

73665. The marshal may appoint, with the approval of the judge, two deputy marshals and one senior clerk-typist-matron.

SEC. 4. Section 73666 of said code is amended to read:

73666. The monthly salaries for the following positions shall be according to, and shall be increased in accordance with, the following salary schedule:

Salary Schedule

	Step A	Step B	Step C	Step D	Step E
Clerk	$505	$530	$556	$584	$614
Chief deputy clerk	376	395	415	436	458
Deputy clerk III	367	385	405	425	447
Deputy clerk II	341	358	376	395	415
Deputy clerk I	317	333	349	367	385
Marshal	505	530	556	584	614
Deputy marshal	425	447	469	493	519
Senior clerk-typist-matron	367	385	405	425	447

SEC. 5. Section 73667 of said code is repealed.

SEC. 6. Section 73668 of said code is repealed.

SEC. 7. Section 73670 of said code is amended to read:

73670. All matters affecting the employment of the officers and attachés which are not specifically determined by this article or other provision of state law, including but not limited to the initial hiring rate for each position and the procedure for advancement to a higher step, shall be governed and

regulated by the then current salary ordinance of the County of Humboldt and the rules of the Civil Service Commission of the County of Humboldt.

CHAPTER 1138

An act to amend Section 69900 of the Government Code, relating to superior courts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 69900 of the Government Code is amended to read:

69900. In each county or city and county with a population of over 730,000 and under 850,000, a majority of the judges of the superior court may appoint the following employees:

(a) One senior assistant jury commissioner at an annual salary of twelve thousand four hundred twenty dollars ($12,420).

(b) Seven judicial secretaries, each at an annual salary of eight thousand two hundred twenty dollars ($8,220).

(c) Two senior deputy clerks, each at an annual salary of eight thousand one hundred dollars ($8,100).

(d) Two deputy information clerks, each at an annual salary of six thousand nine hundred dollars ($6,900).

(e) Two probate court commissioners, each at an annual salary of nineteen thousand eight hundred dollars ($19,800).

(f) One chief calendar clerk at an annual salary of twelve thousand four hundred twenty dollars ($12,420).

(g) One domestic relations court commissioner at an annual salary of fifteen thousand dollars ($15,000).

(h) Three domestic relations deputy commissioners, each at an annual salary of eleven thousand four hundred dollars ($11,400).

(i) One assistant court commissioner and law clerk at an annual salary of eleven thousand forty dollars ($11,040).

(j) One court commissioner at an annual salary of nineteen thousand eight hundred dollars ($19,800).

(k) Four referees, juvenile court, each at an annual salary of nineteen thousand eight hundred dollars ($19,800).

The salaries of such employees shall be paid by the county or city and county in which they serve.

CHAPTER 1139

An act to amend Sections 73522, 73523, 73523.1, 73523.2, 73602, 73603, 73603.1, 73603.2, 74302, 74303, 74303.1, and 74303.2 of the Government Code, relating to municipal court officers and attachés.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 73522 of the Government Code is amended to read:

73522. There shall be one clerk who shall receive a monthly salary at the rates specified in salary range number 35.5 of the salary schedule.

SEC. 2. Section 73523 of said code is amended to read:

73523. The clerk may appoint:

(a) One chief deputy clerk who shall receive a monthly salary at the rates specified in salary range number 31 of the salary schedule.

(b) Four deputy clerks, grade III, each of whom shall receive a monthly salary at the rates specified in salary range number 27 of the salary schedule.

(c) Four deputy clerks, grade II, each of whom shall receive a monthly salary at the rate specified in salary range number 25 of the salary schedule.

(d) Seven deputy clerks, grade I, each of whom shall receive a monthly salary at the rates specified in salary range number 23 of the salary schedule.

SEC. 3. Section 73523.1 of said code is amended to read:

73523.1. Whenever a reference to a salary range number is made in this article, the following schedule of monthly salaries shall apply:

Salary range number	Step A	Step B	Step C	Step D	Step E
23	$351	$371	$392	$415	$439
23.5	361	382	403	427	452
24	371	392	415	439	464
24.5	382	403	427	452	477
25	392	415	439	464	491
25.5	403	427	452	477	505
26	415	439	464	491	519
26.5	427	452	477	505	534
27	439	464	491	519	549
27.5	452	477	505	534	565
28	464	491	519	549	581
28.5	477	505	534	565	598
29	491	519	549	581	614
29.5	505	534	565	598	632

Salary range number	Step A	Step B	Step C	Step D	Step E
30	519	549	581	614	649
30.5	534	565	598	632	668
31	549	581	614	649	686
31.5	565	598	632	668	706
32	581	614	649	686	725
32.5	598	632	668	706	746
33	614	649	686	725	767
33.5	632	668	706	746	789
34	649	686	725	767	811
34.5	668	706	746	789	834
35	686	725	767	811	857
35.5	706	746	789	834	882
36	725	767	811	857	906
36.5	746	789	834	882	932
37	767	811	857	906	958
37.5	789	834	882	932	986

SEC. 4. Section 73523.2 of said code is amended to read:

73523.2. Notwithstanding any other provision of this article, until 90 days after the adjournment of the 1967 Regular Session of the Legislature, whenever a higher compensation is provided for positions in the classification of typist clerk I in the San Mateo County classified service, each person holding a position in any of the classifications specified in this article shall receive correspondingly higher compensation on the Salary Schedule provided for in Section 73523.1 payable at the same time as that higher compensation provided in the salary ordinance of San Mateo County.

SEC. 5. Section 73602 of said code is amended to read:

73602. There shall be one clerk who shall receive a monthly salary at the rate specified in salary range number 35.5 of the salary schedule.

SEC. 6. Section 73603 of said code is amended to read:

73603. The clerk may appoint:

(a) One chief deputy clerk who shall receive a monthly salary at the rates specified in salary range number 31 of the salary schedule.

(b) Four deputy clerks, grade III, each of whom shall receive a monthly salary at the rates specified in salary range number 27 of the salary schedule.

(c) Four deputy clerks, grade II, each of whom shall receive a monthly salary at the rates specified in salary range number 25 of the salary schedule.

(d) Seven deputy clerks, grade I, each of whom shall receive a monthly salary at the rates specified in salary range number 23 of the salary schedule.

SEC. 7. Section 73603.1 of said code is amended to read:

73603.1. Whenever reference to a salary range number is

made in this article the following schedule of monthly salaries shall apply:

Salary range number	Step A	Step B	Step C	Step D	Step E
23	$351	$371	$392	$415	$439
23.5	361	382	403	427	452
24	371	392	415	439	464
24.5	382	403	427	452	477
25	392	415	439	464	491
25.5	403	427	452	477	505
26	415	439	464	491	519
26.5	427	452	477	505	534
27	439	464	491	519	549
27.5	452	477	505	534	565
28	464	491	519	549	581
28.5	477	505	534	565	598
29	491	519	549	581	614
29.5	505	534	565	598	632
30	519	549	581	614	649
30.5	534	565	598	632	668
31	549	581	614	649	686
31.5	565	598	632	668	706
32	581	614	649	686	725
32.5	598	632	668	706	746
33	614	649	686	725	767
33.5	632	668	706	746	789
34	649	686	725	767	811
34.5	668	706	746	789	834
35	686	725	767	811	857
35.5	706	746	789	834	882
36	725	767	811	857	906
36 5	746	789	834	882	932
37	767	811	857	906	958
37.5	789	834	882	932	986

SEC. 8. Section 73603.2 of said code is amended to read:

73603.2. Notwithstanding any other provision of this article, until 90 days after the adjournment of the 1967 Regular Session of the Legislature, whenever a higher compensation is provided for positions in the classification of typist-clerk I in the San Mateo County classified service, each person holding a position in any of the classifications specified in this article shall receive correspondingly higher compensation on the salary schedule provided for in Section 73603.1 payable at the same time as that higher compensation provided in the salary ordinance of San Mateo County.

SEC 9. Section 74302 of said code is amended to read:

74302. There shall be one clerk who shall receive a monthly salary at the rate specified in salary range number 35.5 of the salary schedule.

SEC. 10. Section 74303 of said code is amended to read:

74303. The clerk may appoint:

(a) One chief deputy clerk who shall receive a monthly salary at the rate specified in salary range number 31 of the salary schedule.

(b) Six deputy clerks, grade III, each of whom shall receive a monthly salary at the rate specified in salary range number 27 of the salary schedule.

(c) Four deputy clerks, grade II, each of whom shall receive a monthly salary at the rate specified in salary range number 25 of the salary schedule.

(d) Six deputy clerks, grade I, each of whom shall receive a monthly salary at the rate specified in salary range number 23 of the salary schedule.

SEC. 11. Section 74303.1 of said code is amended to read:

74303.1. Whenever reference to a salary range number is made in this article the following schedule of monthly salaries shall apply:

Salary range number	Step A	Step B	Step C	Step D	Step E
23	$351	$371	$392	$415	$439
23.5	361	382	403	427	452
24	371	392	415	439	464
24.5	382	403	427	452	477
25	392	415	439	464	491
25.5	403	427	452	477	505
26	415	439	464	491	519
26.5	427	452	477	505	534
27	439	464	491	519	549
27.5	452	477	505	534	565
28	464	491	519	549	581
28.5	477	505	534	565	598
29	491	519	549	581	614
29.5	505	534	565	598	632
30	519	549	581	614	649
30.5	534	565	598	632	668
31	549	581	614	649	686
31.5	565	598	632	668	706
32	581	614	649	686	725
32.5	598	632	668	706	746
33	614	649	686	725	767
33.5	632	668	706	746	789
34	649	686	725	767	811
34.5	668	706	746	789	834
35	686	725	767	811	857
35.5	706	746	789	834	882
36	725	767	811	857	906
36 5	746	789	834	882	932
37	767	811	857	906	958
37 5	789	834	882	932	986

SEC. 12. Section 74303.2 of said code is amended to read:

74303.2. Notwithstanding any other provision of this article, until 90 days after the adjournment of the 1967 Regular Session of the Legislature, whenever a higher compensation is provided for positions in the classification of typist clerk I in the San Mateo County classified service, each person holding a position in any of the classifications specified in this article shall receive correspondingly higher compensation on the salary schedule provided for in Section 74303.1 payable at the same time as that higher compensation provided in the salary ordinance of San Mateo County.

CHAPTER 1140

An act authorizing the conveyance of described land in Santa Cruz by the Division of Beaches and Parks to the United States for a Coast Guard station.

[Approved by Governor July 13, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. The Chief of the Division of Beaches and Parks is authorized to convey and grant on such terms and conditions as are in the best interests of the state to the United States for use as a Coast Guard station site the following described property in Santa Cruz County:

Beginning at a ½ inch iron pipe at a point of reverse curve in the Westerly line of Lake Avenue, from which the Northeast corner of Block 3 of the Lakeside Resubdivision of a Portion of the Venice Addition to Santa Cruz as recorded in Volume 18 of Maps at Page 53, Santa Cruz County Records, bears the following courses and distances: South 83° 36′ 20″ East 201.56 feet and South 6° 23′ 40″ West 15.82 feet distant; thence from said point of beginning from a tangent bearing of South 34° 59′ 10″ East along the Westerly line of Lake Avenue along the arc of a curve to the right with a radius of 205.27 feet thru an angle of 41° 22′ 50″ for a distance of 148.25 feet to a ½ inch iron pipe at a point of reverse curve; thence continuing along said Westerly line of Lake Avenue along the arc of a curve to the left with a radius of 50.00 feet thru an angle of 68° 05′ 25″ for a distance of 59 42 feet to a ½ inch iron pipe; thence leaving the last mentioned line South 75° 49′ 10″ West 93.15 feet to a ½ inch iron pipe; thence North 6° 43′ 40″ East 140.00 feet to a ½ inch iron pipe; thence North 87° 08′ 50″ West 28.00 feet to a ½ inch iron pipe; thence North 2° 11′ 50″ West (at 15 50 feet the westerly end of the centerline of a sewer easement 10.00 feet in width) 44.70 feet to a ½ inch iron pipe; thence on a curve to the right with a radius of 25.00 feet thru an angle

of 50° 16′ 00″ for a distance of 21.93 feet to a ½ inch iron pipe; thence North 48° 04′ 10″ East 25.00 feet to a ½ inch iron pipe; thence on a curve to the right with a radius of 40.00 feet thru an angle of 11° 07′ 40″ for a distance of 7.77 feet to a ½ inch iron pipe on the Westerly line of Lake Avenue; thence from a tangent bearing of South 32° 27′ 40″ East along the Westerly line of said Lake Avenue on a curve to the left with a radius of 354.25 feet thru an angle of 2° 31′ 30″ for a distance of 15.61 feet to the point of beginning.

Subject to a sewer easement 10.00 feet in width the centerline of which is described as follows:

Beginning at a point from which a ½ inch iron pipe at the most Southerly corner of the above described parcel bears the following courses and distances: South 2° 11′ 50″ East 15.50 feet, South 87° 08′ 50″ East 28.00 feet and South 6° 43′ 40″ West 140 00 feet distant; thence from said point of beginning South 76° 00′ 00″ East to the Westerly line of Lake Avenue.

Together with and subject to any rights-of-way and easements of record.

CHAPTER 1141

An act authorizing the Chief of the Division of Beaches and Parks to exchange designated property of the State of California for property in private ownership in Santa Cruz County.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. The Chief of the Division of Beaches and Parks is authorized to convey and grant that real property designated herein as Parcel 1 in exchange for that real property herein designated as Parcel 2 to William Henry Brooks and Mary Louise Brooks.

SEC. 2. Parcel 1 means:

All that certain real property situated in the State of California, County of Santa Cruz, described as:

A portion of the lands described in the deed from Coast Reduction, Inc., a Delaware Corporation, to the State of California, recorded September 2, 1948 in Volume 674, Page 205, Official Records of Santa Cruz County, said lands being located in Lots 43 and 51 of the San Andreas Rancho; said portion being particularly described as follows:

Beginning at a point in the southeasterly line of Lot M of Tract No. 1, La Selva Beach as per map filed for record in the Office of the Recorder of Santa Cruz County on January 26, 1936 in Book 26 of Maps, Page 2, from which a 2-inch iron pipe monument with a brass cap stamped "L.S. 2720" at the most southerly corner of said Lot M, as shown on a Record of Survey of a Portion of Lots 33, 43 and 51 in the San Andreas

Rancho filed for record in the Office of the Recorder of Santa Cruz County on September 13, 1957 in Book 33 of Maps, Page 81, bears South 43° 13′ West, 253.17 feet; thence from said point of beginning, along the southeasterly line of said Lot M, North 43° 13′ East, 25.07 feet to the most easterly corner thereof on the southerly line of the Southern Pacific Railroad Company right of way from which a ½ inch iron pipe monument shown on the last mentioned record of survey bears North 43° 13′ East, 1.89 feet; thence along the southerly line of said railroad right of way the following three courses: South 58° 15′ 10″ East, 74.74 feet; thence along a tangent curve concave to the northeast, having a radius of 2,889.93 feet, the radius point of which bears North 31° 44′ 50″ East, through a central angle of 2° 00′, an arc distance of 100.88 feet; thence South 60° 15′ 10″ East, 402.69 feet to a point in the northwesterly line of an easement for highway purposes described in an agreement dated June 20, 1949 between the State of California, its State Park Commission, and the County of Santa Cruz; thence along said northwesterly line, South 29° 42′ 40″ West, 100.00 feet (North 28° 57′ East, agreement); thence leaving said northwesterly line, North 21° 36′ 20″ West, 128.10 feet; thence North 60° 15′ 10″ West, 484.10 feet to the point of beginning.

Containing 0.365 acres, more or less.

Bearings used in this description are GRID, based on the California State Coordinate System, Zone III.

SEC. 3. Parcel 2 means:

All that certain real property situated in the State of California, County of Santa Cruz, described as:

Those portions of Lots L and M of Tract No. 1, La Selva Beach, as per map filed for record in the Office of the Recorder of Santa Cruz County on January 26, 1936 in Book 26 of Maps, Page 2, described as follows:

Beginning at the most southerly corner of Lot M; thence from said point of beginning, along the southwesterly line of Lots L and M, North 32° 35′ West, 183.32 feet to the most westerly corner of Lot L; thence along the northwesterly line of Lot L, North 57° 14′ East, 56.00 feet; thence South 45° 58′ 10″ East, 163.22 feet to the southeasterly line of Lot M; thence along said southeasterly line, South 42° 39′ West, 97.00 feet to the point of beginning.

Containing 0.300 acres, more or less.

CHAPTER 1142

An act to amend Sections 8, 10, 14, 21, 28g, 28h, 28k, 28½o, 28t, 29a, 40, 53, 60, and 66 of, and to add Sections 75, 76, and 77 to, the Palo Verde Irrigation District Act (Chapter 452, Statutes 1923), relating to the Palo Verde Irrigation District.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 8 of the Palo Verde Irrigation District Act (Chapter 452, Statutes 1923) is amended to read:

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

The compensation of trustees and of all officers shall be fixed by the trustees themselves from time to time. The compensation of trustees, however, shall not exceed fifty dollars ($50) per diem. All officers shall hold office respectively until their successors are elected and qualify, but the regular term of office of trustees shall be three years from the date of election. Elections shall be held annually on the third Tuesday of September of each year. The trustees so elected shall qualify by taking the oath as herein provided, and shall organize at their first meeting, which shall be held not later than 20 days after the election.

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

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

The board shall have the power to adopt the proper rules or regulations to govern their procedure, and for the preservation and disbursement of its funds, time, place and manner of holding meetings, but a regular meeting day fixed by the board for a definite time and place each month must be provided to be held, and no notice of regular meetings need be given, and the president or a majority of the members of the board shall have the right to call special meetings upon giving notice to the other trustees of the time and place thereof, not less than 24 hours in advance of holding the meeting. Meetings may be held at any time or place when all

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

SEC. 2. Section 10 of said act is amended to read:

Sec. 10. The board of trustees of the district, in addition to all other powers and duties prescribed by this act, shall have the following powers and duties:

1. To keep a record of all its proceedings and minutes of its meetings, which meetings shall be public, and all records of the district shall be open to the public for inspection during reasonable business hours.

2. To manage and conduct the business and affairs of the district; make and execute all necessary contracts, employ and appoint such agents, officers and employees as may be required, and prescribe their duties, and to discharge all employees. The board and its agents and employees shall have the right to enter upon any land to make surveys, and may locate the necessary irrigation, protection, reclamation or other works or improvements, and the line of canals or conduits, and their incidental branches and laterals; also for the location of levees, dikes or other structures which may be deemed proper.

3. Said board shall also have the right to acquire, by purchase, lease or condemnation, or other lawful means, all lands and waters or water rights and other property necessary for construction, use, supply, maintenance, repair and improvements of any and all irrigation plants or systems under its control, or to be acquired or controlled by the district, or for the construction, use, supply, maintenance, repair or improvement of any and all levees, protection works, drainage or reclamation work under its control or to be acquired and controlled by the district, whether any such properties be in this or other states and also where necessary or convenient in carrying out the purposes of this act, to acquire and hold the stock of other corporations, domestic or foreign, owning waters, canals, water works, franchises, concessions or rights, levees or drainage works. Said board may enter into and do all acts necessary or proper for the performance of any agreements with the United States or any state, county or district of any kind, public or private corporation, association, firm or individual, or any number of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any levees, works or other property of any kind which might lawfully be acquired or owned by the district, and may acquire the right to store water in any reservoir or to carry water through any canal, ditch or

conduit not owned or controlled by the district, and may grant to any owner or lessee, the right to the use of any water, the right to store such water in any reservoir of the district, or to carry such water through any canal, ditch or conduit of the district. And may likewise enter upon any acts necessary or proper for the performance of any agreements with the United States or any state, county, or district, corporation, firm or individual or any number of them, for the joint acquisition, construction, maintenance or repair of any levees or other protection works or drainage or other reclamation works.

4. To construct dams, reservoirs and works for the collection of water for the district, and to do any and every lawful act necessary to be done that sufficient water may be furnished to each landowner or inhabitant in the district for irrigation and domestic purposes, and may contract to supply water to any mutual water company within the district which is or may be organized to furnish water to certain specified lands within the district; provided, the lands so supplied by any such mutual water company are within this district, and may contract for supplying such lands with water through such mutual water companies.

The board is authorized and empowered to take conveyances, leases, contracts or other assurances for all property acquired by it under the provisions of this act, in the name of this district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this act, and to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this act or acquired in pursuance thereof, and may appear and defend in person or by attorneys in the name of such irrigation district.

5. The legal title to all property acquired under the provisions of this act shall immediately, by operation of law, vest in the district, and shall be held by the district in trust for, and is hereby dedicated and set apart to, the uses and purposes set forth in this act. And said board is hereby authorized and directed to hold, use, manage, keep and possess, said property as herein provided. The board may determine by resolution duly entered upon its minutes, that any property, real or personal, held by such irrigation district, is no longer necessary to be held for the uses and purposes thereof, and may thereafter sell such property, and a conveyance of any property held by this district, executed by the president and secretary thereof, in accordance with the resolution of the board of trustees of such district, when sold for a valuable consideration, shall convey a good title to the property so conveyed.

6. It shall be the duty of the board of trustees to establish suitable bylaws, rules and regulations for the distribution and use of water among the owners of lands, which must be printed in convenient form for the use of the district. Said board may

fix and collect rates of tolls and charges, for the purposes, and in the manner in this act provided.

Said board may provide, by uniform rules and regulations, that water shall not be furnished to persons against whom, or for use upon land on which, there are delinquent water tolls or charges or delinquent district taxes.

7. When the board of trustees deems it advisable for the best interests of the district and the convenience of the electors thereof, it may at any time, but not less than 60 days before an election is to be held in the district, divide the district into divisions or precincts for election purposes, but such divisions shall be made as nearly equal in area or population as may be practicable. The boundaries of the divisions and precincts or any subsequent changes therein must be shown on the minutes of the board. Should the district be divided into divisions or precincts by the board of trustees for the purpose of holding elections thereafter, any property owner owning property in one or more precincts or divisions, must cast the ballots represented by his respective parcels in each precinct where such parcels are situate respectively, and if any such parcel lies partly in one precinct and partly in another, he may cast the ballots represented thereby in either, but before doing so he must notify the election board in the other precinct of his intention to do so, in order that the election board may note the ballots represented by said land as having been voted.

8. After the first election of trustees held in pursuance of the provisions of this act, all subsequent regular elections shall be called annually at the times fixed for the holding of the annual election, and the trustees shall cause notice of such election to be given for the period and in the manner hereinbefore prescribed in reference to the first election, and the trustees shall perform all the duties in respect to giving notice of the election, establishing election boards, providing the ballots and assessment roll records necessary for conducting the election, designating voting places, causing the returns to be canvassed, and the results declared, which have been imposed upon the supervisors in respect to the first election.

Likewise, the board of trustees shall perform all the acts necessary for calling and conducting special elections provided for in this act.

In all elections for trustees the persons receiving the highest number of votes shall be deemed elected for the office to be filled; provided, that if among the persons receiving the highest number of votes there shall be so many persons who are not resident in said district that the aggregate number of trustees whose terms have not expired who are not resident in said district added to such number of nonresident persons voted for shall exceed three, then the nonresident or nonresidents having the lowest number of votes shall be deemed not elected and the person or persons receiving the next highest number of votes who are resident in said district shall be deemed elected, so that not less than a majority of the trustees

shall be residents of the district. If an election is not held as herein provided, then upon the filing of a petition with the secretary of the board of trustees, signed by property owners owning real property assessed upon the last preceding equalized assessment roll at not less than the aggregate of five thousand dollars ($5,000), requesting that a special election be called for the election of officers, the trustees of such district shall thereupon call a special election for the election of such officers, such election to be held within not less than 40 days after the filing of such petition.

Each member of the board of trustees shall qualify by executing an official bond in the sum of ten thousand dollars ($10,000) on or before noon of the 20th day following his election, which bond shall thereafter be approved by a judge of the Superior Court of Riverside County, and be recorded in the office of the county recorder thereof, and filed with the secretary of the board. All official bonds herein provided for shall be in the form prescribed by law for the official bonds of the county officers, and premium thereof may be paid by the district.

9. Said board of trustees shall have the power at any time that, in its judgment, as declared by order entered in its minutes, the expenditure of money is absolutely necessary to the welfare of the district and the accomplishment of the purposes of this act, and there is no money in the fund of said district to make such necessary expenditures or the money in said funds is insufficient to make such necessary expenditure, to borrow for any period of time, not exceeding one year, such sum, not exceeding two hundred fifty thousand dollars ($250,000) as may be necessary to make such expenditure, and may evidence such indebtedness by the note or notes of said district, executed by its president and secretary, and bearing interest at not more than 7 percent per annum.

10. Where said board expressly finds that provision for recreational use of district property or facilities will not interfere with the primary purpose of the district to supply water for irrigation and domestic purposes, the board is also empowered to allow the use of district property or facilities for recreational purposes, whether by lease, license or otherwise, subject to such conditions as the board may provide, and to provide recreational facilities within the district and to fix and collect charges for the use of such facilities.

11. The board of trustees shall also have power generally to perform all other such acts as shall be necessary to fully carry out the purpose of this act.

SEC. 3. Section 14 of said act is amended to read:

Sec. 14. Extension and Improvement of Existing Levees, Drainage Canals and Water Systems. The district, through its board of trustees, is further authorized and empowered, and it shall be the duty of the trustees, as soon as may be practicable and as rapidly as funds may be available for that purpose, to proceed with the strengthening and extension of

existing levees or other works for the protection of the valley against overflow and inundation from the Colorado River; and likewise, the further extension and development of the water system to be taken over by the district, and the strengthening and improvement of its canals, laterals, headworks and distribution system generally; and also for the further construction of drainage canals and ditches and other works necessary for the drainage of the swamp and overflowed lands; also for the further protection of the inhabitants of the district and the improvement of health or other conditions in the valley to take such steps as may be necessary or proper for the elimination of mosquitoes or other insect pests; provided, however, that no new construction work shall be contracted, nor shall any replacement or repair work be contracted, where the cost thereof will exceed five thousand dollars ($5,000) without first causing a description of the work to be performed, with specifications and plans to be prepared and at least 10 days' notice given of an intention to contract for the work, and inviting sealed bids. Such notice must be given by publishing notice at least once during the week preceding the time for submitting bids, in a newspaper published within the district, or if none is published therein, then within the County of Riverside, State of California, as the board of trustees may direct. The work must be let to the lowest and best responsible bidder, but the trustees shall have the right to reject any and all bids; provided, however, that in the event the properties or inhabitants within the district, or the levees, water system or reclamation works, or any part thereof, shall be threatened with destruction or serious damage by reason of rapid or unusual rise of water in the Colorado River, or from any other cause, and in the judgment of the board of trustees, necessity exists for immediate and prompt action, all materials may be purchased, all labor contracted or otherwise procured, and all other indebtedness may be incurred which, in the judgment of the board of trustees, may be necessary to meet the emergency, without the necessity of competitive bidding or notice, and all indebtedness thus contracted shall be a legal obligation against the district; but provided, however, that the determination of the board of trustees that an emergency does exist must be entered in the minutes of the board; provided, further, that nothing herein contained shall be construed as requiring the board of trustees to carry on any of its construction, maintenance, repair or other work through contracting or letting the same, but it shall be optional with the district, through its board of trustees, to contract all or any part of such work through competitive bidding as above provided, or the district may, through its board of trustees, employ the necessary labor and furnish the necessary materials to carry on any and all work authorized by this act, under the supervision of the board of trustees, and full power is vested in the board of trustees for that purpose; but provided, however, that if the trustees undertake to carry on such construction, replacement, repair

or other work through its own supervision, and it becomes necessary to purchase materials or supplies in lots of a greater value than five thousand dollars ($5,000), competitive bidding must be invited by like notice as hereinbefore provided with respect to the letting of contracts, and the property must be purchased from the lowest responsible bidder, but the board, however, shall have the right to reject any and all bids.

SEC. 4. Section 21 of said act is amended to read:

Sec. 21. Form of Bonds, Interest, Life of Bonds. Subject to the provisions of this act the trustees of the district shall prescribe the form of bonds issued by the district, and of the interest coupons to be attached thereto. An issue of bonds is hereby defined to be all the bonds issued in accordance with a proposal approved by the electors of the district qualified to vote as provided in this act. Each issue of bonds of the district shall be numbered consecutively as authorized, and the bonds of each issue shall be numbered consecutively. The board of trustees shall fix the date of said bonds and may divide said issue into two or more divisions, and shall fix the dates of the bonds for each respective division. The date of any bond shall be subsequent to the election at which its issuance was authorized, and prior to its delivery to a purchaser from the district. The date of any issue of any bond authorized under this act or hereafter issued in pursuance of this act shall be deemed to be the apparent date of the said bond appearing on the face thereof. Each bond shall be signed by the president and secretary of the board of trustees of the district who may be in office at the date of said bond, or at any time thereafter prior to the delivery of said bond to the purchaser thereof from the district, and the seal of the district shall be impressed on each bond. The interest coupons shall also bear the signature of the secretary of the board of trustees or a facsimile of such signature. The board of trustees shall fix the denomination of said bonds, which shall not be less than one hundred dollars ($100) nor more than one thousand dollars ($1,000). Said bonds shall bear interest at a rate to be fixed by the board of trustees, but the rate shall not exceed 6 percent per annum. The interest shall be payable on the 1st day of January and the 1st day of July of each year. The board of trustees shall also designate the place or places at which bonds or any of them and the interest thereon shall be payable. Each issue or each designation of each issue of said bonds shall be payable in currency of the United States in 20 series as follows, to wit: At the expiration of 21 years from the date of any issue or any division of any issue of said bonds, 2 per centum of the whole amount of such issue or division; at the expiration of 22 years from said date, 2 per centum of the whole amount of such issue or division; at the expiration of 23 years from said date, 3 per centum of the whole amount of such issue or division; at the expiration of 24 years from said date, 3 per centum of the whole amount of such issue or division; at the expiration of 25 years from said date, 4 per

centum of the whole amount of said issue or division; at the expiration of 26 years from said date, 4 per centum of the whole amount of such issue or division; at the expiration of 27 years from said date, 4 per centum of the whole amount of such issue or division; at the expiration of 28 years from said date, 4 per centum of the whole amount of such issue or division; at the expiration of 29 years from said date, 5 per centum of the whole amount of such issue or division; at the expiration of 30 years from said date, 5 per centum of the whole amount of such issue or division; at the expiration of 31 years from said date, 5 per centum of the whole amount of such issue or division; at the expiration of 32 years from said date, 5 per centum of the whole amount of such issue or division; at the expiration of 33 years from said date, 6 per centum of the whole amount of such issue or division; at the expiration of 34 years from said date, 6 per centum of the whole amount of such issue or division; at the expiration of 35 years from said date, 6 per centum of the whole amount of such issue or division; at the expiration of 36 years from said date, 6 per centum of the whole amount of such issue or division; at the expiration of 37 years from said date, 7 per centum of the whole amount of such issue or division; at the expiration of 38 years from said date, 7 per centum of the whole amount of such issue or division; at the expiration of 39 years from said date, 8 per centum of the whole amount of such issue or division; at the expiration of 40 years from said date, 8 per centum of the whole amount of such issue or division; provided, that if any bonds are not dated on the 1st day of January or the 1st day of July, they shall nevertheless be made payable on the 1st day of January or the 1st day of July, next preceding the date on which they would become payable according to the foregoing schedule; bonds of any issue may be made payable at the ends of other periods than are specified herein and the number of series may be more or less than 20, if the number of series and the length of the respective periods at the ends of which the respective amounts of bonds shall be made payable, have been specified in the notice of election at which the issuance of such bonds was authorized or on the recommendation of the bond certification commission, but in any event the bonds shall all be made payable on the 1st day of January or the 1st day of July next preceding the ends of the respective periods specified, unless said bonds are dated on the 1st day of January and the 1st day of July, and in no case shall maturity of any bonds be more than 40 years from the date thereof, nor shall more than 8 per centum of the total amount of any issue or division be made payable in any one year if the number of series is made more than 20. Each bond shall be made payable at a given time for its full face value and not for a percentage thereof.

SEC. 5. Section 28g of said act is amended to read:

Sec. 28g. In case the board of trustees of the district shall find that any property has been assessed in any year more

than once, or has been assessed by reason of a clerical error for more than its full cash value, or the assessment computed on an excessive acreage, or that any property assessed was not in the district when so assessed, the board may authorize the collector to cancel or modify any such assessment as may be proper, and, in case of any such change in any assessment, the secretary shall credit the collector with the amount of said assessment, if it is canceled, or the amount by which it is reduced, if it is modified.

Any taxes, penalties or costs thereon, or portions thereof, provided for by this act, heretofore or hereafter paid more than once, or heretofore or hereafter erroneously or illegally collected, may, by order of the board of trustees, be refunded by the treasurer.

No order for the refund of taxes, penalties or costs under this section shall be made except on a verified claim therefor, verified by the person who has paid said taxes, penalties or costs, or by his guardian, or, in case of his death, by his executor or administrator, which said claim must be filed within one year after the making of the payment sought to be refunded.

SEC. 6. Section 28h of said act is amended to read:

Sec 28h. On or before the first Monday in October of each year the secretary must deliver the assessment roll to the collector of the district, who shall within 10 days thereafter publish a notice in a newspaper published in said district, or if there be none, in the County of Riverside, that said taxes will be due and payable on the third Monday in October next thereafter, and that the first installment thereof, including all personal property taxes and one-half of the taxes on lands, and improvements and all water tolls and charges ordered by the board of trustees to be payable and collectible therewith, will become delinquent at six o'clock p.m. on the first Monday in December next thereafter, and that unless paid prior thereto, 5 percent will be added to the amount thereof, and that the second installment of said taxes, being the second one-half of taxes on lands and improvements, and all water tolls and charges ordered by the board of trustees to be payable and collectible therewith, will become delinquent at six o'clock p.m. on the last Monday in April, and that unless paid prior thereto, 5 percent will be added to the amount thereof, and also the time and place at which the payment of said taxes may be made Said notice shall be published once a week for two weeks. The collector must attend at the time and place specified in the notice to receive taxes, which must be paid in United States currency. The collector must mark the date of payment of said taxes on the assessment roll opposite the name of the person paying and give a receipt to such person, specifying the amount of the tax and the amount paid, with the description of the property assessed. After said first installment of taxes has become delinquent, the collector must collect thereon, for the use of the district, an addition of 5

percent thereof, and, after the second installment of said taxes has become delinquent, the collector must collect thereon, for the use of the district, an addition of 5 percent.

SEC. 7. Section 28k of said act is amended to read:

Sec. 28k. The collector must collect, in addition to the taxes shown due on the delinquent list, with the percentages hereinbefore specified added, five dollars ($5) on each lot, piece or tract of land separately assessed. The collector may postpone the time of sale, but he must give notice thereof at the time and place fixed for the sale in the publication. He may so postpone the time of sale from day to day, but not for a period of more than three weeks; provided, that if the sale be stayed by legal proceedings, the time of the continuance of such proceedings shall not be part of the time limited for making such sale.

SEC. 8. Section 28½o of said act is amended to read:

Sec. 28½o. In all cases where a lot, piece or parcel of land contained in any assessment has been sold or may hereafter be sold to the district for delinquent assessments and the time for redemption has not expired, a partial redemption may be made by the owner or any person in interest separately from the whole assessment of any such lot, piece or parcel of land as follows:

If such lot, piece or parcel of land has a separate valuation shown on the assessment roll, the collector shall estimate the amount due according to the valuation shown on the assessment roll, and the redemption shall be made in the manner provided for in Sections 28n and 28o, as amended, of this act. If such lot, piece or parcel of land or such fractional part of such lot, piece or parcel of land does not have a separate valuation shown on the assessment roll, the collector shall submit the description of the lot, piece or parcel of land, or the fractional part thereof, upon which redemption is requested, to the assessor, who must place a valuation thereon. The collector shall then send a notice by registered mail to the person to whom the land was assessed, to his last known address, giving him notice of the proposed division, and if no protest against said division be filed with the collector within 10 days from the date of the mailing of such notice, the collector shall then estimate the amount of such assessments, penalties, costs and interest due on such lot, piece or parcel of land according to such relative or proportionate value, and such redemption shall be made in the manner provided for in Sections 28n and 28o, as amended, of this act; provided, that where written protest to said division is filed by any assessment payer within said 10 days, the collector shall withhold such redemption and refer the matter to the board of trustees of the district for decision The board of trustees shall set a time for hearing said protest, and cause a notice of the date of said hearing to be mailed by the secretary to the person or persons who have filed written protest, and to the person desiring to make such redemption, at least 10 days prior to the date of such hearing, and at the

termination of said hearing may confirm the act of the assessor or modify or set aside the same, and its decision in the premises shall be final. In the event of such reference to the board of trustees and of their dividing the assessment, the collector shall conform to the action of the board.

Such partial redemption must be made in United States currency or in whole or in part, in warrants of the district, drawn by the auditor of said County of Riverside prior to the first day of July, 1931, as to taxes levied prior to the year 1930.

Warrants so received shall be canceled, and wherever necessary partial payment thereon shall be endorsed thereon.

SEC. 9. Section 28t of said act is amended to read:

Sec. 28t. When lands have been sold or shall hereafter be sold to the district, by reason of nonpayment of taxes, no owner or claimant of such lands, nor any other person, shall remove or destroy any building, fixture, or other improvement on such lands, or cut or remove any timber or wood, or cause to be done any other act which shall tend permanently to impair the value of the lands or the value of the improvements thereon; provided, the provisions of this section shall not apply when such lands have been redeemed from sale or such lands have been sold and disposed of by the district. Violation of any of the provisions of this paragraph of this section shall constitute a misdemeanor.

From and after the date of the recording of the deed to the district, as provided herein, the district shall be entitled to receive and collect all rents, issues and profits arising in any manner from the property so conveyed. The board of trustees may demand from the former owner of said property, or any person having any interest therein, or any person in possession, actual or constructive, of said property, or of any part thereof, an accounting for said rents, issues and profits, and may, at any time after the recording of said deed to the district, as aforesaid, demand and receive possession of the property so conveyed, and such possession shall be surrendered to any person designated by the board, authority for such designation being hereby granted. For the enforcement of the provisions of this paragraph of this section, the board of trustees is authorized to commence and maintain an action or actions in behalf of the district. The superior court of the County of Riverside shall have jurisdiction in the matter of such actions. All moneys recovered under the provisions of this section shall be paid into the district treasury for the use of the district, and shall not be considered as a credit on the amount necessary to be paid in redemption of the property from the sale to the district.

SEC. 10. Section 29a of said act is amended to read:

Sec. 29a. Whenever any warrant of the district, payable on demand, is presented to the district treasurer for payment when funds are not available for the payment thereof, it shall thereafter draw interest at a rate to be determined by resolution of the board of trustees, not, however, to exceed

7 per centum per annum until public notice is given that such funds are available. Upon the presentation of any such warrants for payment, the district treasurer shall endorse thereon the words "funds not available for payment," with the date of presentation, and shall specify the interest that such warrants shall thereafter bear, and shall sign his name thereto. He shall keep a record showing the number and amount of each such warrant, the date of its issuance, the person in whose favor it was issued, and the date of its presentation for payment. Whenever there is sufficient money in the treasury to pay all such outstanding warrants, or whenever the board of trustees shall order that all such warrants presented for payment prior to a certain date be paid and there is sufficient money available for such payment, the district treasurer shall give notice in some newspaper published in the district, or, if there be none, in the County of Riverside, stating that he is prepared to pay all warrants of the district for the payment of which funds were not available upon their original presentation, or all such warrants which were presented for payment prior to the date fixed by the board of trustees, as the case may be, and no further description of the warrants entitled to payment shall be made in such notice. Upon the presentation of any warrant entitled to payment under the terms of such notice, the district treasurer shall pay it, together with interest thereon at the rate specified by the board of trustees from the date of its original presentation for payment to the date of the publication of said notice, and all warrants for the payment of which funds are declared in said notice to be available shall cease to draw interest at the time of the first publication of said notice. The treasurer shall enter in the record hereinbefore required to be kept the dates of payment of all such warrants, the names of the persons to whom payments are made, and the amount paid to each person.

SEC. 11. Section 40 of said act is amended to read:

Sec. 40. Exclusion of Lands. Change of Boundaries by Exclusion of Lands. The boundaries of this district may be changed by exclusion of lands therefrom by following substantially the procedure prescribed in the act of the Legislature of the State of California known as the Irrigation District Law (Division 11 (commencing with Section 20500) of the Water Code), and which provisions on that subject are embodied in Chapter 1 (commencing with Section 26700), Part 11, Division 11 of the Water Code, and all of the provisions of said law with respect to the exclusion of land as the same have been amended and existed on January 1, 1923, are hereby adopted as a part of this act, except that the powers, rights and duties conferred upon the board of directors of irrigation districts formed under said law, are hereby conferred upon the board of trustees of this district; and provided, further, that it shall not be necessary to make any division or redivision of the lands within the district on account of any such exclusion, as provided in Sections 81 and 82 of said act, nor

shall the exclusion of lands in any manner affect the tenure of office or manner of election of trustees of this district; and provided, further, that the exclusion of lands from this district shall not in any manner operate to release the lands so excluded from any obligation to pay, or lien thereon, of any valid outstanding bonds or other indebtedness of said district at the time of the filing of the petition for the exclusion of such land, but on the contrary the same shall be held subject to such lien and answerable and chargeable for and with the payment and discharge of all such outstanding obligations at the time of the filing of the petition for the exclusion of such land as fully as though said petition for the exclusion of the same was never filed, or order for the exclusion never made; and for the purpose of discharging said outstanding indebtedness the land so excluded shall be deemed and considered as part of the district the same as though the same had never been excluded and all provisions which may have been resorted to to compel the payment by said lands of their pro rata or proportion of said outstanding obligations may, notwithstanding said exclusion, be resorted to to compel and force the payment on the part of said lands of their quota and proportion of such outstanding obligations for which they are liable; but the property so excluded shall not be held answerable or chargeable for any obligations of any nature or kind whatever incurred after the filing with the board of trustees of the district of the petition for the exclusion of the same from the district.

SEC 12. Section 53 of said act is amended to read:

Sec. 53. Provisions for Funding Outstanding Bonds. At the time fixed for the levying of assessments for other purposes authorized by this act, there shall be levied an assessment sufficient in amount to pay the principal and interest then due and unpaid on any bonds issued for funding purposes as herein provided, and also the amount to become due on any such bonds during the year following such levy. The assessment so levied shall be computed and entered in the assessment roll in the same manner, and shall be collected at the same time and in the same manner as other assessments authorized by this act, and when collected shall be paid to the district treasurer for the purposes herein authorized. All provisions of this act relating to the collection of assessments shall be applicable to the assessments levied under this provision.

SEC. 13. Section 60 of said act is amended to read·

Sec. 60 Dissolution All laws of the State of California providing for the dissolution of irrigation districts shall apply to the district organized by this act, in like manner as irrigation districts formed under the Irrigation District Law (Division 11 (commencing with Section 20500) of the Water Code).

SEC. 14. Section 66 of said act is amended to read:

Sec. 66. The district shall have all powers, rights and privileges possessed by irrigation districts organized under the Irrigation District Law (Division 11 (commencing with Sec-

tion 20500) of the Water Code) and may exercise such powers, rights and privileges in the same manner as such irrigation districts with regard to cooperation with the United States, all as provided and authorized in Chapter 2 (commencing with Section 23175), Part 6, Division 11 of the Water Code, as amended; provided, that if any section, subsection, sentence, clause or phrase of Chapter 2 (commencing with Section 23175), Part 6, Division 11 of the Water Code, is for any reason held to be unconstitutional, such decision shall not affect the validity of the adoption by reference herein of the remaining portions of such provisions, and the Legislature hereby declares that it would have referred to and incorporated by reference in this act the provisions of Chapter 2 (commencing with Section 23175), Part 6, Division 11 of the Water Code, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases of such provisions, may be declared unconstitutional; and provided further, that qualifications for voting at any election in the district upon any proposal to enter into contract with the United States or any agency thereof under Chapter 2 (commencing with Section 23175), Part 6, Division 11 of the Water Code, shall be such as are prescribed by this act. Whenever the board of trustees of the district has heretofore by resolution authorized the execution of any contract with the United States, or any agency thereof, for sale or exchange of bonds, including refunding bonds, of the district for the purpose of refinancing any obligations of the district, or funding or refunding any bonds of the district, or for any other purposes of the district authorized by this act, or by Chapter 2 (commencing with Section 23175), Part 6, Division 11 of the Water Code, such contract or contracts and all acts and proceedings of said board of trustees and all acts of public officers in connection therewith, leading up to and including the execution of such contract or contracts, are hereby legalized, ratified, confirmed and declared valid to all intents and purposes, and the power of such district to authorize and execute such contract or contracts and to carry out and perform the same is hereby ratified, confirmed and declared, and such contract is or such contracts are declared to be legal and binding obligations of, against and in favor of the district

SEC. 15. Section 75 is added to said act, to read:

SEC. 75. All annexations to and inclusions of lands in Palo Verde Irrigation District since the original creation thereof as reflected by the records of said district, regardless of any defects in the annexation or inclusion proceedings, are hereby ratified, validated and confirmed, all lands so annexed or included are declared to be validly a part of said district, and it has been found and the Legislature does hereby declare that all lands so annexed and included, together with the improvements thereon, have been, are now, and will continue to be benefited by the construction and operation of the irrigation

and drainage works heretofore constructed in said district and by irrigation and drainage works heretofore contracted to be constructed, leased or purchased, but not yet constructed.

SEC. 16. Section 76 is added to said act, to read:

Sec. 76. All agreements so heretofore entered into for the construction, purchase or leasing of such irrigation and drainage works are hereby validated, ratified and confirmed, are found and declared to be valid and legally binding agreements in accordance with their terms, and may be performed without further approvals or consents. Any amendments to or changes in any such agreement which may hereafter be made by the board shall not, unless they substantially change the character of such agreement, in any way impair the curative effect of this section.

SEC. 17. Section 77 is added to said act, to read:

Sec. 77. In its discretion the board of trustees may bring an action to validate any such agreement pursuant to the provisions of Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

CHAPTER 1143

An act to amend Sections 507, 507.1, 660, 667, 2002, 2003, and 2205, the title of Article 3 (commencing with Section 660) of Chapter 2 of Division 1 and the title of Division 2 (commencing with Section 2001) of, to repeal Section 2211 of, and to add Section 2205.1 to, the Public Resources Code, relating to mines and geology.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 507 of the Public Resources Code is amended to read:

507. The Division of Mines and Geology shall be administered under the supervision and direction of the director, in accordance with the state statutes and the policies prescribed by the State Mining and Geology Board, through a chief who shall be known as the State Geologist. He shall be a technically trained engineer, possessing general experience in geology, mining, engineering, and metallurgy, appointed under provisions of the State Civil Service Act by the director upon nomination by the State Mining and Geology Board.

SEC. 2. Section 507.1 of said code is amended to read:

507.1. There shall be a State Mining and Geology Board, consisting of five members appointed by the Governor with the advice and consent of the Senate for terms of four years and until their successors are appointed and qualified. Members shall be selected from those citizens of this state associated

with or having detailed knowledge of the prospecting for, production, processing or marketing of the minerals of this state.

The members of the incumbent Mining Board, continued in office, shall be classified by the Governor so that the term of office of one member shall expire January 15, 1950 and the terms of two members on January 15, 1951 and January 15, 1952, respectively. An appointment to fill a vacancy occurring before the expiration of a term shall be only for the remainder of that term. All appointments made when the Legislature is not in session shall be subject to confirmation at the next regular or special session of the Legislature. The board shall have the power to organize itself and select its officers.

The board shall represent the state's interest in the development, utilization and conservation of the mineral resources of the state, and in the development, collection, collation and dissemination of geological information necessary to the understanding and utilization of the state's terrain. It is empowered to establish policies conforming to the provisions of state statutes to govern the administration of the Division of Mines and Geology.

The director may authorize the State Geologist to exercise his power to appoint employees of the Division of Mines and Geology in accordance with the State Civil Service Act. The director may authorize the State Geologist or any employee of the Division of Mines and Geology to exercise any power granted or perform any duty imposed upon the director by the State Civil Service Act.

SEC. 3. The title of Article 3 (commencing with Section 660) of Chapter 2 of Division 1 of said code is amended to read:

Article 3. State Mining and Geology Board and the Division of Mines and Geology

SEC. 4. Section 660 of said code is amended to read:

660. There is in the department a State Mining and Geology Board, consisting of five members appointed by the Governor, subject to confirmation by the Senate, for terms of four years and until their successors are appointed and qualified.

SEC. 5. Section 667 of said code is amended to read:

667. The board shall represent the state's interest in the development, utilization and conservation of the mineral resources of the state, and in the development, collection, collation and dissemination of geological information necessary to the understanding and utilization of the state's terrain. It may establish policies conforming to the provisions of state statutes to govern the administration of the Division of Mines and Geology.

SEC. 6. The title of Division 2 (commencing with Section 2001) of said code is amended to read:

DIVISION 2. GEOLOGY, MINES AND MINING

SEC. 7. Section 2002 of said code is amended to read:

2002. "Department," in reference to the government of this state, means the Department of Conservation.

SEC. 8. Section 2003 of said code is amended to read:

2003. "Division," in reference to the government of this state, means the Division of Mines and Geology in the Department of Conservation.

SEC. 9. Section 2205 of said code is amended to read:

2205. The State Geologist may:

(a) Make, facilitate, and encourage special studies of the mineral resources, mineral industries, and geology of the state.

(b) Collect statistics concerning the occurrence and production of the economically important minerals and the methods pursued in making their valuable constituents available for commercial use.

(c) Make a collection of typical geological and mineralogical specimens, especially those of economic and commercial importance, such collection constituting the museum of the division.

(d) Provide a library of books, reports, and drawings bearing upon the mineral industries, the sciences of mineralogy and geology, and the arts of mining and metallurgy, such library constituting the library of the division.

(e) Make a collection of models, drawings, and descriptions of the mechanical appliances used in mining and metallurgical processes and geology.

(f) Preserve and so maintain such collections and library as to make them available for reference and examination, and open to public inspection at reasonable hours.

(g) Maintain, in effect, a bureau of information concerning the mineral industries of this state, to consist of such collections and library, and arrange, classify, catalogue, and index the data therein contained in a manner to make the information available to those desiring it.

(h) Conduct, with city and county governments or federal agencies, large-scale geological investigations to identify and provide timely delineation of geological hazards in and adjacent to metropolitan areas, and to identify and delineate deposits of mineral raw materials in order to prevent their loss to urban encroachment and to assist in their ultimate utilization; and enter into, as the need arises, cooperative agreements, for geological or mineral industry investigations, with cities, cities and counties, counties, federal agencies, and universities, which may provide for cost-sharing or cooperative funding.

(i) Maintain a laboratory to provide support to the division staff and to conduct such other investigations in the line of physical and chemical testing and analysis and mineral identification as may be required in the execution of the plans and operations of the division under this chapter.

(j) Issue from time to time such bulletins as he may deem advisable concerning the statistics and technology of the mineral industries of this state.

SEC. 10. Section 2205.1 is added to said code, to read:

2205.1. None of the provisions of Division 1 (commencing with Section 501) or this division shall be construed as abridging the authorized geologic functions of other state agencies.

SEC. 11. Section 2211 of said code is repealed.

SEC. 12. Sections 3 to 5, inclusive, of this act become operative only if the amendments to the Public Resources Code as proposed by Senate Bill No. 710 are enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as said amendments take effect, at which time Sections 507 and 507.1 of the Public Resources Code as amended by this act are repealed.

CHAPTER 1144

An act to repeal Division 1 (commencing with Section 501) and Division 4 (commencing with Section 4000) of, to add Division 1 (commencing with Section 500), Division 4 (commencing with Section 4001) and Sections 5001.1 and 8600.1 to, to amend Sections 2002, 2003, 3001, 3002, 3003, 3340, 3419, 5001, 5010.5, 5020, 5063, 5080, 5082, 5084, 5085, 5086, 5087, 5088, 5089, 5090, 5091, 5821, 5822, 5829 1, 5832, 5837, 5851, 6201, 6818, 6873.2, 8600, 9012, 9013, 9035, 9039, 9046, 9054, 9064, and 9066 of, the Public Resources Code, relating to the natural resources of the state and the administration thereof.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 13, 1965]

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

SECTION 1. Division 1 (commencing with Section 501) of the Public Resources Code is repealed.

SEC. 2. Division 1 (commencing with Section 500) is added to said code, to read:

DIVISION 1. ADMINISTRATION

CHAPTER 1. DEPARTMENT OF PARKS AND RECREATION

Article 1. Organization and General Powers

500. As used in this chapter, "department" means the Department of Parks and Recreation and "director" means the Director of Parks and Recreation.

501. There is in the Resources Agency, the Department of Parks and Recreation. The department shall be conducted under the control of an executive officer known as the Director of Parks and Recreation. The director shall be appointed by

and hold office at the pleasure of the Governor and shall receive an annual salary as provided in Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code. The appointment of the director shall be subject to confirmation by the Senate.

502. The director, before entering upon his duties, shall execute and deliver to the state an official bond in the sum of twenty-five thousand dollars ($25,000) conditioned upon the faithful performance of his duties.

503. The department succeeds to and is vested with all of the duties, powers, purposes, responsibilities, and jurisdiction vested in the Department of Natural Resources or the Director of Natural Resources and exercised by the following divisions of the Department of Natural Resources: Beaches and Parks; Small Craft Harbors; and Recreation.

Wherever any reference is made to the Department of Natural Resources or to the Director of Natural Resources pertaining to a duty, power, purpose, responsibility or jurisdiction transferred to the Department of Parks and Recreation by this section, it shall be deemed to be a reference to, and to mean, the Department of Parks and Recreation or to the Director of Parks and Recreation, as the case may be.

504. The department may expend the money in any appropriation or in any special fund in the State Treasury made available by law for the administration of the statutes the administration of which is committed to the department, or for the use, support, or maintenance of any board, bureau, commission, department, office or officer whose duties, powers, and functions have been transferred to and conferred upon the department. Such expenditures by the department shall be made in accordance with law in carrying out the purposes for which the appropriations were made or the special funds created.

505. The department shall have possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of all bodies, offices, and officers whose duties, powers, and functions have been transferred to and conferred upon the department.

506 The provisions of Chapter 2 (commencing with Section 11150), Part 1, Division 3, Title 2 of the Government Code apply to the director. The director may appoint, in accordance with civil service, such deputies, officers, and other employees as may be necessary.

507 The work of the department shall be divided into at least three divisions, known as the Division of Beaches and Parks, the Division of Small Craft Harbors, and the Division of Recreation.

508. The director, with approval of the Director of Finance, may accept on behalf of the various divisions of the department federal grants for the purposes for which the department is established. Such grants shall be deposited in the

Special Deposit Fund in the State Treasury provided for by Section 16370 of the Government Code, and may be expended under such terms and conditions as may be required by the federal government.

509. Whenever the department has received and deposited any money in the State Treasury to the credit of the General Fund in an excessive amount or in error, or whenever a refund of all or a portion of such money is due any person, firm, or corporation because of the termination of an agreement or other lawful reason, payment of such refund shall be made upon the filing of a claim by the director with the State Controller. The State Controller shall draw his warrant for payment of the refund from any appropriation made for that purpose.

510. The department may adopt, alter, change or amend any state master plan of shoreline development.

511. 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.

512. For the purpose of disseminating information relating to its activities, powers, duties, or functions, 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 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.

513. 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.

514. 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 re-

ports filed with the department pursuant to Section 656 of the Harbors and Navigation Code.

Article 2. State Park Commission and Division of Beaches and Parks

530. There is in the department a State Park Commission consisting of seven members appointed by the Governor, subject to confirmation by the Senate.

531. The members of the commission shall be selected from areas distributed throughout the state and because of their interest in park, recreation, and conservation matters and shall serve for terms of four years and until their successors are appointed and qualified.

532. The terms of the members of the commission in office at the time this article takes effect in 1965 shall expire as follows: one member January 15, 1966; two members January 15, 1967; two members January 15, 1968; and two members January 15, 1969. The terms shall expire in the same relative order as to each member as the term for which he holds office before this article takes effect.

533. In case of any vacancy in the commission, the appointment shall be for the remainder of the unexpired term.

534. The commission shall elect a chairman from their number who shall serve as chairman for one year and until his successor is elected.

535. The Chief of the Division of Beaches and Parks shall act as secretary of the commission.

536. The members of the commission shall serve without compensation, but shall be entitled to their actual necessary expenses incurred in the performance of their duties.

537. All meetings of the commission shall be open and public.

538. All records of the commission shall be open to inspection by the public during regular office hours.

539. The commission shall establish general policies for the guidance of the director and the Chief of the Division of Beaches and Parks in the administration, protection, and development of the state park system.

Except as provided in this section, the department, acting through the Division of Beaches and Parks, succeeds to and is vested with all of the powers, duties, purposes, responsibilities, and jurisdiction vested in the State Park Commission.

545. The Division of Beaches and Parks shall be administered through a chief who shall have at least five years experience in park, recreational, or related types of administration. The chief shall be appointed by the Governor, subject to confirmation by the Senate. The chief shall serve at the pleasure of the director and his salary shall be fixed by the director in accordance with law. The chief shall have such duties as shall be assigned from time to time, by the director,

and he shall be responsible to the director for the performance thereof.

546. The director may authorize the Chief of the Division of Beaches and Parks to exercise the director's power to appoint employees of the division in accordance with the State Civil Service Act. The director may authorize the chief or any employee of the division to exercise any power granted to, or to perform any duty imposed upon, the director by the State Civil Service Act.

Article 3. Division of Small Craft Harbors

560. The Division of Small Craft Harbors shall be administered by a chief appointed by the Small Craft Harbors Commission with the advice of the director.

Article 4. Division of Recreation

570. The Division of Recreation shall be administered through a chief who is technically trained with adequate administrative experience in the field of public recreation. The chief shall be appointed by the Governor, subject to confirmation by the Senate. The chief shall serve at the pleasure of the director and his salary shall be fixed by the director in accordance with law. The chief shall have such duties as shall be assigned from time to time by the director, and he shall be responsible to the director for the performance thereof.

CHAPTER 2. DEPARTMENT OF CONSERVATION

Article 1. Organization and General Powers

600. As used in this chapter, "department" means the Department of Conservation and "director" means the Director of Conservation.

601. There is in the Resources Agency the Department of Conservation. The department shall be conducted under the control of an executive officer known as the Director of Conservation. The director shall be appointed by and hold office at the pleasure of the Governor and shall receive an annual salary as provided in Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code. The appointment of the director shall be subject to confirmation by the Senate.

602. The director, before entering upon his duties, shall execute and deliver to the state an official bond in the sum of twenty-five thousand dollars ($25,000) conditioned upon the faithful performance of his duties.

603. The department succeeds to and is vested with all of the duties, powers, purposes, responsibilities, and jurisdiction vested in the Department of Natural Resources or the Director of Natural Resources and exercised by the following divisions

of the Department of Natural Resources: Forestry; Mines and Geology; Oil and Gas; and Soil Conservation.

Wherever any reference is made to the Department of Natural Resources or to the Director of Natural Resources pertaining to a duty, power, purpose, responsibility, or jurisdiction transferred to the Department of Conservation by this section, it shall be deemed to be a reference to, and to mean, the Department of Conservation or to the Director of Conservation, as the case may be.

604. The department may expend the money in any appropriation or in any special fund in the State Treasury made available by law for the administration of the statutes the administration of which is committed to the department, or for the use, support, or maintenance of any board, bureau, commission, department, office or officer whose duties, powers, and functions have been transferred to and conferred upon the department. Such expenditures by the department shall be made in accordance with law in carrying out the purposes for which the appropriations were made or the special funds created.

605. The department shall have possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, held for the benefit or use of all bodies, offices, and officers whose duties, powers, and functions have been transferred to and conferred upon the department.

606. The provisions of Chapter 2 (commencing with Section 11150), Part 1, Division 3, Title 2 of the Government Code apply to the director. The director may appoint, in accordance with civil service, such deputies, officers, and other employees as may be necessary.

607. The work of the department shall be divided into at least four divisions, known as the Division of Forestry, the Division of Mines and Geology, the Division of Oil and Gas, and the Division of Soil Conservation.

608. The director, with approval of the Director of Finance, may accept on behalf of the various divisions of the department federal grants for the purposes for which the department is established. Such grants shall be deposited in the Special Deposit Fund in the State Treasury provided for by Section 16370 of the Government Code, and may be expended under such terms and conditions as may be required by the federal government.

609. Whenever the department has received and deposited any money in the State Treasury to the credit of the General Fund in an excessive amount or in error, or whenever a refund of all or a portion of such money is due any person, firm, or corporation because of the termination of an agreement or other lawful reason, payment of such refund shall be made upon the filing of a claim by the director with the State Controller. The State Controller shall draw his warrant for pay-

ment of the refund from any appropriation made for that purpose.

610. For the purpose of disseminating information relating to its activities, powers, duties, or functions, 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 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.

Article 2. State Board of Forestry and Division of Forestry

630. There is in the department a State Board of Forestry consisting of seven members appointed by the Governor, subject to confirmation by the Senate.

631. One member of the board shall be appointed from the general public. In addition, each of the following fields shall be represented by a member appointed to the board, who shall be a person of practical knowledge and experience in the field he is to represent:

(1) The pine producing industry.
(2) The redwood producing industry.
(3) Forest land ownership.
(4) The range livestock industry.
(5) Agriculture.
(6) The beneficial use of water.

632 Each member of the board shall hold office for four years from the expiration of the term of his predecessor and until his successor is appointed and qualified.

633. The terms of the members of the board in office when this article takes effect in 1965 shall expire as follows: one member January 15, 1966; two members January 15, 1967; two members January 15, 1968; and two members January 15, 1969 The terms shall expire in the same relative order as to each member as the term for which he holds office before this article takes effect.

634. An appointment to a vacancy on the board occurring before the expiration of a term shall be for the remainder of that term.

635. The board may organize itself and select its officers

636 The members of the board shall serve without compensation, but shall be entitled to their actual necessary expenses incurred in the performance of their duties.

637. All meetings of the board shall be open and public.

638. All records of the board shall be open to inspection by the public during regular office hours.

639. The board shall represent the state's interest in the acquisition and management of state forests as provided by law and in federal land matters pertaining to forestry, and the protection of the state's interests in forest resources on private lands, and shall determine, establish, and maintain an adequate forest policy. General policies for guidance of the Division of Forestry shall be determined by the board.

645. The board shall nominate and the director shall appoint a technically trained forester, in accordance with the State Civil Service Act, as the State Forester, who shall be Chief of the Division of Forestry and who shall administer the policies of the board under the supervision of the director.

646. The salary of the Chief of the Division of Forestry shall be fixed by the director with the approval of the Governor.

647. The director may authorize the State Forester to exercise his power to appoint employees of the Division of Forestry in accordance with the State Civil Service Act. The director may authorize the State Forester or any employee of the division to exercise any power granted to, or perform any duty imposed upon, the director by the State Civil Service Act.

Article 3. State Mining Board and the Division of Mines and Geology

660. There is in the department a State Mining Board, consisting of five members appointed by the Governor, subject to confirmation by the Senate, for terms of four years and until their successors are appointed and qualified.

661. Members of the board shall be selected from those citizens of this state associated with or having detailed knowledge of the prospecting for, production, processing or marketing of the minerals of this state.

662. The terms of the members of the board in office when this article takes effect in 1965 shall expire as follows: one member January 15, 1966; two members January 15, 1967; and two members January 15, 1968 The terms shall expire in the same relative order as to each member as the term for which he holds office before this article takes effect.

663. An appointment to fill a vacancy on the board occurring before the expiration of a term shall be for the remainder of that term.

664. The board may organize itself and select its officers.

665. All meetings of the board shall be open and public.

666. All records of the board shall be open to inspection by the public during regular office hours, except as otherwise provided for by law.

667. The board shall represent the state's interest in the development, utilization and conservation of the mineral resources of the state. It may establish policies conforming to

the provisions of state statutes to govern the administration of the Division of Mines and Geology.

680. The Division of Mines and Geology shall be administered under the supervision and direction of the director, in accordance with the state statutes and the policies prescribed by the board, through a chief who shall be known as the State Geologist. He shall be a technically trained engineer, possessing general experience in geology, mining engineering, and metallurgy, appointed under provisions of the State Civil Service Act by the director upon nomination by the board.

681. The director may authorize the State Geologist to exercise his power to appoint employees of the Division of Mines and Geology in accordance with the State Civil Service Act. The director may authorize the State Geologist or any employee of the division to exercise any power granted or perform any duty imposed upon the director by the State Civil Service Act.

Article 4. Division of Oil and Gas

700. The Division of Oil and Gas shall be in charge of a chief, known as the State Oil and Gas Supervisor.

SEC. 3. Section 2002 of said code is amended to read:

2002. "Department," in reference to the government of this state, means the Department of Conservation.

SEC. 4. Section 2003 of said code is amended to read:

2003. "Division," in reference to the government of this state, means the Division of Mines and Geology in the Department of Conservation.

SEC. 5. Section 3001 of said code is amended to read:

3001. "Department," in reference to the government of this state, means the Department of Conservation.

SEC. 6. Section 3002 of said code is amended to read:

3002. "Division," in reference to the government of this state, means the Division of Oil and Gas in the Department of Conservation, otherwise "division" means Division 3 (commencing with Section 3000) of this Public Resources Code.

SEC 7 Section 3003 of said code is amended to read:

3003. "Director" means the Director of Conservation.

SEC. 8. Section 3340 of said code is amended to read:

3340. Sections 3405 to 3433, inclusive, of this division are hereby incorporated and the provisions of said sections shall apply to this article as though set forth in full except, that as used in said sections, "Petroleum and Gas Fund" means the "Subsidence Abatement Fund," "Record of Assessments and Charges for the Petroleum and Gas Fund" means "Record of Assessments and Charges for the Subsidence Abatement Fund," "this article" means "Article 5.5" and "Division of Oil and Gas" means "Office of the Supervisor." "Department," as used in said sections, means the "Department of Conservation."

Any provisions for publication of notices in the sections herein incorporated shall be limited to those counties in which the lands included within an order of the supervisor establishing exterior boundaries, adopted pursuant to Section 3336, are located. Any and all charges or expenses incurred by the various departments in the administration and enforcement of the sections herein incorporated shall be a proper charge against the "Subsidence Abatement Fund."

SEC. 9. Section 3419 of said code is amended to read:

3419. On the first Monday in July the department shall deliver to the State Controller the record of assessments and charges for the Petroleum and Gas Fund, certified to by the director, which certificate shall be substantially as follows: "I, _____, Director of Conservation, do hereby certify that between the 1st Monday in March and the 1st Monday in July, 19___, I made diligent inquiry and examination to ascertain all property and persons, firms, corporations and associations subject to assessment for the purpose of the Petroleum and Gas Fund as required by the provisions of Chapter 1 of Division 3 of the Public Resources Code, providing for the assessment and collection of charges for the Petroleum and Gas Fund; that I have faithfully complied with all the duties imposed upon me by law; that I have not imposed any unjust or double assessment through malice or ill will or otherwise; nor allowed any person, firm, corporation or association, or property to escape a just assessment or charge through favor or regard or otherwise." Failure to subscribe the certificate to the record of assessments and charges for the Petroleum and Gas Fund, or any certificate, shall not affect the validity of any assessment or charge.

SEC. 9.4. Division 4 (commencing with Section 4000) of said code is repealed.

SEC. 9.6. Division 4 (commencing with Section 4001) is added to said code, to read:

DIVISION 4. FORESTS, FORESTRY AND RANGE AND FORAGE LANDS

PART 1. DEFINITIONS AND GENERAL PROVISIONS

CHAPTER 1. DEFINITIONS

4001. Unless the context otherwise requires, the definitions in this chapter govern the construction of this division.

4002. "Board" means the State Board of Forestry.

4003. "Department" means the Department of Conservation.

4004. "Director" means the Director of Conservation.

4005. "Division" means the Division of Forestry of the Department of Conservation.

4006. "State Forester" means the Chief of the Division of Forestry.

CHAPTER 2. GENERAL PROVISIONS

Article 1. Penalties

4021. Except as otherwise provided, the willful or negligent commission of any of the acts prohibited or the omission of any of the acts required by this division is a misdemeanor.

Article 2. Purchase of Land

4031. The division may, with the approval of the Department of General Services, purchase land for lookout sites and for other administrative purposes.

PART 2. PROTECTION OF FOREST, RANGE AND FORAGE LANDS

CHAPTER 1. PREVENTION AND CONTROL OF FOREST FIRES

Article 1. Definitions

4101. "Person" includes any agency of the state, county, city, district, or other local public agency, and any individual, firm, association, partnership, business trust, corporation, or company.

4102. "State responsibility areas" means areas of the state in which the financial responsibility of preventing and suppressing fires has been determined by the board pursuant to Section 4125, to be primarily the responsibility of the state.

4103 "Forest fire" means a fire burning uncontrolled on lands covered wholly or in part by timber, brush, grass, grain, or other flammable vegetation.

Article 2. General Provisions

4111. The board shall make and enforce such regulations as are necessary and proper for the organization, maintenance, government, and direction of the fire protective system for the prevention and suppression of forest fires which is provided for in this article.

4112. The State Forester, under the direction of the director, shall divide the state into a suitable and convenient number of administrative districts and shall appoint a supervising forest officer for each district.

4113. The supervising forest officers shall, under the direction of the State Forester, have charge of the firefighting system and men in such districts and are charged with the duty of preventing and extinguishing forest fires and with the performance of such other duties as may be required by the State Forester.

4114. The State Forester, in accordance with a plan approved by the board, shall do all of the following:

(a) Provide fire prevention and firefighting implements and apparatus.

(b) Organize fire crews and patrols.

(c) Establish observation stations and other necessary structures.

(d) Employ men to effect the plan.

(e) Construct and maintain telephone lines and provide such other means of communication as are necessary to prevent and extinguish forest fires.

4115. In providing communications and necessary power lines in connection with the prevention and extinguishment of forest fires the State Forester, with the approval of the Department of General Services, may enter into contracts with the owners of similar facilities for use of their facilities, such as pole lines. Provision may be made for indemnification and holding harmless of the owners of such facilities which are 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.

4116. Any claim for damages arising against the state under Section 4114 or 4115 shall be presented to the State Board of Control in accordance with Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code and if not covered by insurance shall be payable only out of funds appropriated by the Legislature for such purpose. If the state has elected to acquire liability insurance the State Board of Control may automatically deny any such claim.

4117. Any county, city, or district may adopt ordinances, rules, or regulations to provide fire prevention restrictions or regulations that are necessary to meet local conditions of weather, vegetation, or other fire hazards. Such ordinances, rules, or regulations may be more restrictive than state statutes in order to meet local fire hazard conditions.

4118. The burning of growing, dead, or downed vegetation is for a public purpose if the State Forester has determined that the burning of such vegetation is necessary for the prevention or suppression of forest fires.

4119. The State Forester, or his duly authorized agent, shall enforce the state fire laws. He may inspect all properties, except dwellings, subject to the state forest fire laws, for the purpose of ascertaining compliance with such laws.

4120. Any uncontrolled fire burning on any lands covered wholly or in part by timber, brush, grass, grain, or any other flammable material, without proper precaution being taken to prevent its spread, notwithstanding the origin of such fire, is a public nuisance by reason of its menace to life and property. The division or other fire protection agencies may sum-

marily abate the nuisance by controlling and extinguishing the fire.

The term "uncontrolled fire," as used in this section, means any fire which is not burning within the confines of cleared firebreaks or which is burning with such velocity that it could not be readily extinguished with the ordinary tools commonly available to private property.

Article 3. Responsibility for Fire Protection

4125. The board shall classify all lands within the state, without regard to any classification of lands made by or for any federal agency or purpose, for the purpose of determining areas in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state. The prevention and suppression of fires in all areas which are not so classified is primarily the responsibility of local or federal agencies, as the case may be.

4126. The board shall include within state responsibility areas all of the following lands:

(a) Lands covered wholly or in part by forests or by trees producing or capable of producing forest products.

(b) Lands covered wholly or in part by timber, brush, undergrowth, or grass, whether of commercial value or not, which protect the soil from excessive erosion, retard runoff of water or accelerate water percolation, if such lands are sources of water which is available for irrigation or for domestic or industrial use.

(c) Lands in areas which are principally used or useful for range or forage purposes, which are contiguous to the lands described in subdivisions (a) and (b).

4127. The board shall not include within state responsibility areas any of the following lands:

(a) Lands owned or controlled by the federal government or any agency of the federal government.

(b) Lands within the exterior boundaries of any city.

(c) Any other lands within the state which do not come within any of the classes which are described in Section 4126.

4128. In establishing boundaries of state responsibility areas, the board may, for purposes of administrative convenience, designate roads, pipelines, streams, or other recognizable landmarks as arbitrary boundaries.

4129. The board of supervisors of any county may provide by ordinance that such county elects to assume responsibility for the prevention and suppression of all fires on all land in such county, including lands within state responsibility areas, but not including lands owned or controlled by the federal government or any agency of the federal government or lands within the exterior boundaries of any city. After the effective date of the contract referred to in Section 4133, such county shall have and exercise for the duration of the contract all the duty, power, authority, and responsibility for the prevention

and suppression of all fires on all land in such county for which the county is authorized by this section to elect to assume responsibility.

4130. The board shall classify all lands within state responsibility areas 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 state responsibility areas shall be prepared by the board in which all land of each type shall be assigned the same intensity of protection, and the estimated cost of such intensity of protection shall be determined.

4131. 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. If the funds available are less than the estimated adequate cost of such plan the board shall determine whether the intensities of fire protection shall be reduced or withdrawn, maintaining uniform consideration for all lands in each type.

4132. In those counties assuming responsibility pursuant to Section 4129 for fire protection and suppression in 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 which is determined pursuant to Section 4130 and which shall include the salaries and wages of suppression crews and lookouts and maintenance of firefighting facilities.

4133. 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 Section 4129.

4134. 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 Section 4129 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 for it, the sum allocated for expenditure in such county pursuant to Sections 4131 and 4132.

4135. Sections 4129 to 4135, inclusive, do not deprive the department of the power and duty to require that the money paid by the department under the contract to a county shall be expended by the county for fire prevention and suppression in that area the protection of which is assumed by the county pursuant to Section 4129.

Article 4. Cooperative Agreements

4141. The State Forester may, for the prevention and suppression of forest fires, enter into cooperative agreements, with the approval of the Department of Finance, with any person,

firm, association or corporation that owns or controls any forest, brush, grass, or grain lands, under such terms as he deems advisable, and may renew, revise, or terminate such agreements.

The State Forester also may, for the purpose of maintaining a fire patrol system for the prevention and suppression of forest fires in any timber, brush, grass or other flammable vegetation or material, enter into cooperative agreements with the federal government, under such terms as he deems advisable, and may renew, revise, or terminate such agreements.

The expenses incurred under such agreements shall be paid from appropriations or funds available for forest fire protection.

4142. The State Forester may, with the approval of the Department of General Services, enter into a cooperative agreement upon such terms and under such conditions as he deems wise, for the purpose of preventing and suppressing forest fires or other fires in any lands within any county, city, or district which makes an appropriation for such purpose.

Article 5. Firewardens and Firefighting Personnel

4151. The State Forester shall appoint, in such number and localities as he deems wise, public-spirited citizens to act as voluntary firewardens, who may receive payment for their services from the counties or from private sources. They shall promptly report all fires and take immediate and active steps toward their extinguishment, report any violation of forest fire laws, assist in apprehending and convicting offenders, and perform such other duties as the State Forester may direct. Any United States Forest Service employee within this state, if he accepts the duties and responsibilities of a firewarden, may be appointed a voluntary firewarden, and shall have all the powers given to firewardens by this article.

Such firewardens do not have authority to obligate the state for the payment of any money, unless specifically so authorized by the State Forester.

4152. If a fire patrol for the prevention and suppression of forest fires is maintained by owners of land or by any organization, the State Forester may designate each patrolman as a voluntary firewarden and, for the protection of lands patrolled by him or adjacent to such lands, may give him all the rights and powers of a voluntary firewarden. Voluntary firewardens shall be paid by such owners or organizations or as provided for by Section 4151 Such firewardens do not have authority to obligate the state for the payment of any money, unless specifically so authorized by the State Forester.

4153. The State Forester or his duly authorized agent may summon any able-bodied male to assist in suppressing any forest fire and may authorize any officer of the state, who is charged with the prevention and suppression of fire or the enforcement of the state fire laws, to summon any able-bodied

man to assist in suppressing any forest fire within their respective jurisdictions. An able-bodied male who is engaged in the harvest of perishable agricultural crops shall not, however, be summoned to assist in suppressing any forest fire until all other available manpower has been exhausted within the respective jurisdiction of the officer issuing such summons. No member in good standing of any regularly organized fire department shall be summoned if he is available and subject to call for duty with a firefighting unit.

4154. Any person who fails to obey a summons which is authorized by Section 4153 is guilty of a violation of this article.

4155. Every person who in obedience to such summons assists in extinguishing any forest fire shall be compensated for services actually rendered at a uniform wage rate as those determined by the federal agency establishing such rates for the Federal Forest Service and approved by the director.

4156. The State Forester, such employees or classes of employees of the division who may be designated by the State Forester, and voluntary firewardens designated by the State Forester, have the powers of peace officers to enforce all state and county fire laws, other than laws the enforcement of which is primarily the responsibility of the State Fire Marshal. Such officers, employees and voluntary firewardens shall have the powers of peace officers upon request pursuant to Section 1509.7 of the Military and Veterans Code, and are not liable to civil action for trespass committed in the discharge of their duties.

Any such peace officer may enforce federal fire laws to the extent that he is authorized to do so.

4157. Whenever the State Forester or any of the employees or voluntary firewardens who are designated as peace officers pursuant to Section 4156 arrests any person for a violation of this article or for a violation of any law relating to forest or fire protection which is not a felony, he may forthwith release the arrested person from his custody in the manner and under the conditions that are set forth in Section 4158.

4158. Unless an immediate appearance before a magistrate is demanded by such person, the arresting officer, upon production of satisfactory evidence of identity, may take the name and address of the person arrested and, if he believes such promise will be kept, may allow the person to sign a written promise to appear at a time and before a magistrate specified in it. The arresting officer shall deliver a copy of the promise to the person that makes it, and shall release him from custody. The magistrate specified in the promise shall be the magistrate of the court that has jurisdiction of the particular offense for which the arrest was made. The time specified shall not be more than 30 days after the date of the arrest.

Any person who willfully violates his promise to appear is guilty of a misdemeanor regardless of the disposition of the

charge upon which he was originally arrested. A promise to appear may be complied with by an appearance by counsel.

Article 6. Violations

4165. Every person is guilty of a misdemeanor who, at a forest fire, does any of the following:

(a) Disobeys the lawful orders of any public officer or fireman.

(b) Offers any resistance to, or interference with, the lawful efforts of any fireman or company of firemen to extinguish the fire.

(c) Engages in any disorderly conduct which is calculated to prevent the fire from being extinguished.

(d) Forbids, prevents, or dissuades others from assisting to extinguish the fire.

(e) Rides, drives, or propels any vehicle or conveyance upon, over, or across any firehose or chemical hose which is used by, or in charge of, any public officer or fireman, or injures or damages in any manner any such hose or apparatus of any kind which is in use by, or in charge of, any public officer or fireman.

4166 Every person who violates this article is guilty of a misdemeanor, which is punishable by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500). If the defendant refuses, on conviction, to pay the fine, he shall be confined in the county jail of the county in which conviction is had for a period not to exceed one day for every five dollars ($5) of the fine imposed, or may be subject to both such fine and imprisonment.

Article 7. Public Nuisances

4171. Any condition endangering public safety by creating a fire hazard and which exists upon any property which is included within any state responsibility area is a public nuisance.

4172. Whenever the State Forester determines that such a public nuisance exists, he shall notify the owner of the property to abate the public nuisance. If the owner is unknown, a copy of the notice shall be posted upon the property.

4173. The board shall establish standards, based upon its determination of conditions which create an unreasonable hazard to life or property from fire, for what constitutes a hazardous condition in those instances not covered by state law. Such standards shall be established for each of the division's administrative districts after public hearing for which ample publicity is given.

4174. The notice shall be in writing and shall do all of the following:

(a) Describe the public nuisance.

(b) Specify the time within which the property owner is required to abate the public nuisance.

(c) State that, unless the public nuisance is abated within the time specified in the notice, the State Forester may abate the public nuisance and the costs of the abatement will be assessed against the property.

(d) State that the property owner may, within 15 days after the receipt or posting of the notice, request a hearing before the State Forester upon whether or not a public nuisance actually exists.

4175. If a property owner requests a hearing, the State Forester shall fix a time and a place for the hearing and notify the property owner. At the time and place of the hearing, the property owner may appear and be heard upon the question of whether or not a public nuisance actually exists upon property which he owns. The hearing shall be conducted in accordance with the provisions of Chapter 2 (commencing with Section 11180), Part 1, Division 3, Title 2 of the Government Code.

4176. If the State Forester determines, at the conclusion of the hearing, that a public nuisance actually exists upon property owned by the property owner, he shall order the property owner to abate the public nuisance within a specified time.

4177. If the public nuisance is not abated within the time specified in the notice to the property owner pursuant to Section 4172 or, if a hearing is not requested by the property owner, within the time specified in the order made by the State Forester pursuant to Section 4176, the State Forester may abate the public nuisance.

4178. Any costs which are incurred by the State Forester in abating any public nuisance pursuant to this article are a lien upon the property upon which the public nuisance existed when notice of the lien is filed and recorded as provided in Section 4179.

4179. Notice of the lien shall be recorded by the State Forester in the office of the county recorder of the county in which the property is situated within one year after the first item of expenditures by the State Forester or within 90 days after the completion of the work, whichever first occurs. Upon recordation of the notice of lien, the lien shall have the same force, effect, and priority as a judgement lien.

4180. An action to foreclose the lien shall be commenced by the Attorney General in the name of the people of the State of California within six months after the lien is filed and recorded.

4181. When the property is sold, enough of the proceeds to satisfy the lien and the costs of the foreclosure shall be paid to the state. The surplus, if any, shall be paid to the owner of the property, if known, or if he is not known, shall be paid into the court in which the lien was foreclosed for the use of the owner when he is ascertained.

Article 8. Clarke-McNary Act

4185. The State of California hereby accepts the provisions of the Clarke-McNary Act (Ch. 348, 43 Stat. 653), as amended, passed by the Congress of the United States, and entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," and will observe and comply with the requirements of that act of Congress.

The division is the agent of this state for the purposes of the Clarke-McNary Act. The department shall have full power to cooperate with all the authorities of the United States which have powers and duties under the act to do and perform all things necessary to secure to this state the benefits of the act.

4186. All money which is received by this state pursuant to the Clarke-McNary Act shall be paid into the General Fund.

4187. A county which enacts an ordinance, as provided in Section 4129, is entitled to any allocation of moneys received by the state pursuant to the Clarke-McNary Act. Such reimbursement may be provided for by any statute of this state.

CHAPTER 2. HAZARDOUS FIRE AREAS

4251. As used in this chapter:

"Hazardous fire area" means any area which is designated as a hazardous fire area by the board or the State Forester pursuant to Section 4252 or 4253.

4252. Upon the written petition of the owners or authorized agents of more than 50 percent of the land, including public land, within the exterior boundaries of any area of not less than 10,000 acres in size, upon which a fire hazard exists due to the presence of flammable material or cover, the board may designate such area as a hazardous fire area, and shall declare the period of time during which the area shall be so designated.

4253. Whenever the State Forester determines that a fire hazard exists in any other area due to the presence of flammable material or cover, he may by regulation designate such area to be a hazardous fire area. The regulation shall declare the period of time during which the area shall be so designated.

4254. Notice of the designation of each hazardous fire area shall be given by the posting of notices at intervals of not greater than one mile along the exterior boundaries of such area or along roads and trails passing through such area.

4255. Except as provided in this section, a person shall not smoke or build a campfire or bonfire within a hazardous fire area. The board may establish campgrounds or campsites within such areas, where smoking and the building of campfires may be allowed. No such campground or campsite shall, however, be established without the consent of the owner, or

his authorized agent, of the land upon which it is located. No regulation under this article shall prohibit or curtail the complete possession and use of any area by the owner of the area and his authorized agents.

4256. Whenever it is necessary in the interest of public peace or safety, the director, with the consent of the owner of any lands designated as a hazardous fire area, may declare such lands closed to entry by any person. Any public highway traversing such a hazardous fire area, shall, however, be excluded from the order of closure, and the closure to entry does not prohibit or curtail the entry or use of the lands by the owner of the lands or his agent, nor the entry by any federal, state or county officer upon the closed area in the performance of his official duties. All state and county law enforcement officers shall enforce the order of closure.

4257. Any order which is issued pursuant to Section 4256 shall be published twice in at least one newspaper of general circulation in any county that is affected by the order. The publication shall be separated by a period of not less than one week and not more than two weeks. The order shall also be posted in such public places in each county as the director may direct, and along roads and trails which pass through the areas declared to be closed to camping or entry.

CHAPTER 3. MOUNTAINOUS, FOREST-, BRUSH- AND GRASS-COVERED LANDS

4291. Any person that owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush-covered lands, or grass-covered lands, or any land which is covered with flammable material, shall at all times do all of the following:

(a) Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This subdivision does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.

(b) Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all brush, flammable vegetation, or combustible growth which is located from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer, as may be required by the State Forester if he finds that, because of extra hazardous conditions, a firebreak of only 30 feet around such building or structure is not sufficient to provide reasonable fire safety. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches

in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.

(c) Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe.

(d) Maintain any tree adjacent to or overhanging any building free of dead or dying wood.

(e) Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.

(f) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than one-half inch in size.

4292. Except as otherwise provided in Section 4296, any person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land, or forest-covered land, brush-covered land, or grass-covered land shall, during such times and in such areas as are determined to be necessary by the State Forester or the agency which has primary responsibility for fire protection of such areas, maintain around and adjacent to any pole or tower which supports a switch, fuse, transformer, lightning arrester, line junction, or dead end or corner pole, a firebreak which consists of a clearing of not less than 10 feet in each direction from the outer circumference of such pole or tower. This section does not, however, apply to any line which is used exclusively as telephone, telegraph, telephone or telegraph messenger call, fire or alarm line, or other line which is classed as a communication circuit by the Public Utilities Commission. The State Forester or the agency which has primary fire protection responsibility for the protection of such areas may permit exceptions from the requirements of this section which are based upon the specific circumstances involved.

4293. Except as otherwise provided in Sections 4294 to 4296, inclusive, any person that owns, controls, operates, or maintains any electrical transmission or distribution line upon any mountainous land, or in forest-covered land, brush-covered land, or grass-covered land shall, during such times and in such areas as are determined to be necessary by the State Forester or the agency which has primary responsibility for the fire protection of such areas, maintain a clearance of the respective distances which are specified in this section in all directions between all vegetation and all conductors which are carrying electric current:

(a) For any line which is operating at 2,400 or more volts, but less than 72,000 volts, four feet.

(b) For any line which is operating at 72,000 or more volts, but less than 110,000 volts, six feet.

(c) For any line which is operating at 110,000 or more volts, 10 feet.

In every case, such distance shall be sufficiently great to furnish the required clearance at any position of the wire, or

conductor when the adjacent air temperature is 120 degrees Fahrenheit, or less. Dead trees, old decadent or rotten trees, trees weakened by decay or disease and trees or portions thereof that are leaning toward the line which may contact the line from the side or may fall on the line shall be felled, cut, or trimmed so as to remove such hazard. The State Forester or the agency which has primary responsibility for the fire protection of such areas may permit exceptions from the requirements of this section which are based upon the specific circumstances involved.

4294. A clearing to obtain line clearance is not required if self-supporting aerial cable is used. Forked trees, leaning trees, and any other growth which may fall across the line and break it shall, however, be removed.

4295. A person is not required by Section 4292 or 4293 to maintain any clearing on any land if such person does not have the legal right to maintain such clearing, nor do such sections require any person to enter upon or to damage property which is owned by any other person without the consent of the owner of the property.

4296. Sections 4292 and 4293 do not apply if the transmission or distribution line voltage is 750 volts or less.

4297. Upon the showing of the State Forester that the unrestricted use of any grass-covered land, grain-covered land, brush-covered land, or forest-covered land is, in the judgment of the State Forester, a menace to life or property due to conditions tending to cause or allow the rapid spread of fires which may occur on such lands or because of the inaccessible character of such lands, the Governor through the director, may, by a proclamation, which declares such condition and designates the area to which, and the period during which the proclamation shall apply, require that such area be closed to hunting and fishing and to entry by any person except a person that is within one of the following classes:

(a) Owners and lessees of land in the area.

(b) Bona fide residents in the area.

(c) Persons engaged in some bona fide business, trade, occupation, or calling in the area and persons employed by them in connection with such business, trade, occupation, or calling.

(d) Authorized agents or employees of a public utility entering such area for the purpose of operating or maintaining public utility works or equipment within the area.

(e) Members of any organized firefighting force.

(f) Any federal, state or local officer in the performance of his duties.

(g) Persons traveling on public roads or highways through the area.

4298. The proclamation by the Governor shall be released to the wire news services in the state, and shall be published at least once in a newspaper of general circulation in each county which contains any lands covered by the proclamation. Notice of closure shall also be posted on trails or roads enter-

ing the area covered by the proclamation. The closure shall be effective upon issuance of the proclamation by the Governor. Each notice shall clearly set forth the area to be subject to closure and the effective date of such closure. The closure shall remain in full force and effect until the Governor shall by order terminate it. The notice of such termination shall follow the same procedure by which such closure was effected. The order of termination shall be effected upon issuance.

4299. Any person who violates Section 4297 or 4298 is guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) or by imprisonment in the county jail for not less than 10 days nor more than 90 days or both such fine and imprisonment. All state and county law enforcement officers shall enforce orders of closure.

CHAPTER 4. RESTRICTED AREAS

4331. Except at the places or during the period of time designated by regulations adopted pursuant to the authority of the Secretary of Agriculture of the United States, a person shall not smoke or build a campfire upon any national forest land unless he has a written permit to do so issued by an authorized agent of the Secretary of Agriculture and possesses the firefighting tools which are required by such permit.

4332. Whenever it is necessary in the interests of public peace or safety, the director, with the consent of the Governor, may order closed to camping, hunting, trapping, or the use of firearms, any area in any state park or state forest. The director shall post and enforce such closure order in such area.

4333. Any order which is issued pursuant to Section 4332 shall be published twice in at least one newspaper of general circulation in any county that is affected by the order. The publication shall be separated by a period of not less than one week and not more than two weeks. The order shall also be posted in such public places in each county as the director may direct, and along roads and trails which pass through such areas declared to be closed to camping or entry.

CHAPTER 5. RUBBISH DUMPS

4371. As used in this chapter:

(a) "Permit" means a special permit to maintain, use or operate a rubbish dump which is issued by the State Forester pursuant to this chapter.

(b) "Rubbish dump" means any accumulation for the purpose of disposal of any rubbish, rags, paper, boxes, crates, excelsior, petroleum products or the residue thereof, fallen timber, slash, limb wood, branches, brush, grass, leaves, litter, or other combustible or flammable materials. It does not include slash from timber operations or the temporary piling of flam-

mable materials which have accumulated from clearing while the construction or operation is in progress in conjunction with public works, utility, or other industrial projects where such accumulation is located wholly within the exterior limits of such projects.

4372. A person shall not maintain, use, or operate any rubbish dump outside of the exterior boundaries of any city unless he has a permit to do so issued by the State Forester and the rubbish dump is maintained, used, or operated in strict accordance with the terms and conditions prescribed in the permit.

4373. The State Forester may include in the terms of the permit provisions for the prevention of uncontrolled fire. These terms may include, but are not limited to, the requirements set forth in Section 4374. The responsibility for obtaining the permit for rubbish dumps is that of the owner or operator or jointly. The permit which is issued by the State Forester pursuant to this chapter does not relieve the owner or operator from the duty of securing any other type of permit which is required by law or any rule or regulation.

4374. A rubbish dump shall not be maintained or operated, without providing a clearance of flammables for a minimum distance of 150 feet from the periphery of the accumulation of the rubbish dump If any structure or building is located within 150 feet of the periphery of the accumulation, the area within a minimum of 100 feet of the periphery of the structure or building shall also be maintained clear of all flammables.

4375. Any rubbish dump which is maintained or operated in violation of this chapter is a public nuisance.

Chapter 6. Prohibited Activities

Article 1. Definitions and General Provisions

4411. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

4412. "Incinerator" means any device constructed of nonflammable materials for the purpose of burning therein trash, debris, and other flammable materials, excluding those devices regulated by Section 4438 of this code.

4413. "Zone A" includes any county and any portion of any county which is south of the Mount Diablo baseline, except the Counties and the portions of the Counties of Alameda, Calaveras, Contra Costa, Marin, Mariposa, Mono, San Francisco, San Joaquin, Stanislaus, and Tuolumne which are south of such line.

4414. "Zone B" includes any county and portion of any county which is not included in Zone A.

4415. This chapter does not apply to the setting of fire on lands within any municipal corporation

4416. This chapter does not authorize any county fire-warden, fireman, or county officer to obligate the state for the payment of any money.

4417. A reward of one hundred dollars ($100) shall be paid out of any state funds which are made available to the State Forester for such purpose to any person, other than a law enforcement officer, agent, or employee, whose information leads to the arrest and conviction of any person who willfully and maliciously sets fire to any property which is included within any state responsibility area.

Article 2. Prohibited Activities

4421. A person shall not set fire or cause fire to be set to any forest, brush, or other flammable material which is on any land that is not his own, or under his legal control, without the permission of the owner, lessee, or agent of the owner or lessee of the land.

4422. A person shall not do any of the following:

(a) Willfully or knowingly allow fire to burn uncontrolled on land which he owns or controls, or to escape to the lands of any person other than that of the owner.

(b) Allow any fire kindled or attended by him to escape from his control or to spread to the land of any person other than from the land from which the fire originated.

4423. A person shall not burn any brush, stumps, logs, fallen timber, fallows, slash, grass-covered land, brush-covered land, forest-covered land, or other flammable material, in any state responsibility area, area receiving fire protection by the State Forester by contract, or upon federal lands administered by the United States Department of Agriculture or Department of the Interior, unless he has a written permit from the State Forester or his duly authorized representative or the authorized federal officer on federal lands administered by the United States Departments of Agriculture or Interior and in strict accordance with the terms of the permit:

(a) At any time in Zone A.

(b) At any time in Zone B between April 1st and December 1st of any year, or at any other time in Zone B during any year when the director has declared, by proclamation, that unusual fire hazard conditions exist in the area.

4424 A person shall not blast with dynamite, powder, or other explosives, or blasting agents of any kind in grass-covered land, brush-covered land, fallows, or forest-covered land in any state responsibility area, area receiving fire protection by the State Forester by contract, or upon federal lands administered by the United States Department of Agriculture or Department of the Interior, unless he has a written permit from the State Forester or his duly authorized representative or the authorized federal officer on federal lands administered by the United States Department of Agriculture or Department of the Interior and in strict accordance with the terms of the permit:

(a) At any time in Zone A.

(b) At any time in Zone B between April 1st and December 1st of any year, or at any other time in Zone B during any year when the director has declared, by proclamation, that unusual fire hazard conditions exist in the area.

This section does not apply to blasting performed in connection with the construction of a highway or public utility facility, or a utility facility owned and operated by a public agency, if such blasting is performed wholly within the limits of the right-of-way of such highway or such public utility facility, or such utility facility owned and operated by a public agency, and the detonation is performed solely by electrical means.

4425. Any violation of the terms of a burning permit which is issued pursuant to Section 4423 or 4424 is prima facie evidence of noncompliance with the terms of the permit and renders the permit null and void.

4426. A person shall not set a backfire, or cause a backfire to be set, except under the direct supervision or permission of a state or federal forest officer, unless it can be established that the setting of such backfire was necessary for the purpose of saving life or valuable property.

4427. During any time of the year when burning permits are required in an area pursuant to this article, a person, copartnership, firm, corporation, or company shall not use or operate any motor, engine, boiler, stationary equipment, welding equipment, cutting torches, tarpots, or grinding devices from which a spark, fire, or flame may originate, which is located on or near any forest-covered land, brush-covered land, or grass-covered land, without doing both of the following:

(a) First clearing away all flammable material, including snags, from the area around such operation for a distance of 10 feet.

(b) Maintaining one shovel and one backpack pump ready for use at the immediate area during the operation.

This section does not apply to portable powersaws.

4428. During any time of the year when burning permits are required in an area pursuant to this article, a person, copartnership, firm, corporation, or company, shall not use or operate in such area any engine, machine, motor, or motive power equipment in any industrial operation located on or near any forest-covered land, or brush-covered land, without providing and maintaining at all times, for firefighting purposes only, suitable and serviceable firefighting tools in the amounts, manner, and location prescribed in this section.

Tools shall be provided in a sealed box at each log landing at which logs are being currently collected or loaded. On slash disposal, construction or land-clearing projects, a sealed box of tools shall be located at a point accessible to the crew in event of fire. The sealed box shall contain seven shovels, three axes, one complete set of falling tools, two scraping tools, and one backpack pump filled with water. If, however, less than

five men are employed on or near the specified operation, the toolbox shall contain a minimum of four serviceable fire tools consisting of shovels, scraping tools, and one ax.

Each logging truck and tractor shall, in addition, be equipped with one shovel and each pickup, automobile, and rail speeder used in the operation shall be equipped with one shovel and one ax.

4429. During any time of the year when burning permits are required in an area pursuant to this article, at any camp maintained in such area for the residence of employees, or at any local headquarters in such area of any industrial, agricultural, or other operations on or near any forest-covered land or brush-covered land, there shall be provided and maintained at all times, in a specific location, for firefighting purposes only, a sufficient supply of servicable tools to equip 50 percent of the able-bodied, male personnel, resident of such camp, or working out of such headquarters, for fighting fires. Among these tools shall be included shovels, axes, saws, backpack pumps, and scraping tools. With such tools there shall also be one serviceable headlight adaptable for attachment to at least one-half of the tractor-bulldozers used on the operation, and a sufficient number of canteens and flashlights to equip a third of the able-bodied male personnel

4430. During any time of the year when burning permits are required in an area pursuant to this article, a person, copartnership, firm, corporation or company, shall not use or operate in such area any steam-operated engine, machine equipment, mill or industrial plant, located on or near forest-covered land or brush-covered land, without providing one adequate force pump or water under pressure equivalent to a pump, and not less than 200 feet of hose not less than one inch in diameter for each steam-operated engine or equipment. The pump or water pressure required in this section shall be capable of applying a minimum of 40 pounds pressure at the nozzle on 200 feet of hose, such nozzle to be one-fourth inch or larger in diameter. If two steam-operated engines or steam equipment are customarily operated within 100 feet of each other, only one engine or piece of equipment need be equipped with pump and hose.

This section does not apply to any internal combustion engine or to any steam or other locomotive which is being used in the business of a common carrier by railroad.

4431. During any time of the year when burning permits are required in an area pursuant to this article, a person, copartnership, firm, corporation, or company, shall not use or operate in such area any gasoline-powered saw on or near any forest-covered land or brush-covered land, unless such saw is operated at least 50 feet from any flammable material, without providing and maintaining at locations of use or operation of the equipment, for firefighting purposes, one serviceable fire extinguisher or one serviceable shovel.

4432. A person shall not leave a campfire, kindled or attended by him, burning or unextinguished unless one of the following requirements is satisfied:

(a) He leaves some person in attendance.

(b) The fire is enclosed within a stove, oven, drum, or other nonflammable container, in such manner that the fire cannot escape from the container.

(c) The fire is within a permanent dwelling regularly and permanently inhabited by human beings at that time.

No person shall allow a campfire, kindled or attended by him, to spread after it is built.

4433. A person shall not light, maintain, or use a campfire upon any brush-covered land, grass-covered land, or forest-covered land which is the property of another person unless he first obtains a written permit from the owner, lessee, or agent of the owner or lessee of the property.

If, however, campsites and special areas have been established by the property owner and posted as areas for camping, a permit is not necessary

A written campfire permit duly issued by or under the authority of the United States Forest Service is necessary for use on land under the jurisdiction and control of the United States Forest Service.

4434. The escape of any campfire from the control of any person who is maintaining the campfire is prima facie evidence that such person was negligent in maintaining the campfire

4435. If any fire originates from the operation or use of any engine, machine, barbecue, incinerator, railroad rolling stock, chimney, or any other device which may kindle a fire, the occurrence of the fire is prima facie evidence of negligence in the maintenance, operation, or use of such engine, machine, barbecue, incinerator, railroad rolling stock, chimney, or other device. If such fire escapes from the place where it originated and it can be determined which person's negligence caused such fire, such person is guilty of a misdemeanor.

4436. A person shall not refuse or fail to render assistance in combating a forest, brush, or grass fire at the summons of the State Forester, or his authorized agent who is charged with the prevention or suppression of fire or the enforcement of the state fire laws, or any county firewarden, fireman, or county officer who is charged with the duty of preventing or combating forest, brush, or grass fires, or any officer of a county fire protection district, unless prevented from so doing by sickness or physical disability

4437. Outside the exterior boundaries of cities every processor of forest products shall exercise due diligence in the disposal of flammable material incident to such processing, so that the material does not cause the inception or spread of uncontrolled fire.

Every person, copartnership, firm, corporation or company that operates a sawmill or plant engaged in the processing or converting of forest products into lumber, shook, ties, poles,

posts, veneer, shakes, shingles, planed, or milled products, shall dispose of flammable material incident to such operation. If such flammable material is not to be used as fuel, or as a byproduct of the operation, it shall be disposed of by burning. Such disposal of waste flammable material shall be made by means of fire in any of the ways which are prescribed in Sections 4438, 4439, or 4440.

4438. Waste flammable material may be disposed of by means of fire in an enclosed device effective in preventing the spread of sparks or fire, situated in an area cleared of grass, grain, brush, slash, litter and snags for a distance of 100 feet surrounding the device.

4439. Waste flammable material may be disposed of by means of fire in an area which is cleared of grass, grain, brush, slash, litter, snags and forest cover for a distance of 400 feet from the periphery of said fire and for any greater distance necessary to provide 100 feet of such cleared area around any lumber pile or structure which may be situated within 400 feet of the fire. Living trees beyond 100 feet from the periphery of the fire may, however, be left standing within the area if all limbs within 10 feet of the ground are removed. The disposal by fire in the cleared area is the responsibility of the operator or landowner, or of the operator and landowner jointly, and shall be in conformance with Section 4423 and all other provisions of law.

4440. Waste flammable material may be accumulated in a pile which shall be disposed of by fire at a date not later than the following April 1st after the beginning of the accumulation of such waste material and at a time when weather and the condition of surrounding vegetation are favorable to preventing the spread of fire if at all times for the duration of the accumulation, the area surrounding such piles is cleared and kept clear of all flammable vegetation and debris, including trees, snags, brush, grass, slash, and litter in accordance with one of the following:

(a) Clearing to a distance of 150 feet from the periphery of the piles of waste material and all structures and lumber piles which are situated within 50 feet of waste material piles.

(b) By a similar clearing surrounding the waste material piles and structures and lumber piles for a distance of 100 feet.

There shall also, however, be kept and maintained at all times a firebreak 10 feet or more in width cleared of all flammable material and constructed in a continuous line surrounding the accumulation at a distance of not less than 50 feet nor more than 300 feet from the periphery of the clearing surrounding the accumulation, and all snags and dead trees between the firebreak and the periphery of the clearing shall be felled The disposal by fire is a responsibility of the operator or landowner or jointly and shall be made in conformance with Section 4423 of this code and all other provisions of law

4441. Any accumulation of waste material in violation of the provisions of Sections 4437 to 4440, inclusive is a public nuisance. Every person, copartnership, firm, corporation, or company that permits or allows such public nuisance to exist upon property owned, occupied, or leased by him, or it, after reasonable notice in writing has been served upon him, or it, from the State Forester or the district attorney to remove, discontinue, or abate such nuisance, is guilty of a misdemeanor. The existence of such nuisance for each and every day after the date specified in such notice for removal, discontinuance, or abatement is a separate and distinct offense.

4442. Except as otherwise provided in this section, a person shall not use or operate any internal combustion engine which is operated on hydrocarbon fuels on any forest-covered land, brush-covered land, or grass-covered lands without providing, and maintaining in effective working order, a spark arrester attached to the exhaust system. For the purposes of this section, a spark arrester is a device constructed of nonflammable materials specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch in size from the exhaust flow of an internal combustion engine that is operated by hydrocarbon fuels. Motor trucks, truck tractors, buses and passenger vehicles, except motorcycles, are not subject to the provisions of this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code.

Spark arresters affixed to the exhaust system of engines or vehicles, as described in this section, shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

4443. All mobile equipment, including trucks, tractors, bulldozers and other mobile equipment engaged in lumbering, logging, and other industrial operations in any forest-covered land, brush-covered land, or grass-covered land, except mobile equipment used in the business of a common carrier or railroad, shall also be equipped with and carry at all times a serviceable shovel for use in the prevention and suppression of fire.

4444. A person shall not possess any bullet or ammunition of any kind which contains thermite, magnesium, or aluminum components, such ammunition being commonly known as tracer or incendiary ammunition, within any forest-covered area, brush-covered area, grass-covered area or grain-covered area unless he has obtained a written permit from the State Forester or his authorized agent.

4445. A person shall not fire or cause to be fired from any rifle or other device capable of discharging ammunition, any bullet, projectile, or other ammunition which contains the components of thermite, magnesium, or aluminum, or any other component capable of causing a fire and commonly known as tracer or incendiary ammunition within any forest-covered area, brush-covered area, grass-covered area or grain-covered area.

4446. A person shall not burn any flammable material in any incinerator upon any property unless both of the following requirements are complied with:

(a) The area within 10 feet of the periphery of the incinerator is maintained free and clear of all flammable material and vegetation.

(b) A screen constructed of a nonflammable material, with no greater than a ¼-inch mesh, is installed in the chimney and any other opening of the incinerator to prevent the escape of sparks and burning particles of material from the incinerator.

CHAPTER 7. BURNING OF LANDS

Article 1. Division of Forestry Burning Contracts

4475. The State Forester, with the approval of the Director of Conservation and the Director of Finance, may enter into a contract with the owner or any other person who has legal control of any property which is included within any state responsibility area, excluding those areas for which the State Forester has contracted forest fire protection to counties or the United States Forest Service, for the burning of any brush, vegetation, or structure which is situated upon such property for the purpose of preventing or suppressing forest fires.

4476. Any contract which is entered into by the State Forester pursuant to this article shall do all of the following:

(a) Absolve the state and its employees of liability for damages or costs which occur as a result of the burning of the brush, vegetation, or structure.

(b) Vest in the State Forester the final determination of the time and necessity of the burning of the brush, vegetation, or structure.

(c) Provide that the decision by the State Forester regarding the necessity of the burning of the brush, vegetation, or structure is to be based upon the benefits to be derived by such burning in preventing or suppressing forest fires and the risks and possible damage involved in conducting such burning.

(d) Require that only personnel of the division or personnel in its employ shall be used in conducting the burning of the brush, vegetation, or structure.

(e) Provide that prior to the burning the State Forester will submit an estimate of costs to the person contracting with the state. The person contracting with the state shall, prior to the burning, place on deposit with the State Forester an amount equal to the estimate of costs. Upon completion of the contract, the State Forester will determine the actual costs incurred by the state in performance of the contract and should this amount be less than that on deposit, return the balance to the person. Should the amount of actual costs be more than that amount on deposit, the State Forester shall submit an itemized statement showing the balance due and from which

the person contracting with the state shall within 90 days make payment.

(f) Provide that the person contracting with the State Forester shall purchase a third party liability policy of insurance in an amount determined by the State Forester. A certificate of insurance covering this policy shall be attached to and become a part of the contract.

4477. If the amount of moneys due the state are not paid as provided in subdivision (e) of Section 4476, such amount shall become a lien upon the property.

(a) Notice of the lien shall be recorded by the State Forester in the office of the county recorder of the county in which the property is situated within one year.

(b) An action to foreclose the lien shall be commenced by the Attorney General in the name of the people of the State of California within six months after the lien is filed and recorded.

(c) When the property is sold, enough of the proceeds to satisfy the lien and the costs of the foreclosure shall be paid to the state and the surplus, if any, shall be paid to the owner of the property.

4478. Upon receipt of final payment of moneys due in performance of the contracts provided for in this article the State Forester shall deposit such moneys in the General Fund.

Article 2. Burning of Brush-covered Lands

4491. The cooperation by the state, as provided in this article, with persons desiring to use controlled burning as a means of converting brush-covered lands into forage lands, which has as its objective fire prevention and protection, watershed protection and conservation, or range and forage improvement, is declared to be for a public purpose.

This article shall be administered by the department acting through the division.

In furtherance of the provisions of this article, the division shall provide advisory service to applicants for controlled burning permits as to precautions to be taken by the applicant to prevent damage to the property of others by reason of such burning, and shall provide standby fire protection, to such extent as personnel, fire crews, and firefighting equipment are available.

4492. Any person, firm, or corporation, or any group or combination of persons, firms, corporations or groups, that owns or controls brush-covered land within a state responsibility area may apply to the division for permission to burn the brush from such lands. The application shall be on a form prescribed by the division and shall contain a description of the lands and such other pertinent information as the division may require.

4493. Upon receipt of an application the division shall inspect such land in company with the applicant to determine

whether a permit shall be granted and shall suggest such precautions to be taken by the applicant as may be considered reasonable to prevent damage to the property of others by reason of such burning. The suggested precautions shall, if deemed necessary, include the advance preparation of firebreaks and the firefighting equipment and personnel desirable to conduct the controlled burning.

4494. Upon the conclusion of the examination provided for in Section 4493 the division may issue to the applicant a brush-burning permit which shall specify the suggested precautions to be exercised prior to and during the burning. The issuance of a permit by the division does not relieve the holder of the permit from the duty of exercising due diligence to avoid damage to property of others in conducting the burning of brush as authorized by the permit.

CHAPTER 8. FOREST PRACTICE ACT

Article 1. General Provisions and Definitions

4521. This chapter shall be known as the Forest Practice Act.

4522. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

4523. "Committee" means the district forest practice committee.

4524. "Cutover land" means land which has borne a crop of commercial timber from which at least 70 percent of the merchantable original growth timber stand has been removed or destroyed by logging, fire, insects, or tree diseases and which is now supporting, or capable of growing, a crop of commercial timber and other forest products and which has not been converted to other commercial or agricultural use.

4525. "District" means forest district.

4526. "Farmer-timber owner" means any timber owner whose principal business is that of farming or ranching, but included in whose property holdings are areas of commercial timber.

4527. "Permit" means a permit to engage in timber operations, issued pursuant to Article 6 (commencing with Section 4585) of this chapter.

4528. "Private timber owner" means any person that owns commercial timber, timberland, cutover land, or timber rights on lands of another except a governmental agency.

4529. "Person" means any individual, copartnership, corporation, or association.

4530. "Rules" means the district forest practice rules.

4531. "Timberland" means land upon which is growing a crop of trees of any species which are of sufficient size and quality to be capable of furnishing raw material used in the manufacture of lumber and other forest products.

4532. "Timber operator" means any person that is en-

gaged in timber operations, except a person who is engaged in timber operations as an employee with wages as his sole compensation.

4533. "Timber operations" means the cutting or removal or both of timber or other forest products from timberlands for commercial purposes.

4534. "Timber owner" means a private timber owner, as defined in Section 4528.

4535. "Timber owner-operator" means any timber owner who cuts and removes timber and other forest products from timberlands.

4536. This chapter does not apply to any person who engages in the activities herein regulated, as an employee with wages as his sole compensation.

4537. The penalties and remedies which are prescribed in this chapter are concurrent and alternative to any other civil, criminal, or administrative rights, remedies, or penalties which are provided or allowed by law with respect to such violation.

4538. Where, under this chapter, other forms of service are prescribed, personal service is not precluded.

Article 2. Purposes and Policies

4541. The purpose of this chapter is to do all of the following:

(a) Declare the existence of a public interest in the forest resources and timberlands of this state.

(b) Declare the necessity of good forest practices in the harvesting of forest resources to conserve and maintain the productivity of the timberlands in the interests of the economic welfare of the state and the continuance of the forest industry.

(c) Establish forest districts in which standards of forest practice shall be adopted to promote the maximum sustained productivity of the forests.

(d) Authorize the creation of district forest practice committees which shall formulate and adopt forest practice rules, and approve forest management and alternate plans for final approval of the board.

(e) Specify the manner in which forest practice rules and plans shall be administered.

(f) Provide for the functioning of the district forest practice committees in an advisory capacity to the board.

4542. The public interest is affected by the management of forests, timberlands, watersheds and soil resources of the state, and it is the policy of this state to encourage, promote and require such development, use, and management of forests and timberlands as will maintain the continuous production of forest products, to the end that adequate supplies of forest products are assured for the needs of the people and industries. It is the policy of this state to encourage and as-

sist private ownership in the management and economic development of privately owned timberlands.

Article 3. Forest Districts

4551. The privately owned commercial forest areas of the state are divided into four regional groups known as forest districts. Each district comprises all privately owned timberland and all privately owned cutover lands, lying within the boundaries of the district, as defined by this article.

4552. The Redwood Forest District comprises the area situated between the Pacific Ocean and the eastern edge of the natural occurrence of redwood timber in the Counties of Del Norte, Humboldt, Mendocino, Napa, Sonoma, Marin, San Francisco, San Mateo, Santa Clara, Santa Cruz, and Monterey. The board may by rule declare the eastern edge of the natural occurrence of redwood timber and so fix the eastern boundary of the district.

4553. The North Sierra Pine Forest District comprises the area bounded on the north by the State of Oregon, on the east by the State of Nevada, on the south by a line drawn from the confluence of the Sacramento River and Feather River, thence northerly along the Feather River to the confluence of the Feather River and the Bear River, thence easterly along the Bear River to the boundary of the County of Nevada, thence easterly along the south boundary of the County of Nevada to the State of Nevada, and on the west by a line beginning at the confluence of the Sacramento River and the Feather River, thence northerly along the Sacramento River to its confluence with Wagon Creek, thence northerly along Wagon Creek to the range line between Range 4 West and 5 West, Mt. Diablo base and meridian, thence north along that range line to the township line between Township 41 North and 42 North, Mt. Diablo base and meridian, thence west along that township line to the Shasta River, thence northerly along the Shasta River to its confluence with the Klamath River, thence northerly along the Klamath River to its confluence with Cottonwood Creek, thence northerly along the main Cottonwood Creek to the State of Oregon.

4554. The South Sierra Pine Forest District comprises the area bounded on the north by the south boundary of the North Sierra Pine Forest District, on the east by the State of Nevada and the State of Arizona, on the south by the southern boundary of the State of California, and on the west by a line beginning at the confluence of the Sacramento River and the Feather River, thence southerly and westerly along the Sacramento River to San Francisco Bay and the eastern boundary of the Redwood Forest District, thence southerly along said boundary to the boundary between the County of Monterey and the County of San Luis Obispo, thence west along that county boundary to the Pacific Ocean, thence southerly

along the shore of the Pacific Ocean to the southern boundary of the State of California.

4555. The Coast Range Pine and Fir Forest District comprises the area bounded on the north by the State of Oregon, on the east by the west boundary of the North Sierra Pine Forest District and a line beginning at the confluence of the Sacramento River and Feather River, thence southerly along the Sacramento River to its confluence with the San Joaquin River, on the south by a line beginning at the confluence of the Sacramento River and the San Joaquin River, thence southerly and westerly along the Sacramento River to San Francisco Bay and the eastern boundary of the Redwood Forest District, and on the west by the east boundary of the Redwood Forest District.

Article 4. Administration

4561. The State Forester, acting in accordance with the policies adopted by the board and under the supervision and direction of the director, shall administer this chapter. He may exercise all powers necessary to accomplish its purposes and intent, including entering and inspecting lands which are subject to this chapter.

4562. For the purpose of assisting in administering this chapter, a district forest practice committee, consisting of five members, shall be established for each district

4563. Four of the members of the committee shall be appointed by, and hold office at, the pleasure of the Governor. Of these four members, two shall be private timber owner-operators in the district, one shall be a private timber owner owning 1,000 acres or more of commercial timber in the district and who does not conduct any logging or milling operations, and one shall be a farmer-timber owner owning not less than 160 acres nor more than 1,000 acres of commercial timber in the district.

4564. The fifth member of the committee shall be a member of the board or an employee of the division designated by the board to represent it. He shall be the secretary of the committee and shall meet with and take part in all deliberations of the committee, but shall not have the power of a vote except in the case of a tie.

4565. The appointive members of the committee shall receive no compensation for their services but are entitled to a per diem allowance in an amount fixed by the State Board of Control in lieu of expenses incurred in connection with their service on the committee.

4566. The committee shall advise and assist the board and the forest industry in the establishment of forest conservation practices on privately owned land. In advising and assisting the board, the committee shall not interfere with any of the powers and duties of the board.

4567 All meetings of the committee shall be open and public and all persons shall be permitted to attend any meetings of the committee.

All records of the committee shall be open to inspection by the public.

4568 Expenses incurred in the administration of this chapter shall be paid from the support appropriation of the division

Article 5. Forest Practice Rules

4571. Each committee shall formulate forest practice rules for the district to fulfill the purposes of this chapter. The rules shall apply to old growth and young growth timber and shall include measures for fire prevention and control, for protection against timber operations which unnecessarily destroy young timber growth or timber productivity of the soil, for prevention and control of damage by forest insects, pests and disease, and measures for the restocking of the land.

4572. After notice of hearing published once in a newspaper of general circulation in the district and after hearing by the committee, the committee shall submit the rules to the private timber owners within the district for approval. If the rules are approved by two-thirds of the private timber ownership voting in the district, the percentage to be measured by the acreage of timber and cutover land privately owned in the district, they shall be submitted to the board

4573. For the purpose of balloting on the approval or disapproval of the rules, the private timber owners within the district shall be deemed to be the owners of record appearing on the current assessment roll of the county in which the timberlands are situated. The proposed rules and ballots shall be sent by registered or certified mail to the owners of record to the address of record upon the assessment rolls. All ballots upon the proposed rules shall be returned to the State Forester within 60 days from the date of mailing to the owners. The State Forester shall complete the counting of the ballots within 70 days after the date of mailing. All timber acreage not voted on the ballots received within the specified time shall be excluded from the total timberland acreage of the district in determining the percentage of the approval or disapproval of the rules. Where the ownership of timberlands is of record as being owned by more than one person, company, or corporation, the percentage of acreage in such multiple ownership shall be apportioned in such percentages as the percentage appears upon the assessment rolls of the counties in the district. If the multiple ownership is divided into separate ownership of land and timber or land and timber rights, the owners of record of the land and timber shall be deemed to hold the right of vote of one-half of the total land acreage involved for land ownership and one-half of the total land acreage involved for timber ownership.

4574. The committee may receive and approve forest management plans submitted by timber owners or timber operators with approval of the timber owner as a more efficient substitute for the rules of the district.

4575. The committee may receive and approve alternate plans submitted by timber owners or timber operators with approval of the timber owner as an alternate to any requirement of the rules of the district, if the alternate plan, in the opinion of the committee, will accomplish greater silvicultural or protectional management of the lands than is provided for by the district rules.

4576. If, in the opinion of the board, the forest practice rules, forest management plans, and alternate plans are within the purposes and intent of this chapter, they shall be approved by the board. No rule, forest management plan, or alternate plan made pursuant to this chapter shall, however, relieve any person from compliance with other existing statutes relating to water pollution, obstruction of streams, erection of dams, fish ladders, or fish screens.

If any rules are disapproved by the board, they shall be returned to the committee with recommendations for amendments.

If the board finds that a forest management plan or an alternate plan submitted for approval is inadequate, it shall return the plan to the committee and the timber owner or timber operator who submitted it, for concurrence in suggested amendments which will fulfill the purposes and intent of this chapter.

Resubmission of rules or plans in amended form may be made after repetition of the entire original procedure.

4577. Forest practice rules, forest management plans, and alternate plans, approved by the board, have the force of law within the district in which the rules originated. Except as otherwise provided in this section, timber operators in the district shall comply with the rules. Where a forest management plan is in effect, the timber operator is subject only to compliance with the forest practices which are a part of the forest management plan. Where an alternate plan is in effect, the timber operator is subject to compliance with the rules as modified by the alternate plan.

Where satisfactory proof is given that the timberlands being cut, or to be cut, are to be devoted, in a bona fide manner, to other than a timber growing use, owners and persons operating thereon may cut and remove any and all trees regardless of diameter but shall otherwise comply with the forest practice rules.

4578. Upon receipt by the board of a petition signed by 50 percent of the private timber and cutover land ownership in an established district, which requests amendments to the rules of the district, or upon determination of the State Forester that the rules of any district should be amended, the board shall order the committee of the district in which the proposed

amendments will apply to review the petition or the request of the State Forester and to conduct public hearings in connection with the petition. If the committee concludes, after the public hearings, that the rules should be amended to meet any of the demands of the petition, or of the request of the State Forester, the committee shall submit its findings to the board for its approval or rejection.

4579. Before such action by the board, the full text of the proposed amendments shall be published in a newspaper of general circulation in each county of the respective district twice at intervals of not less than one week and not more than 30 days. The board may thereafter, at a regular meeting, declare the amendments in effect, and the amendments shall remain in effect unless a petition by not less than 25 timber owners in the applicable district is filed with the board within 30 days following such declaration by the board. If such a petition is filed with the board, the amendments shall be submitted to the timber owners in the applicable district for approval pursuant to the procedure provided in Section 4572 without additional publication.

4580. Rules, plans, and amendments, once approved, are prima facie presumed valid, are special provisions for, and exclusively regulate timber operations. Rules, plans, and amendments previously approved and now in effect are hereby validated, confirmed, and continued in effect until amended, modified, or repealed in the manner provided in this chapter.

The board may revoke or repeal rules and amendments to rules with the consent of the forest practice committee of the applicable district. The board may revoke forest management plans or alternate plans with the consent of the forest practice committee of the district and the timber owner or timber operator whose operations and practices are being conducted under such plans. Upon certification by the State Forester that such timber owner or operator cannot be found, the board, with the consent of the applicable forest practice committee, may revoke such plans.

4581. The director shall require the State Forester to make periodic inspections of timber operations to determine and require compliance with the rules and forest management plans and alternate plans.

Upon notification by the timber owner that operations have been completed upon any area, the State Forester may cause a final inspection to be made. He shall, after the completion of any final inspection, give notice to the timber owner whether or not violations of forest practice rules, applicable alternate plans, or forest management plans, exist upon the area.

Article 6. Permits

4585. Every timber owner shall notify the State Forester of proposed timber operations on his holdings prior to the date of commencement of the timber operations in accordance with

regulations of the board adopted pursuant to Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

Every notice shall include all of the following:

(a) The location of the proposed timber operations given by a legal subdivision description or in such a manner as to enable the State Forester to locate the timber operations on the ground.

(b) The approximate area of the timber operations.

(c) The dates within which the timber operations are to take place.

If the timber operations are to be conducted by a person other than the timber owner, the notice shall so state and contain the name and address of the person with whom the timber owner has contracted to conduct the timber operations. Violation of this section is a misdemeanor.

4586. A person shall not engage in timber operations unless he has a permit to engage in timber operations issued pursuant to this article. An original permit shall be issued by the State Forester on proper written application to him on forms which he has approved and upon payment of the license fee prescribed by Section 4601. The application for an original permit shall contain the name and address of the applicant, name and address of applicant's principal officer on whom notice may be served if a corporation or a partnership, and authorization from the applicant permitting the State Forester or his agent to enter and inspect such operations. The State Forester may require an applicant not resident in this state to designate a resident agent for service of notices and papers.

4587. Upon receipt of an application, the State Forester shall issue an original permit to the applicant. The State Forester may, however, deny a permit for any of the following reasons:

(a) If the applicant is not the real person in interest.

(b) Material misrepresentation or false statement in the application.

(c) Conviction within one year of the application of unlawfully operating without a permit.

(d) The failure or refusal of the applicant to comply with the forest practice rules, an applicable forest management plan, or an applicable alternate plan within three years prior to the date of the application.

4588. Within 30 days after receipt of notice of denial sent by the State Forester by registered or certified mail to the applicant's last address of record, the applicant may file with the State Forester a request for statement of issues. Such request shall not be deemed an answer to the statement of issues, a request for a hearing, or a notice of defense. Unless the State Forester files a statement of issues regarding the denial of the application with the director within 30 days after the timely filing of such request, the permit shall be granted.

4589. When a statement of issues has been so filed, the director may order denial pursuant to Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. Reapplication may be made after 60 days from the date of denial.

4590. Every permit to engage in timber operations shall be renewed annually during the month of January. Application for renewal shall be made to the State Forester on forms which he has approved and shall be accompanied by the renewal fee prescribed by Section 4602. The renewal application shall contain such other information as in an original application.

The State Forester may refuse to renew any permit for any reason that he is authorized by Section 4587 to deny an original permit. In addition, the State Forester may refuse to renew any permit until any violations by the operator of the forest practice rules, applicable forest management plan, or applicable alternate plan as exist on the date of the renewal application, of which the timber operator has been notified by the State Forester and given reasonable opportunity to correct, are corrected on such reasonable terms and conditions as the State Forester may require, including but not limited to, the planting of a reasonable number of seedlings and young growth trees to restock cutover lands. The applicant shall, upon such refusal, have the same rights as are granted by Sections 4588 and 4589 to an applicant for an original permit which has been denied by the State Forester.

4591. The original and annual permit shall be for the period from February 1 through January 31, of the year following or for the remaining portion of such period.

4592. Every timber operator shall, prior to the commencement of any timber operations in this state, give notice of the timber operations to the State Forester in accordance with regulations of the board adopted pursuant to Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code. The notice shall include all of the following:

(a) The location of the timber operations given by legal subdivision description or in such a manner as to enable the State Forester to locate the operations on the ground

(b) The approximate area of said timber operations.

(c) The proposed date of commencement and the approximate date of completion of the operations.

4593. A permit is subject to future legislation. It is not transferable. The permit or copy of it shall be available for inspection at all times in the area in which timber operations are being conducted.

4594. The holder of a permit shall notify the State Forester at his Sacramento office in writing within 15 days of any change of address.

Article 7. Suspension or Revocation of Permits

4595. A permit may be suspended or revoked by the director pursuant to Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code for any of the following reasons:

(a) Failure or refusal to comply with the forest practice rules.

(b) Failure or refusal to comply with an applicable forest management plan.

(c) Failure or refusal to comply with an applicable alternate plan.

(d) Material misrepresentation or false statement in the application.

(e) Material misrepresentation or false statement in any required notice.

(f) Where the applicant is not the real person in interest.

(g) Refusal to allow inspection by the State Forester.

(h) Violation of Section 4592.

4596. Any permit issued pursuant to this chapter to a person who held a permit to engage in timber operations under this code prior to February 1, 1964, may, within one year, be suspended or revoked not only for acts or omissions occurring after February 1, 1964, which constitute grounds for suspension or revocation of a permit, but also for acts or omissions occurring within three years prior to the effective date of this act which would have been grounds for suspension or revocation of the previously issued permit.

4597. The director may not suspend or revoke for acts or omissions committed more than three years prior to filing, except where there has been material misrepresentation or false statement in an application or where the applicant is not the real person in interest.

4598. A proceeding to suspend or revoke for failure or refusal to comply with forest practice rules, with a forest management plan, or with an alternate plan may not be commenced unless prior to filing the permittee has been given notice in writing by registered or certified mail to his last address of record, which states in what respects the permittee has not complied, and unless the permittee has been given a reasonable time to comply.

4599. An order of suspension or revocation is final when made. On petition of respondent once within one year after date of suspension or revocation and on showing of change of the conditions which led to the suspension or revocation, the director may remit all, or any part of, the unexecuted portion of the penalty.

Article 8. Fees

4601. The license fee for an original timber operator's permit is fifteen dollars ($15).

4602. The renewal fee for a permit to engage in timber operations is ten dollars ($10).

4603. A penalty fee in the amount of five dollars ($5) shall be added to the annual renewal fee in all cases where the fee for renewal of a permit is not paid on or before February 1.

Article 9. Violations

4605. Any person who engages in timber operations or conspires with another to engage in timber operations without a valid permit to do so from the State Forester is guilty of a misdemeanor.

Article 10. Injunctions and Corrective Action

4611. As used in this article, "rules" means any provision of the forest practice rules, applicable forest management plan, or applicable alternate plan unless the context otherwise requires.

4612. The director may bring an action to enjoin the violation or threatened violation of the rules. Any such proceedings shall be in accordance with the provisions of Chapter 3 (commencing with Section 525), Title 7, Part 2, of the Code of Civil Procedure. If in such a proceeding it shall appear from facts shown by affidavit or verified complaint that any such violation has occurred or is threatened, the court may issue a temporary restraining order restraining and ordering the immediate discontinuance of any timber operation in which such violation has occurred or is threatened pending a hearing on the matter.

4613. If upon a hearing to show cause why a preliminary injunction should not be issued, or upon a hearing of any motion for a preliminary injunction, or if the court should find in any such action that any such defendant is violating, or has violated any rules, then the court may not only order the discontinuance of any timber operations in which such violation has occurred or is occurring, but may also enjoin any further timber operations by the defendant in this state until the violations complained of have been corrected or until satisfactory provisions have been approved by the court for the violations to be corrected at a specified date. Any defendant in such proceedings may enter into a written agreement with the director assuring that he will (a) resume operations in compliance with the rules and (b) correct the violations on such reasonable terms and conditions, including, but not limited to, the planting of a reasonable number of seedlings or young growth trees to restock cutover land, as the director may require to achieve maximum possible compliance with the rules under all of the circumstances. Upon approval by the court, any temporary restraining order, preliminary injunction or permanent injunction may include or be amended to include an order that any defendant entering into such an agreement

comply with the terms of such agreement as a condition for engaging in any timber operations enjoined by such temporary restraining order, preliminary injunction or permanent injunction. The court may require a cash deposit or bond payable to the director in such amount as the court deems proper to insure correction of any such violation of the rules in accordance with such agreement or any other provisions required by the court. The court may make any other orders reasonable and necessary to carry out the intent of this article.

4614. This article does not require as a condition for the bringing of any proceedings pursuant to this article or the granting of an order in any such proceedings that the notice referred to in Section 4598 first be given to the timber operator.

4615. The State Forester may take appropriate steps as are necessary and incur expenses to correct any violation of the forest practice rules, applicable forest management plan, or applicable alternate plan, including but not limited to the planting of a reasonable number of seedlings and young growth trees to restock cutover land. The expenses so incurred shall not exceed an average of forty dollars ($40) for each acre in violation.

4616. Prior to taking corrective action, the State Forester shall serve a written notice upon the timber operator and the timber owner by certified or registered mail to the last address of record of each. If the timber owner is unknown, then service of the notice may be made upon the owner by posting a copy of the notice upon the property where the violations exist. The notice shall include a statement of the corrective action to be taken, a date not less than 30 days from the date of service or posting of the notice by which such corrective action is to be taken, and a statement that if such corrective action is not taken on or before the date specified the State Forester may take corrective action and charge the timber operator or the timber owner for the costs thereof pursuant to Section 4618. The notice shall also include a statement that if the timber operator or timber owner disagrees for any reason with the proposed corrective action or with the charging of the owner or operator with the costs thereof, he may within 10 days from the service or posting of the notice request of the State Forester a public hearing before the board.

4617. If the corrective action is not taken by the timber operator or the timber owner on or before the date specified in the notice served pursuant to Section 4616, the State Forester may take or contract for the taking of such corrective action and recover the expenses of the corrective action as provided in Section 4618. If a request is made for a public hearing within 10 days from the service or posting of the notice or if the service of the notice is made upon the timber owner by posting a copy thereof on the property, the State Forester shall not take any corrective action without further order by the board. Where the timber owner or the timber operator makes such a request for public hearing, the board, after at

least 15 days written notice, shall hold a public hearing to hear the objections of the owner or operator, or both, to the proposed action. The board may, but need not, conduct the hearing in accordance with the applicable provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code. At the conclusion of the hearing, the board may make an order specifying the action to be taken by the timber owner or the timber operator to correct the violation, setting the time limits for such action, and authorizing the State Forester to take such action if the timber owner or timber operator does not do so within the specified time.

4618. The expenses incurred by the State Forester in taking any corrective action pursuant to Sections 4615 to 4617, inclusive, shall constitute a debt of the timber owner and the timber operator and if not paid by the timber operator within 10 days after written demand therefor may be recovered by the State Forester in a civil action against the timber owner or the timber operator or against both jointly. No action shall lie to recover expenses of correcting any violation occurring more than three years prior to commencement of the corrective action and no action to recover expenses shall be commenced later than two years following the incurring of the expenses.

Neither the State Forester nor any person authorized by him to enter upon any lands for the purpose of administering Sections 4615 to 4617, inclusive, nor any timber operator or timber owner is liable to civil action for trespass for acts necessary to carry out the provisions of such sections.

CHAPTER 9. STATE FOREST

Article 1. Purposes and Policies

4631. It is hereby declared to be in the interest of the welfare of the people of this state and their industries and other activities involving the use of wood, lumber, poles, piling, and other forest products, that desirable cutover forest lands, including those having young and old timber growth, be made fully productive and that the holding and reforestation of such lands is a necessary measure predicated on waning supplies of original old growth timber. It is further declared to be the policy of the state to acquire by purchase, exchange, lease, or grant all of the following:

(a) Such cutover lands, the reforestation of which is not assured under private ownership, to reforest such lands during periods of unemployment and at other times.

(b) Liquidating forest lands primarily suitable for timber production which may be acquired under precutting agreements.

(c) Demonstration forests of 2,000 acres or less adapted to furnish local needs of investigation, demonstration, and educa-

tion in those timber counties where the ownership pattern is such that management of small areas is an important problem.

(d) One area, not to exceed approximately 40,000 acres, in each of the following forest districts. Coast Range Pine and Fir District, North Sierra Pine District and the South Sierra Pine District, for the purpose of demonstration of economical forest management. These areas shall not include virgin timber except that which is incidental to areas previously harvested.

Article 2. Definitions

4635. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

4636. "Continuous production" means such management as will approach a balance between depletion and growth.

4637. "Forest land" means lands primarily suited to growing timber and other forest products.

4638. "Forest products" includes sawlogs, pilings, poles, split products, pulpwood, bolts, bark and other products.

4639. "Management" means the handling of forest crop and forest soil to produce the largest quantity and highest quality of forest products and the protection of the forest crop and forest soil.

4640. "Protection" means protection of forest trees against damage by fire, insects, disease, and trespass.

4641. "Purchase area" means an area of forest land within which forest lands of sufficient acreage may be available and can be consolidated to make state forest units.

4642. "Reforestation" includes reforestation by natural means from seed and artificially by seeding or planting.

4643. "State forest" means forest land owned or to be owned by the state.

Article 3. State Forests

4645. The State Forester, under the supervision of the director and in accordance with plans approved by the board, may engage in the management, protection, and reforestation of state forests.

4646. The State Forester, acting in accordance with policies adopted by the board and under the supervision and direction of the director, shall administer this chapter. He may exercise all powers necessary to accomplish its purposes and intent.

4647. The State Forester shall prepare a map setting forth the boundaries of purchase areas, and he shall prepare data relating to the forest conditions within these areas. In the preparation of the map and data he shall be guided by, but not limited to, a report prepared and submitted to the Legislature by the California Forestry Study Committee provided for in Chapter 1086, Statutes of 1943. The State Forester shall make the necessary surveys, examinations, appraisals,

inventories, and title searches and obtain other pertinent data and information bearing on tracts of forest land offered for sale for state forest purposes.

4648. Acquisition of forest land pursuant to this chapter shall be made only upon the approval of the State Forester. Approval by the State Forester shall be based on satisfactory evidence presented to him by the board as to the suitability and desirability of lands under consideration for purchase for state forest purposes. This suitability and desirability shall be predicated on, but not limited to, the following factors:

(a) That the lands are suited primarily to timber growing.

(b) That the lands represent growing capacities not below the average for the timber region.

(c) That they are favorably situated for multiple use and economical administration, management and utilization.

The State Forester shall not approve the acquisition of any lands pursuant to this chapter unless he receives a resolution recommending such action adopted by the board of supervisors of the county in which such lands are situated following a public hearing held by the board of supervisors on the proposed acquisition. Notice of the hearing shall be published at least two weeks prior to the hearing in one or more legal newspapers of the county. The holding of a hearing shall be optional to the board of supervisors for areas of 2,000 acres or less. The director, upon approval of a purchase by the State Forester may negotiate for and consummate the purchase of the lands.

4649. Whenever it is deemed advisable and advantageous, the board may enter into an agreement with the Department of Corrections, or the Youth Authority for employment of inmates of these institutions in work on state forests.

4650. The State Forester, with the approval of the Director of Conservation and the Director of General Services, may make sales of forest products from state forests up to one thousand dollars ($1,000) in value without advertising for bids. Any sale of forest products in excess of one thousand dollars ($1,000) shall be upon competitive bids. Advertising for bids shall be the same as is generally in use for the sale of state property.

4651. The management of state forests and the cutting and sale of timber and other forest products from state forests shall conform to regulations prepared by the State Forester and approved by the board. These regulations shall be in conformity with forest management practices designed to promote continuous forest production with due regard to the preservation of soil, watershed, scenic, wildlife and recreational values. The sale of timber and other forest products is limited to raw materials only.

4652. Receipts from the sales of forest products shall be deposited monthly with the State Treasurer. The Controller

shall keep a record of accounts of such receipts separately.

4653. State-owned lands classified by the State Forester and approved by the board as not suited to the growing of forest products, or necessary to the management of the forest, shall be sold according to state laws.

4654. There shall be paid to each county in which lands acquired for state forest purposes are situated, out of funds hereafter made available for such purpose, an amount equivalent to taxes levied by the county on similar land similarly situated in the county in the same manner as provided in the Revenue and Taxation Code for secured property tax payments as long as the state continues to own the land. Determination of what constitutes similar land similarly situated shall be made by a committee consisting of the county assessor of the county in which the land is located, a representative of the State Board of Equalization and a representative of the State Forester.

The money received by any county pursuant to this section may be expended by it for any proper state purpose not prohibited by the State Constitution.

4655. Tax-deeded lands classified as forest lands, pursuant to Chapter 4.3 (commencing with Section 3534), Part 6, Division 1 of the Revenue and Taxation Code, may be acquired for the state forest purposes through the usual procedure governing the sale of tax-deeded lands.

4656. This chapter does not interfere with the reasonable use of state forests for hunting, fishing, recreation and camping, except as otherwise provided by law.

The use of state forest lands for grazing and mining purposes shall be permitted pursuant to regulations established by the board. The use and development of water facilities for irrigation and power shall be permitted as provided by law.

4657. Insofar as the provisions of this chapter may be in conflict with any other provision of this division, the provision of this chapter shall control.

4658. The Mountain Home Tract Forest in Tulare County shall be developed and maintained, pursuant to this chapter, as a multiple-use forest, primarily for public hunting, fishing, and recreation In future acquisitions and exchanges of land, as provided by law, the acreage in state ownership shall not be reduced below 4,000 acres

CHAPTER 10. PROTECTION OF FOREST AND LANDS

Article 1. Cooperative Agreements

4671. The State Forester may, under the supervision of the director, and in accordance with the policy of the board, engage in and demonstrate methods of developing, using, and protecting the forest and wild land resources of the state. To accomplish such purpose, he may, with the approval of the Department of Finance, enter into agreements with any agency

of government, including the federal government, and with any person, firm, or corporation and may make expenditures for such purpose.

4672. The State Forester may, under the supervision of the director and in accordance with the policy of the board, engage in surveys of soil, vegetation, and forest products on the forest, range, and watershed lands of the state. He may, with the approval of the Department of Finance, enter into agreements with any agency of government, including the University of California and the federal government, and with any person, firm or corporation, for the purpose of engaging in cooperative soil, vegetation, and forest surveys and may make expenditures for such purposes.

4673. The State Forester, with the approval of the Director of General Services, may enter into an agreement with federal agency for the purpose of investigating the effect of forest cover in the conservation of water and the prevention of erosion on watershed areas.

4674. The State Forester may, with the approval of the Department of General Services, enter into a cooperative agreement, upon such terms and under such conditions as he deems wise, for any of the following purposes, with any county, city, or district which makes an appropriation for any such purpose:

(a) The protection and forest management of any lands over which the county, city, or district has jurisdiction.

(b) The reforestation or afforestation on lands within the county, city, or district.

4675. 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 Conservation and the Director of General Services, may do any of the following:

(a) Enter into contracts with any state or federal public agency, municipal corporation, or any person, firm or corporation to establish and preserve forest and vegetative cover on forest and watershed lands.

(b) Conduct surveys and studies, formulate plans and perform all acts incidental to the establishment and maintenance of forest and vegetative cover on forest and watershed lands, including any work necessary to accomplish such purposes.

4676. The State Forester and his agents may enter upon, perform required work upon, and inspect lands for the purposes set forth in Section 4675.

In approving contracts and in the exercise of the emergency powers provided by Section 4675, the director 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.

4677. Whenever it is shown that impaired, burned, and denuded watershed lands may pose an imminent threat of disaster to the public health, safety and welfare from flood and erosion, the director may order the execution of surveys, work and contracts to fulfill the purposes of Section 4675, and may request the assistance of other state, local and federal government agencies therefor.

The director or his delegated representatives may enter upon, perform required work upon and inspect lands for the purposes specified in this section.

Article 2. State Nurseries

4681. State nurseries shall be maintained under the management of the State Forester for the growing of stock for all of the following purposes:

(a) Reforestation of public and private lands.

(b) The planting of trees along public streets and highways.

(c) The beautifying of parks and schoolgrounds.

4682. The State Forester shall construct and maintain such buildings, improvements, and equipment, and shall employ and fix the compensation of such employees as may be necessary to carry out this article.

4683. The State Forester may purchase nursery stock and seed, and may distribute stock or seed for public planting or reforestation of public lands, and for the purpose of soil erosion control, watershed protection, farm windbreaks, or the production of forest products and farm woodlot products on private lands.

4684. Trees, plants, nursery stock, and seeds which are sold pursuant to this article shall be sold at prices that are established by the State Forester and approved by the board.

4685. The Governor, on behalf of the state, may receive all conveyances or donations of real or personal property necessary to vest in the state the title to any site for a state nursery and to any equipment and supplies that are donated for a state nursery.

Article 3. Reforestation Studies and Plans

4691. It is hereby declared to be in the interest of the welfare of the people of this state that the need for wood, lumber, poles, piling, wood pulp and other forest products, augmented

by the growth of population, requires all forest lands to be kept in a fully productive condition. It is further declared that there are within the state more than two million acres of burned and cutover lands not now contributing adequately to the growth of forest crops nor to the economy of the state. It is further declared to be in the interest of the people of California that the state determine feasible means and methods for reforesting nonproducing forest lands to the end that all forest lands will be eventually brought up to their maximum growth capacity.

4692. The State Forester may make surveys and prepare maps setting forth the areas of nonrestocking forest lands.

4693. The State Forester may undertake experiments and studies, on lands owned by the state or made available by private owners through cooperative agreements pertinent to determining costs and feasible methods of reforestation by planting, seeding, release of natural seedlings from competing brush, or other procedure deemed promising of the desired results, and involving also brush removal and control, soil preparation and control of rodents or other destructive organisms.

4694. Experimentation and studies shall be conducted with the advice and cooperation of the University of California School of Forestry. The State Forester may set up an advisory committee on reforestation methods and procedures. All meetings of the committee shall be open and public, and all persons shall be permitted to attend any meetings of the committee. All records of the committee shall be open to inspection by the public during regular office hours.

4695. The State Forester may collect the additional seed required, increase the capacity of state nurseries, purchase the necessary equipment and employ the necessary personnel to effectuate the purposes of this article.

Article 4. Gifts of Land and Contributions

4701. The director, upon the recommendation of the board, may accept on behalf of the state gifts of land suitable for forestry purposes or suitable for the purposes of reforestation or afforestation, and may receive contributions from any source for the purchase, or the care and maintenance, of such land. The recommendation of the board shall be made by resolution duly adopted at a regular meeting.

4702. The acceptance of the land or contributions shall be subject to such conditions or restrictions as the board deems advisable. Any conditions or restrictions required by the board shall be clearly set forth in the resolution of the board which recommends acceptance of the land or contributions and in the instruments of conveyance.

4703. Before accepting conveyance of the land, the director shall have the title examined. He shall not accept title unless a good and merchantable title free and clear of all taxes, liens

or other financial encumbrances is shown to be vested in the grantor or donor. The title shall be passed upon and approved by the Attorney General.

Article 5. Forest Insect and Plant Disease Control

4712. As used in this article:

(a) "Owner" includes any individual, partnership, corporation, or association.

(b) "Timberland" means any land which has enough timber, standing or down, to constitute, in the judgment of the board, an insect or pine beetle infestation breeding ground or plant disease hazard of a nature to constitute a menace, injurious and dangerous to timber or forest growth.

4713. Pine beetles and other insect pests or plant diseases which are harmful, detrimental and injurious to timber and forest growth are a public nuisance.

4714. Every owner of timber or timberlands shall control or eradicate such insect pests or plant diseases on lands owned by him or under his control. If he does not do so the work may be performed as provided in this article.

4715. The State Forester, with the approval of the Department of Finance and in accordance with policy established by the board, may enter into agreements with any owner and with any agency of government, including the federal goverment, for the purpose of controlling or eradicating forest insects or plant diseases damaging or threatening destruction to timber or forest growth, and he may make expenditures for that purpose.

4716. Whenever the State Forester determines that there exists an area which is infested or infected with insect pests or plant diseases injurious to timber or forest growth and that the infestation or infection is of such a character as to be a menace to the timber or timberlands of adjacent owners, the State Forester, with the approval of the board, may declare the existence of a zone of infestation or infection, and describe and fix its boundaries.

Thereafter, the State Forester or his agents may go upon state and private lands within the zone of infestation or infection and shall cause the infestation or infection to be eradicated or controlled in a manner which is approved by the board.

4717. The State Forester may make the necessary surveys and appraisals to obtain pertinent data and information on insect infestations and disease infections. He may make expenditures for that purpose.

4718. Whenever the State Forester determines that insect or disease control work within the designated zone of infestation or infection is no longer necessary or feasible he shall, with the approval of the board, dissolve the zone.

Article 6. Preservation of Big Trees

4721. It is the policy of the state to preserve as far as possible the species Sequoia gigantea in the interest of conservation, both of soil and of the species itself, and for the benefit of present and future generations.

4722. Upon the finding of the Department of Parks and Recreation or State Forester, or both, that any Sequoia gigantea grove is suitably situated and is of a size and character which justifies its preservation by and for the public, it is the policy of the state to acquire the grove for preservation and conservation purposes.

4723. Pursuant to Sections 4721 and 4722, the Department of Parks and Recreation, or the State Forester, on favorable recommendation of the board, may acquire any forested lands on which are found growing trees of the species Sequoia gigantea when, in the opinion of the commission or the board, the acquisition of such forested lands is necessary to the preservation of the Sequoia trees and to the public welfare.

4724. Whenever sufficient moneys are paid into the State Beach and Park Fund from the moneys impounded pursuant to Chapter 7 of the Statutes of 1951, and are appropriated by the Legislature therefor, the Department of Parks and Recreation, or the State Forester, upon the favorable recommendation of the board, shall proceed, as provided in this article, to acquire and preserve groves of Sequoia gigantea trees in accordance with the general principles set forth in the report made to the Legislature pursuant to Resolutions Chapter 129 of the Statutes of 1951.

A copy of each deed conveying lands to the state, pursuant to this article, shall be delivered to the State Lands Commission.

4725. Nothing in this article shall be construed as establishing a policy to acquire any such Sequoia gigantea groves for preservation and conservation out of any money appropriated for acquisition of land for park purposes by Chapter 1422, Statutes of 1945.

4726. Any person who willfully cuts down, strips of its bark, or destroys by fire, any tree "over 16 feet in diameter," in the groves of big trees situated in the Counties of Fresno, Tulare, or Kern, is guilty of a misdemeanor, and is punishable by fine of not less than fifty dollars ($50) nor more than three hundred dollars ($300), or by imprisonment in the county jail not less than 25 days nor more than 150 days, or by both such fine and imprisonment.

4727. Upon the arrest and conviction of any person for violation of Section 4726, the party informing is entitled to one-half of the fines collected.

Article 7. Protection and Development Corporations

4731. Corporations may be formed under the general corporation laws of this state for the protection and development of forest and other renewable natural resources, except as the provisions of such laws are modified or extended by the provisions of this article.

4732. All shares of stock issued by the corporation shall have a par value, and, in addition to other requirements prescribed by law, the articles of incorporation shall set forth all of the following:

(a) That one of the purposes for which the corporation is formed is the protection and development of forest and other renewable natural resources.

(b) The par value of all shares of capital stock of the corporation.

(c) All projects for the protection and development of forests or other renewable natural resources undertaken by the corporation shall, at all times, be subject to the supervision and regulation of the state through the board or other appropriate state authority and subject to the provisions of this article.

4733. No shareholder of any corporation formed pursuant to this article shall receive or accept from the corporation in repayment of his investment in its shares any sum in excess of the par value of the shares together with current dividends of not to exceed 7 percent per annum of the par value and any cumulative dividends to which the shareholder may be entitled.

4734. Any corporation formed pursuant to this article may, if so authorized by the Commissioner of Corporations, borrow money from or sell, pledge, or discount its securities to any corporation or agency established under the authority of the federal government.

4735. Any corporation operating in or upon forests or forest lands of this state which borrows money from any corporation or agency established under the authority of the federal government for the purpose of conducting lumber operations shall thereupon automatically become subject to this article.

4736. No operation of a corporation operating pursuant to this article, involving the cutting of timber or other work upon forest lands shall be commenced without the approval of the board. For the purpose of regulating the conduct of such corporations the board shall establish reasonable regulations regarding adequate fire protection, protection of timber against infestation of forest insects, protection against tree disease epidemics, and provision for natural or artificial reforestation of the areas cut over. The board may make such other reasonable regulations regarding the operation of such corporations as in its opinion is necessary for the proper preservation or protection of the forests and forest lands.

4737. The board shall make regular examination of the properties of such corporations during the operating season

at intervals of not more than two months apart. Following such examination a report shall be submitted to the public agency from which loans have been made to the corporation. The cost of such examination shall be charged to and paid by the corporation whose property is examined. If in the opinion of the board the plan of forest management is not being adhered to, the board shall notify the lumber operators and the lender of this fact.

4738. The operation of any corporation formed pursuant to this article shall, in addition to the requirements of this article, be subject to any stipulations or provisions contained in any contract which may be entered into between the corporation and the corporation or agency established under the authority of the federal government which may have loaned or advanced funds for the operations of the corporation.

CHAPTER 11. RANGE AND FORAGE LANDS

Article 1. Land Clearance and Revegetation

4771. The purposes of this article are:

(a) To promote the public security by eliminating fire hazards and to reduce the risk of uncontrolled fires which result in great annual financial losses to the people of the state, to increase range forage, to return wastelands to production, and to reduce the danger of incendiarism.

(b) To provide means and facilities to determine the effects of controlled clearing and revegetation and burning of brush-covered lands which are primarily valuable for range or forage purposes as a part of the legislative policy of providing for and carrying on a continued study of range improvement.

4772. The division shall engage in a program of experimental controlled land clearance and revegetation with respect to lands which are used or useful principally for range or forage purposes and which lie within state responsibility areas. This program shall also include such research as may be necessary before and after clearance of the lands to determine the value of the methods used in relation to the purposes of this article.

4773. The division shall determine the effects of the clearance and the value of the methods used, with reference to fire protection and prevention, watershed protection and conservation, the prevention of soil erosion, and the increased economic value of the cleared lands insofar as they are made available for range and forage purposes.

4774. The division shall, from time to time, prepare reports setting forth data as to the experiments conducted and its findings and conclusions, and shall submit the reports to the Legislature upon the convening of each regular session.

4775. All state agencies and other official organizations, and all persons connected with them, shall give the division full information and reasonable assistance in any matters of

research requiring recourse to them, or to data within their knowledge or control, with reference to the purposes of this article.

4776. This article does not affect the expenditure of funds appropriated for the support of the division for related purposes in performance of its ordinary functions of fire protection.

Article 2. Land Protection and Improvement

4781. The people of the state have a direct interest in the protection and improvement of public and private lands which are principally used or useful for range or forage purposes for domestic livestock and wildlife. This article is enacted in furtherance of that interest to provide not only for controlled land clearance and revegetation of such lands but also having as its objective fire prevention and protection, watershed protection and conservation, and the prevention of soil erosion.

4782. This article shall be administered by the department acting through the division.

4783. The division may enter into contracts or cooperative agreements with any person, firm, public or private corporation, district, or municipal corporation, or other political subdivision of the state, or any group or combination of them, that owns or controls brush-covered land within any state responsibility area for the purpose of engaging in controlled land clearance and revegetation, including the burning of brush from such lands, or portions of such lands, under the supervision of the division or by the division.

4784. In furtherance of such contracts and agreements, and also independently of them, the division shall engage in experimental land clearance and revegetation of such lands in the interests of protection and improvement of range and forage lands and shall also engage in such research in connection with it as will enable it to determine the value of such methods in relation to the several purposes and interests of the people of the state as set forth in this article.

4785. The division shall from time to time prepare reports setting forth data as to the experiments so conducted and its findings and conclusions with reference thereto and submit these reports to the board for its guidance and assistance in determining the policy to be followed by the board with reference to range and forage lands. The board shall make these reports available to the Legislature.

4786. In making such experiments and in conducting or supervising land clearance pursuant to the agreements or contracts contemplated by this article, the division shall have available such fire crews and firefighting equipment as it deems reasonably necessary to prevent the spread of any fire from the area proposed to be cleared, if such equipment and fire crews are not needed for the control of wildfire.

4787. The division, with the approval of the board, may make such regulations as are necessary to effectuate the purposes of this article.

4788. The division may accept contributions of money from any private source to carry out the powers and duties imposed upon it by this article.

PART 3. LUMBER, LOGS AND TIMBER

CHAPTER 1. FLOATING LUMBER

4851. As used in this article, "lumber" means all timber, whether in logs, boards, planks, or beams, and whether in rafts or otherwise. It does not include the sort of wood commonly called driftwood.

4852. Whenever any lumber drifts upon any island in any of the waters of this state, or upon the bank of any such waters, the owner of the lumber may remove it on payment or tendering to the owner or occupant of the land the amount of the damages which the owner or occupant of the land has sustained by reason of the drifting of the lumber upon such land, and which may accrue in its removal.

4853. If the owner of the lumber does not, within three months from the time it was so drifted, take the lumber away, the owner or occupant of the land shall deliver a bill of his charges, together with the lumber, to the sheriff of the county. The sheriff shall dispose of the lumber in the manner required by Articles 1 (commencing with Section 510) and 2 (commencing with Section 530) of Chapter 3, Division 3 of the Harbors and Navigation Code with regard to wrecked perishable property.

4854. When sold, the proceeds of the lumber shall be applied first to the payment of the charges of sale and in liquidation of the expenses and damages awarded to the claimant. The residue shall be paid to the county treasurer, to be by him paid over to the former owner of the lumber, or his representatives, or assigns, on the production of proof of his former ownership satisfactory to the judge of the superior court of the county, and on his order therefor, made within one year after its receipt.

4855. The rejection by the judge of any claimant's right to such proceeds is conclusive, unless within six months thereafter he commences action to obtain such proceeds. If no claim is made or sustained to the proceeds, the county treasurer shall place the proceeds in the county unapportioned elementary school fund.

CHAPTER 2. MARKING LOGS AND TIMBER

4875. In all cases where two or more persons, firms, or corporations are engaged in or intend to engage in putting or placing logs or timber into any navigable water in this state

for the purpose of rafting or floating such logs or timber to any place within this state for manufacture or sale and where such logs are to be rafted or floated a distance of one mile or more, such person, firm or corporation may have some mark of his or its selection and authenticated as provided in this chapter impressed in a conspicuous place on the end or surface of each such log or piece of timber.

4876. Before any such mark is used, such person, firm, or corporation shall cause a diagram and written description of the mark, certified and signed by the owner or owners of it, to be recorded in the office of the county clerk of each county through which the logs or timber will be floated for manufacture or sale, and shall also give notice in writing of such mark to each log-running or booming company doing business on any waters on which the logs or timbers are to be floated. The diagram and written description shall be different from any diagram or description already recorded in the clerk's office, claimed by any other person. For recording and indexing the diagram and certificate the county clerk shall collect a fee of twenty-five cents ($0.25).

4877. Any log or timber which has any such recorded mark impressed on it shall be presumed to belong to the person, firm, or corporation in whose name the mark has been recorded

4878. Every person, firm, or corporation that neglects to have his or its mark or marks recorded, as provided by Section 4875, is debarred from all benefits arising from the recordings of the mark or marks, and the vendee or assignee of any such logs or timber is subject to the same regulations and restrictions.

4879. It is unlawful for any person, firm, or corporation, except boom companies which may be required or compelled to catch and hold logs or timber, to take up or have in their possession, or to sell, dispose of, or convert or appropriate to their own use, without the written consent of the owner or his agent, any marked log, timber, pole, pile, tie, shingle bolt, boom stick, or lumber of value, not the property of such person, firm or corporation, found on the bank or banks of, or adrift, or strayed in, any harbor, river, lake, bay, slough, bayou, creek, pond, stream, ditch or other waters situated wholly or partly within the boundaries of this state, if the person or company claiming such mark has had a description and diagram of it recorded in any of the counties of this state through which such property was to be floated for manufacture or sale. Knowledge of the ownership of all such logs, timber, or lumber for the purpose of this chapter shall be conclusively presumed upon proof that the logs, timber or lumber were marked and that the description and diagram had been theretofore recorded. Any person violating the provisions of this section shall be punished by a fine not exceeding three hundred dollars ($300), or by imprisonment for not more than one year.

PART 4. CONSERVATION AND TRAINING PROGRAM

CHAPTER 1. CALIFORNIA CONSERVATION CAMP PROGRAM

4951. In enacting this chapter, it is the purpose of the Legislature to declare the existence of a California Conservation Camp program to provide for the training and use of the inmates and wards assigned to conservation camps in the furtherance of public conservation.

It is the policy of this state to require the inmates and wards assigned to such camps to perform public conservation projects including, but not limited to, forest fire prevention and control, forest and watershed management, recreation, fish and game management, soil conservation and forest and watershed revegetation.

In order to effect the maximum possible conservation and development of natural resources for the benefit of the people of this state, whenever reasonably possible, conservation projects of a multiple purpose nature shall be undertaken by the California Conservation Camps. The various agencies concerned with conservation projects shall consult and advise with each other to promote these multiple-purpose conservation projects and in order to achieve this goal may enter into such contracts as may be necessary.

4952. As used in this chapter "California Conservation Camps" or "camps" means any camps now or hereafter established, as provided by law, for the purpose of receiving prisoners committed to the custody of the Director of Corrections and wards committed to the Director of the Youth Authority, and in which the work projects performed by the inmates or wards are supervised by employees of the division.

4953. 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. 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.

4954. 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. The total charge per day paid by such contracting agency as costs of the supervised labor crew shall not, however, 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.

4955. The average daily per capita cost shall 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 Conservation and the Director of General Services.

4956. The conditions of work to be performed under such contracts or agreements shall be consistent with the requirements, as determined by the Director of Corrections and the Director of the Youth Authority, for maintaining control of inmates or wards committed to their respective custody.

4957. Conservation camp inmates and wards may be utilized in the rescue of lost or injured persons, and the saving of life and protection of property. The State Forester may cooperate with local agencies of government to accomplish this purpose.

CHAPTER 2. YOUTH CONSERVATION AND TRAINING PROGRAM

Article 1. General Provisions and Definitions

4971. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

4972. "Conservation and training board" means the Board of Directors for the California Youth Conservation and Training Program.

4973. "Trainee" means a youth conservation trainee in the program which is prescribed by this chapter.

4974. It is the intention of the Legislature in adopting the program provided by this chapter on a demonstration or pilot basis, to afford young men an opportunity to participate in work and activities which will permit them to develop the trades and attitudes necessary to become productive members of society, and while in the course of such work and training, to benefit the natural resources of the state. Work projects developed under this chapter shall be confined to natural resource conservation projects which serve a useful public purpose and do not result in the displacement of regular workers.

Article 2. Board of Directors

4975. There is in the department a board of directors for the California Youth Conservation and Training Program composed of the director, the Superintendent of Public Instruction, the Director of Employment, the Director of Industrial Relations, and the Director of the Youth Authority. The Director of Conservation shall be chairman.

4976. The conservation and training board shall meet at least four times a year. The function of this board is to establish general policies governing a youth conservation and

training program, which program shall involve the following essential elements:

(a) Procedures for the admission and discharge of young men qualifying for this program pursuant to the standards specified in this chapter. In such procedures for discharge, to include referral of such participants who have completed their tenure in the program, through the offices and facilities of the Department of Employment to educational, training, or work in the competitive labor market; and in so doing, utilizing to the maximum extent possible any assistance which may be available under the Manpower Development and Training Act of 1962.

(b) Determination of the vocational instruction to be afforded and of the general conservation activities to be accomplished consistent with the provisions of this chapter.

(c) Allocation of the time of the participants to vocational training, conservation work, recreation, study, free time, visitation and such other activities to establish a well-ordered, pleasant and productive environment.

(d) Procedures for permitting such participants to engage in emergency fire suppression, disaster relief, rescue services and civil defense activities.

(e) Procedures for the handling of grievances and appeals, and of death or disability claims by or on behalf of any supervisorial personnel or participant

(f) Procedures for the contracting by various agencies of government for the utilization of the participants.

(g) Such other procedures, standards, policies or considerations as are necessary to achieve the stated objective of this program.

Article 3. Administration

4981. The program is established in the division. Subject to policies established by the conservation and training board, the State Forester is responsible for the administration of the program and shall provide facilities and a work program for the purpose of training trainees in conservation and forest practices, and in such skills for which vocational training is available in the conduct of this program. The State Forester shall also provide the necessary personnel to instruct, supervise and train trainees in these activities. The State Forester shall prepare and submit to the director reports of the activities of the program for such board, executive or legislative action as may be necessary.

To aid in accomplishing the purposes of the program all state departments and agencies shall afford full cooperation to the conservation and training board in its administration of this chapter.

4982. To qualify as a trainee a young man shall meet each of the following conditions:

(a) Have attained the age of 16 years, but not the age of 22 years, and have secured any permission required by law by virtue of age.

(b) Have volunteered for the program through the Director of Employment as hereafter provided.

(c) Have never been convicted of a felony.

(d) Have passed such physical and mental aptitude test as required.

(e) Have thereafter been recommended for participation in the program by the Director of Employment.

4983. The Director of Employment, through the public employment service maintained within the Department of Employment, shall conduct such tests and make such determinations required in Section 4982 and shall establish, under direction of the conservation and training board, and in cooperation with the state agencies represented by members of that board, lists of such qualified young men currently available for assignment to the program for a continuous period of six months.

Any young man whose name appears on any such list as available for assignment may apply to the State Forester for participation in the program as a trainee, and may thereupon be accepted by the State Forester for such participation.

The total period for which a trainee may participate in the program shall be one year.

4984. The conservation work to be afforded trainees under the demonstration program shall involve principally the improvement and protection of the forest and watershed lands in the state, through the construction and maintenance of firebreaks, fire control roads, truck trails, and related forms of fire suppression facilities. It shall also involve work in fire suppression, timberstand improvement, reforestation, park development, fish and game habitat improvement, control of forest pests and diseases, and improvement of riding and hiking trails.

4985. The State Forester may enter into agreements with any agency of the federal government for the financial support of the program and shall conform the administration of the program in such a manner as may be necessary to qualify for such support under existing or subsequent federal legislation having the same or similar purpose or establishing the same or a similar program or for the purpose of aiding or supporting a state program as established by this chapter.

Article 4. Trainees

4991. The county superintendent of schools, with the approval of the county board of education, of any county in which any camp or other facility maintained by the State Forester at which trainees reside is wholly or partially located may furnish education for the trainees in the camp at the request of the State Forester.

4992. The school attendance of trainees shall be credited to the county school service fund of the county superintendent of schools providing the education for the trainees State School Fund apportionments on account of such attendance shall be made to the fund in the amount, per unit of average daily attendance, equal to the foundation program computed per unit of average daily attendance for the high school district in which the camp or facility is situated.

4993. A trainee shall be deemed to be a resident of the high school district in which he lived at the time of his admission to the program and the excess cost for a school year of educating such trainee shall be paid by the high school district of which he is a resident to the county superintendent who is providing education for the trainees. The excess cost shall be determined by dividing the total current expense of education during such school year (for the maintenance of a high school level school or classes for trainees), by the total number of units of average daily attendance in such school or classes during such school year, less state and federal apportionments on account of such average daily attendance.

4994. Average daily attendance of trainees shall be computed, for purposes of this chapter, by dividing the number of days such trainee attended the schools or classes by the number of days that the schools or classes were taught, except that with respect to a trainee attending such schools or classes for more than 175 days in a school year, the average daily attendance shall be computed by using the divisor of 175.

For purposes of computing average daily attendance 180 minutes of class attendance shall be deemed to constitute a schoolday, and no more than 15 hours of class time per week shall be considered.

4995. Not later than July 15th of each year, the superintendent of schools of the county providing education for trainees shall forward his claim for the excess expense reimbursement to the high school district of residence of each trainee during the preceding school year, and the governing board of such high school district shall upon receipt thereof pay such claims.

The governing board of the high school district to which the claim is presented may include in its budget the amount necessary to pay the claim, and, if the amount is included in the budget, the board of supervisors shall levy a school district tax to raise the amount. The school district tax shall be in addition to any other school district tax authorized by law to be levied.

4996. A trainee shall:

(a) Receive sixty dollars ($60) per month, of which forty dollars ($40) per month will be retained until termination of his assignment to the program. Twenty percent of the youth trainees may receive added compensation up to an additional ten dollars ($10) per month for assigned leadership responsibilities. Subject to the approval of the Director

of Finance, the amount of the stipends paid trainees may be adjusted as necessary to qualify for any federal grant that may become available for the purposes of the youth conservation trainee program.

(b) Be provided room, board, and work clothing, and medical attention including emergency dental care.

(c) Be provided with a one thousand dollar ($1,000) life insurance policy for an assignee in case of an industrial death where no dependents can be shown.

(d) Have available to him schooling in basic learning skills.

4997. A trainee in the program is not entitled to sick leave, vacation, retirement or other benefits accorded state employees, but is entitled to the benefits under Division 4 (commencing with Section 3201) and Division 4.5 (commencing with Section 6100) of the Labor Code as though he were an employee of the state during membership in the program.

In case of emergency fire conditions or disaster, trainees may be required to work extra hours as well as on weekends and holidays.

SEC. 10. Section 5001 of said code is amended to read:

5001. The Department of Parks and Recreation, acting through the Division of Beaches and Parks, has control of the state park system.

SEC 11. Section 5001 1 is added to said code, to read:

5001.1. As used in this division, "department" means the Department of Parks and Recreation and "director" means the Director of Parks and Recreation.

SEC. 12. Section 5010.5 of said code is amended to read:

5010.5. The director may authorize the refund of moneys received or collected by himself or by the Division of Beaches and Parks illegally, or by mistake, inadvertence, or error. Claims authorized by the director shall be filed with the State Controller and the Controller shall draw his warrant against the General Fund in payment of such refund from any appropriation made for that purpose.

SEC. 13. Section 5020 of said code is amended to read:

5020. (a) The Governor is hereby authorized to appoint an Historical Landmarks Advisory Committee of seven members to include such persons as he may deem are best qualified to carry out the purposes of this article and who shall serve without compensation and shall hold office at the pleasure of the Governor.

(b) The Historical Landmarks Advisory Committee shall have authority:

1. To make a census of all existing historical buildings or landmarks heretofore registered by the department, or privately marked by the Native Sons and Daughters of the Golden West, or privately marked by any other public agency or local historical society.

2. To conduct a continuing survey of all important historical sites in the state, whether previously registered or not,

and recommend to the department those which, in its opinion, shall be officially registered.

3. To receive and consider applications from any governmental agency, historical association or private individuals for the designation and registration of any historical building or landmark.

4. To recommend to the department the qualifications for acceptance of registered historical buildings and landmarks which shall include but are not limited to military, political, agricultural, educational, economic and cultural events and locations within the state.

5. To recommend to the department the type of plaque and the descriptive material to be included thereon to be required before marking any historical landmark or building.

6. To recommend to the department those historical buildings and landmarks which it determines are qualified for marking.

(c) The term "landmarks" in this article shall mean historical buildings, sites and places deemed important in the economic, social, political, military and cultural annals of California.

SEC. 14. 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 of General Services shall thereupon deliver one copy of the appraisal to the Department of Parks and Recreation.

SEC. 15. Section 5080 of said code is amended to read:

5080. Many persons traveling along the state highways make brief stops for the purpose of eating their meals and resting before resuming their travel. At the present time there are insufficient places where such stops can be made in safety and where free facilities are provided for eating lunches and disposing of the litter therefrom. Under the present law, such facilities could be provided, subject to the availability of funds, either by the Department of Public Works or the Department of Parks and Recreation In enacting this article it is not the intent of the Legislature to diminish any existing powers of either agency, but rather to provide specifically for the development of a system of roadside rest areas with appropriations made for the purpose of carrying out this article In carrying out this article, the Department of Parks and Recreation and any other state or public agency may exercise all powers given to them under any law other than this article, except as expressly prohibited by this article, and shall cooperate in the exchange of pertinent information to the end that the program

contemplated by this article can be coordinated with the locating, planning, and constructing of other public works.

It is the intent of the Legislature that the locating, constructing, equipping and maintaining of roadside rests be initiated on a statewide experimental basis with minimum equipment and facilities, other equipment and facilities to be added to existing rests and included in new construction when and to the extent it is justified by experience.

SEC. 16. Section 5082 of said code is amended to read:

5082. Roadside rests shall be located, constructed, equipped, and maintained as the Department of Parks and Recreation finds the public interest requires in the light of the condition of the site and the extent of the traffic. Roadside rests shall be located where, in the opinion of the Department of Public Works, Division of Highways, they can be located without undue hazards to traffic. All roadside rests on state highways shall be subject to the approval of the Department of Public Works, Division of Highways, as to location, fencing, and manner and extent of access to the rest areas from the highway and from adjacent private property.

The Division of Highways shall cooperate with the Department of Parks and Recreation to provide an adequate number of rest areas in connection with the national system of interstate and defense highways, as provided in the Highway Revenue Act of 1956 in combination with the Federal Aid Highway Act of 1956.

SEC. 17. Section 5084 of said code is amended to read:

5084. The provisions of this article shall be administered by the Department of Parks and Recreation.

SEC. 18. Section 5085 of said code is amended to read:

5085. The Department of Parks and Recreation may accept grants on behalf of the state and may accept financial assistance for, or in aid of, roadside rests.

SEC. 19. Section 5086 of said code is amended to read:

5086. The Department of Parks and Recreation may use any state park or portion thereof for the purpose of providing roadside rests and may use property of any other state or public agency or private person or of the federal government leased, or the temporary use of which has been granted, for the purpose of providing roadside rests.

SEC 20. Section 5087 of said code is amended to read:

5087. The Department of Parks and Recreation may exercise all or any portion of the powers it has with respect to roadside rests pursuant to Chapter 5 (commencing at Section 6500) of Division 7 of Title 1 of the Government Code. For the purposes of this article, "public agency" as used in said Chapter 5 includes any person, firm, association, organization, partnership, business trust, corporation, or company.

SEC. 21. Section 5088 of said code is amended to read:

5088. Except as to roadside rests located in state park areas, the Department of Parks and Recreation shall not proceed with the establishment of any roadside rest without first

seeking the advice and recommendation of the planning commission of the county in which the roadside rest is to be established.

SEC. 22. Section 5089 of said code is amended to read:

5089. Prior to the disposal by sale of excess fee-owned parcels acquired for state highway purposes, not needed for such purposes, the Department of Public Works shall notify the Department of Parks and Recreation, and the Department of Public Works and the Department of Parks and Recreation, pursuant to law, shall endeavor to arrange for the conveyance to or use by the Department of Parks and Recreation for roadside rest purposes of any property deemed suitable therefor by the Department of Parks and Recreation; provided, that this requirement of notice shall not apply to the disposal of such excess parcels by exchange for other property, pursuant to the terms of right-of-way contracts making provision for such exchange, or to any other method of disposal not constituting a sale, nor shall such requirement apply to the disposal by sale or exchange of excess parcels located in urban areas or in other areas which the Department of Public Works and the Department of Parks and Recreation, by mutual agreement, consider unsuitable for development of roadside rests.

SEC. 23. Section 5090 of said code is amended to read:

5090. The Department of Parks and Recreation 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 Parks and Recreation 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. 24. Section 5091 of said code is amended to read:

5091. State laws and rules and regulations of the Department of Parks and Recreation shall be administered and enforced within roadside rests by all employees of the state authorized by the Department of Parks and Recreation to do so and by all peace officers.

SEC. 25. Section 5821 of said code is amended to read:

5821. The Division of Small Craft Harbors shall be administered by the chief of the division under the supervision and direction of the Director of Parks and Recreation, in accordance with general policies established by the Small Craft Harbors Commission.

SEC. 26. Section 5822 of said code is amended to read:

5822. The Director of Parks and Recreation may authorize the chief of the division to exercise his power to appoint employees of the division in accordance with the State Civil Service Act. The director may authorize the chief of the division or any employee of the division to exercise any power granted or perform any duty imposed upon the director by the State Civil Service Act.

SEC. 27. Section 5829.1 of said code is amended to read:

5829.1. Any contract or agreement for a transfer pursuant to Section 5823 or a loan pursuant to Sections 5827 or 6499.5, for which gross revenues of a small craft harbor are made the security for repayment shall include, but is not limited to, provisions requiring the governing body of the city, county, or district to:

(a) Punctually pay all installments of principal and interest on money owed to the state.

(b) Continuously operate in an efficient and economical manner all small craft harbor facilities acquired, constructed, improved or completed in full or in part as a result of transfers or loans by the state.

(c) Make all repairs, renewals and replacements necessary to the efficient operation of the small craft harbor facilities and to keep them in good repair at all times.

(d) Preserve and protect the security interest of the state in all respects by procuring insurance on such facilities in an amount and of the type approved by the commission

(e) Periodically fix, prescribe and collect fees, rentals or other charges for services and facilities of the small craft harbor facilities sufficient to produce gross revenues adequate for payment of the following in the order set forth:

(1) All installments of principal and interest on money owed the state as they come due.

(2) All expenses of operation, maintenance, and repair of the small craft harbor facilities.

(3) Such additional sums as may be required by the commission for any sinking fund, reserve fund or other special fund established for the further security of the loan or transfer or as a depreciation or other charge in connection with the small craft harbor facilities.

(f) Repay loans over a period not to exceed 30 years.

In addition to the foregoing, the commission shall include in any such contract or agreement a requirement that installments of principal and interest on money owed the state shall be paid from gross revenues prior to any other expenditures from such revenues and any other requirements which it deems necessary, convenient or desirable to provide additional security for the performance by the city, county or district of its obligations under the contract or agreement. No loan of funds shall be made to any city, county or district unless such loan is approved by the commission as conforming to the policies established by the commission. Such contracts or agreements shall not be effective until approved by the Department

of Parks and Recreation and the Department of Finance. The Department of Finance as part of their review shall give consideration to the economic feasibility of the project based on information provided by the division.

In the event of default the state shall proceed forthwith by means of legal action to recover such defaulted loans.

SEC. 28. Section 5832 of said code is amended to read:

5832. The division may recommend to the Director of Parks and Recreation for transmission to the Legislature such action as may be necessary to provide the finances required of local agencies as a condition for the participation of the United States in any project in which the division may act.

SEC. 29. Section 5837 of said code is amended to read:

5837. On or before the 15th day of January of each year in which a general session of the Legislature is held, the chief of the division shall make a report to the Director of Parks and Recreation for transmission to the Legislature and to the Governor covering the operations of the division for the preceding biennial. The division shall also make such special reports as are requested by the Director of Parks and Recreation or the Governor.

SEC. 30. Section 5851 of said code is amended to read:

5851. There is in the Department of Parks and Recreation a Small Craft Harbors Commission.

SEC. 31. Section 6201 of said code is amended to read:

6201. The commission may from time-to-time classify any or all state land for its different possible uses, and, when it is deemed advisable, may require the Department of Parks and Recreation, the Department of Conservation, the Director of Agriculture, or any other officer, organization, agency or institution of the state government to make such classification. It is the duty of any such officer, organization, agency, or institution to make such classification and to submit a report thereon upon the application of the commission.

SEC. 32. Section 6818 of said code is amended to read:

6818. All applications made to the commission pursuant to this chapter for erection of any permanent structure on tidelands or submerged lands or for depositing thereon or removal therefrom of any material shall be submitted by the commission to the Director of Parks and Recreation to make an examination and report concerning possible interference with the recreational use of lands littoral to the tidelands or submerged lands involved in such application. All such applications shall also be submitted by the commission to the Attorney General for approval as to compliance with the applicable provisions of law and of the rules and regulations of the commission. Should it be found by the commission that the action proposed in any such application would unreasonably interfere with the maintenance or use of the lands involved for recreational purposes or protection of shore properties, such application shall not be granted unless modified in a manner which may avoid such interference.

SEC. 32.5. Section 6873.2 of said code is amended to read:

6873.2. Before offering any tide or submerged land area or beds of navigable rivers or lakes in any area for an oil and gas lease, the commission shall publish notice thereof, and any affected city or county may, within thirty (30) days after the publication of such notice, request in writing to the commission that a hearing be held with respect thereto. Upon receipt of such request, the commission shall hold such a hearing and give not less than ten (10) days' written notice thereof to the city or county, or both such city and county, making such request, and to the Department of Parks and Recreation, and shall publish such notice. The commission in its discretion and irrespective of any such requests may hold such hearings as it shall determine. Published notices shall be given in the manner prescribed in Section 6834 of this chapter.

In not less than thirty (30) days after such hearing the commission shall determine whether or not to offer the land for lease, as provided under Sections 6871.3, 6872 and 6872.1. In such determination the commission shall consider whether the issuance of a lease as to all or a part of such lands would result in an impairment or interference with the developed riverbank or shoreline recreational or residential areas adjacent to the proposed leased acreage, or whether to offer such land for lease as to all or a part thereof and include in the offer for lease such reasonable rules and regulations which, in the opinion of the commission, are necessary for the exploration, development, and operation of said lease in a manner which will not impair or interfere with said developed riverbank or shoreline recreational or residential areas; provided, however, that no tide or submerged lands or beds of navigable rivers or lakes shall be offered for lease under any conditions, rules, or regulations which will result in a discrimination between bidders as prohibited by Section 6874.

The commission in determining whether the issuance of such lease or leases would result in such impairment or interference with the developed riverbank or shoreline, recreational or residential areas adjacent to the proposed leased acreage or in determining such rules and regulations as shall be necessary in connection therewith shall at said hearing receive evidence upon and consider whether such proposed lease or leases would

(a) Be detrimental to the health, safety, comfort, convenience, or welfare of persons residing in, owning real property, or working in the neighborhood of such areas;

(b) Interfere with the developed riverbank or shoreline, residential or recreational areas to an extent that would render such areas unfit for recreational or residential uses or unfit for park purposes;

(c) Destroy, impair, or interfere with the esthetic and scenic value of such recreational, residential or park areas;

(d) Create any fire hazard or hazards, or smoke, smog or dust nuisance, or pollution of waters surrounding or adjoining said areas.

Authority to hold the hearings provided in this section may be delegated by the commissioner to its officers or employees.

SEC. 33. Section 8600 of said code is amended to read:

8600. The Recreation Commission is continued in existence within the Department of Parks and Recreation.

SEC. 34. Section 8600.1 is added to said code, to read:

8600.1. As used in this division, "department" means the Department of Parks and Recreation and "director" means the Director of Parks and Recreation.

SEC. 35. Section 9012 of said code is amended to read:

9012. "Department" means the Department of Conservation.

SEC. 36. Section 9013 of said code is amended to read:

9013. "Director" means the Director of Conservation.

SEC. 37. Section 9035 of said code is amended to read:

9035. There is in the Department of Conservation the Division of Soil Conservation.

SEC. 38. Section 9039 of said code is amended to read:

9039. The chief shall be responsible to the director for properly carrying out his functions under this division.

SEC. 39. Section 9046 of said code is amended to read:

9046. All persons, other than temporary employees, serving in the state civil service and engaged in the performance of a function transferred to the Division of Soil Conservation, Department of Conservation or engaged in the administration of a law, the administration of which is transferred to said division, shall remain in the state civil service and are hereby transferred to the division on the effective date of this act. The status, positions, and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act, except as to positions the duties of which are vested in a position that is exempt from civil service. In pursuance hereof the person holding the position of secretary to the commission on the day prior to the effective date of this act is hereby continued as secretary on the effective date of this act, and his status, position, and rights shall not be affected by such transfer and shall be continued to be retained by him pursuant to the State Civil Service Act.

SEC. 40. Section 9054 of said code is amended to read:

9054. There is in the Department of Conservation the State Soil Conservation Commission. It shall consist of seven members who shall be appointed by the Governor, subject to the confirmation of the Senate, and shall be appointed for a term of four years.

SEC. 41. Section 9064 of said code is amended to read:

9064. The commission shall be responsible to the director for properly carrying out its functions under this division.

SEC. 42. Section 9066 of said code is amended to read:

9066. There is in the Department of Conservation a State Soil Conservation Advisory Board which shall consist of the Director of the Agricultural Extension Service of the University of California, the Director of Water Resources, the Chief of the United States Soil Conservation Service for California and the Chairman of the Agricultural Stabilization and Conservation Committee for California. The board shall assist and advise the commission.

CHAPTER 1145

An act to add Sections 484b, 484c, and 532e to the Penal Code, relating to construction funds.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 484b is added to the Penal Code, to read:

484b. Any person who receives money for the purpose of obtaining or paying for services, labor, materials or equipment and willfully fails to apply such money for such purpose by either willfully failing to complete the improvements for which funds were provided or willfully failing to pay for services, labor, materials or equipment provided incident to such construction, and wrongfully diverts the funds to a use other than that for which the funds were received, shall be guilty of a public offense and punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding five years, or in the county jail not exceeding one year, or by both such fine and such imprisonment if the amount diverted is in excess of ten thousand dollars ($10,000). If the amount diverted is less than ten thousand dollars ($10,000), the person shall be guilty of a misdemeanor. To constitute a diversion within the meaning of this section, the diversion must result in a reduction of the value of the owner's equity in his property or a reduction in the value of the security for the loan which provided such construction funds.

SEC. 2. Section 484c is added to said code, to read:

484c. Any person who submits a false voucher to obtain construction loan funds and does not use the funds for the purpose for which the claim was submitted is guilty of embezzlement.

SEC. 3. Section 532e is added to said code, to read:

532e. Any person who receives money for the purpose of obtaining or paying for services, labor, materials or equipment incident to constructing improvements on real property and willfully rebates any part of the money to or on behalf

of anyone contracting with such person, for provision of the services, labor, materials or equipment for which the money was given, shall be guilty of a misdemeanor; provided, however, that normal trade discount for prompt payment shall not be considered a violation of this section.

CHAPTER 1146

An act to add Section 12707.8 to the Business and Professions Code, relating to weights and measures.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 12707.8 is added to the Business and Professions Code, to read:

12707.8. Notwithstanding any other provision of law, when a weighmaster is weighing any earthmoving vehicle for purposes of weight certification, when such vehicle is being used in connection with a construction project, the tare weight of the vehicle or the gross weight of the vehicle and its contents shall be determined with the driver in the vehicle and shall include his weight.

CHAPTER 1147

An act to amend Section 5023.1 of the Streets and Highways Code, relating to assessment districts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 5023.1 of the Streets and Highways Code is amended to read:

5023.1. "Acquisition" shall mean and include any acquisition necessary or appropriate in connection with any work or improvement authorized to be made under Section 5101 of this code, by gift, purchase, or eminent domain proceedings limited however to the following:

(a) Land, rights-of-way or easements

(b) Sewage disposal facilities or capacity in or right to use sewage disposal facilities.

(c) Drainage systems or facilities or capacity in or right to use drainage systems or facilities.

"Acquisition cost" or words of similar import when used in this division shall be deemed to include all incidental expenses in connection with such acquisition.

CHAPTER 1148

An act to provide for a study by the Department of Motor Vehicles of the law relating to the financial responsibility of vehicle owners and operators, and making an appropriation therefor.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 13, 1965.]

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

SECTION 1. The Department of Motor Vehicles shall conduct an investigation and study of all aspects of the financial responsibility law and the law regarding unsatisfied judgments for damages caused by accidents involving the operation of vehicles and use of the highways.

The scope of the investigation and study shall include, but is not limited to, the following matters:

(a) Financial responsibility plans as they exist in California and other states.

(b) Uninsured motorist coverage plans as they exist in California and other states.

(c) Unsatisfied Claims and Judgment Fund Law and other plans similar to that in operation in Maryland.

(d) A combination of Security Following Accident Law and an Unsatisfied Claims Fund such as the one in effect in New Jersey.

(e) A combination of plans such as those in effect in New York.

(f) An Unsatisfied Judgment Fund such as the one in North Dakota.

(g) Compulsory insurance as presently in effect in Massachusetts.

(h) A state-operated insurance plan as now operated in Saskatchewan, Canada.

(i) A compensation (regardless of fault) plan such as that in effect in Ontario, Canada.

(j) An industry-operated compensation insurance plan as recently suggested for consideration and possible adoption by the California Legislature.

(k) Recommendations for possible changes in the California law, including the possibility of compulsory liability insurance or some form of compensation insurance.

The Department of Motor Vehicles shall submit a report of its findings and recommendations to the Legislature not later than the fifth legislative day of the 1967 Regular Session of the Legislature.

SEC. 2. An appropriation of twenty-five thousand dollars ($25,000) is made from the Motor Vehicle Fund to the Department of Motor Vehicles for expenditure during the 1965–1966 and 1966–1967 fiscal years to carry out the purposes of this act.

CHAPTER 1149

An act to amend Section 21113 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 21113 of the Vehicle Code is amended to read:

21113. (a) No person shall drive any vehicle or animal, nor shall any person stop, park, or leave standing any vehicle or animal, whether attended or unattended, upon the driveways, paths, or the grounds of any public school, state university, state college, state, county, hospital district, or municipal institution or building, or any educational institution exempted in whole or in part from taxation, except with the permission of, and upon and subject to such conditions and regulations as may be imposed by, the governing board or office of the public school, state university, state college, state, county, hospital district, or municipal institution or building, or educational institution.

(b) Every governing board or officer shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under this section and every board or officer shall also prepare and keep available at the principal administrative office of the board or officer, for examination by all interested persons, a written statement of all such special conditions and regulations adopted under this section.

(c) When any governing board or officer permits public traffic upon the driveways, paths or grounds under their control then, in the absence of any special condition or regulations applicable to the traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths, or grounds.

CHAPTER 1150

An act to amend Section 70046.1 of, and add Article 28.5 to Chapter 10 of Title 8 of, and repeal Articles 12.5 (commencing with Section 73790), 18 (commencing with Section 74040), 26.5 (commencing with Section 74550), 28.5 (commencing with Section 74660), and 32.5 (commencing with Section 74820) of Chapter 10 of Title 8 of, the Government Code, relating to municipal and superior courts.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Article 12.5 (commencing with Section 73790) of Chapter 10 of Title 8 of the Government Code is repealed.

SEC. 2. Article 18 (commencing with Section 74040) of Chapter 10 of Title 8 of said code is repealed.

SEC. 3. Article 26.5 (commencing with Section 74550) of Chapter 10 of Title 8 of said code is repealed.

SEC. 4. Article 28.5 (commencing with Section 74660) of Chapter 10 of Title 8 of said code is repealed.

SEC. 5. Article 28.5 (commencing with Section 74660) is added to Chapter 10 of Title 8 of said code, to read:

Article 28.5. Municipal Courts in the County of Santa Clara

74660. This article applies only to municipal courts established in the following judicial districts in the County of Santa Clara:

(a) A district embracing the Cities of San Jose, Alviso, and Milpitas designated as the San Jose-Milpitas-Alviso Judicial District;

(b) A district embracing the Cities of Santa Clara and Cupertino, designated as the Santa Clara-Cupertino Judicial District;

(c) A district embracing the Cities of Los Gatos, Campbell, and Saratoga designated as the Los Gatos-Campbell-Saratoga Judicial District;

(d) A district embracing the City of Sunnyvale designated as the Sunnyvale Judicial District; and

(e) A district embracing the Cities of Palo Alto and Mountain View designated as the Palo Alto-Mountain View Judicial District.

74661. Each of the municipal court districts established in the County of Santa Clara shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

San Jose-Milpitas-Alviso Judicial District 8
Santa Clara-Cupertino Judicial District 2
Los Gatos-Campbell-Saratoga Judicial District 1
Sunnyvale Judicial District 2
Palo Alto-Mountain View Judicial District 3

74662. In the San Jose-Milpitas-Alviso Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 48.5. The clerk may appoint:

(a) 1 chief deputy court clerk who shall receive a salary as specified in range 43.5.

(b) 3 deputy court clerks, grade IV, each of whom shall receive a salary as specified in range 35.5.

(c) 15 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 34 5.

(d) 25 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 29.5.

(e) 16 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 26.5.

74663. In the Santa Clara-Cupertino Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 45.5. The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 39.5.

(b) 3 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 34.5.

(c) 6 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 29.5.

(d) 3 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 26.5.

74664. In the Los Gatos-Campbell-Saratoga Judicial District there shall be one clerk who shall also act as secretary to the judge and who shall receive a salary as specified in range 45 5. The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 39.5.

(b) 1 deputy court clerk, grade III, who shall receive a salary as specified in range 34.5.

(c) 3 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 29.5.

(d) 3 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 26 5.

74665. In the Sunnyvale Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 45 5. The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 39.5.

(b) 3 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 34.5.

(c) 6 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 29.5.

(d) 3 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 26.5.

74666. In the Palo Alto-Mountain View Judicial District there shall be one clerk who shall also act as secretary to the judges and who shall receive a salary as specified in range 46.5. The clerk may appoint:

(a) 1 senior deputy court clerk who shall receive a salary as specified in range 40.5.

(b) 6 deputy court clerks, grade III, each of whom shall receive a salary as specified in range 34.5.

(c) 8 deputy court clerks, grade II, each of whom shall receive a salary as specified in range 29.5.

(d) 6 deputy court clerks, grade I, each of whom shall receive a salary as specified in range 26.5.

74667. In each of the municipal court districts in the County of Santa Clara the sheriff shall be ex officio marshal and shall act as such without additional compensation and his designated deputies shall be ex officio deputy marshals of the court.

74668. In each of the municipal court districts in the County of Santa Clara except the Los Gatos-Campbell-Saratoga Judicial District all per diem fees otherwise payable by law by the parties to proceedings in the court to official reporters or official reporters pro tempore shall be paid to the clerk of the court. All fees shall be deposited in the treasury of the county to the credit of the general fund.

74669. In the Los Gatos-Campbell-Saratoga Judicial District Sections 72194 and 72195 shall apply except that the fee provided in Section 72195 shall be forty-five dollars ($45) a day. Official reporters of said municipal court appointed pursuant to Section 72194 shall receive forty-five dollars ($45) a day for the days they are actually on duty under order of the court.

74670. In each of the municipal court districts in the County of Santa Clara except the Los Gatos-Campbell-Saratoga Judicial District fees for transcription of testimony and proceedings in such courts shall be paid by the litigants to official reporters and official reporters pro tempore as otherwise provided by law. In all cases where by law, the court may direct the payment of transcription fees out of the county treasury, such fees shall, upon order of the court, be paid from the general fund including fees for transcription of testimony and proceedings in criminal cases as provided in Sections 69947 to 69953, inclusive, which shall be paid from the county treasury.

74671. In each of the municipal court districts in the County of Santa Clara except the Los Gatos-Campbell-Saratoga Judicial District no further fee shall be collected from, or assessed against, any party to any proceeding for the services of a phonographic reporter in taking down in shorthand

the testimony and other proceedings in the trial or hearing of any matter as required by law or by order of the court. Such phonographic reporter shall be allowed and shall receive, unless waived by him, the fees allowed by law for transcribing his shorthand notes of the testimony and proceedings reported by him, and such fees for transcriptions shall be paid as provided by Sections 69947 to 69953, inclusive, and by any other law pertinent to the case.

74672. In each of the municipal court districts in the County of Santa Clara except the Los Gatos-Campbell-Saratoga Judicial District in any civil action or proceeding where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300), in addition to a fee or fees required by Sections 72054 to 72073, inclusive, a fee of nine dollars and fifty cents ($9.50) shall be paid to the clerk of the municipal courts, by each party, or jointly by parties appearing jointly, once only in any such action or proceeding in the following instances:

(a) Upon the filing of a complaint or complaint in intervention where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

(b) Upon the filing of an answer where the principal amount of the prayer of the complaint being answered, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

(c) Upon the filing of papers transmitted from another court on the transfer of a civil action or special proceeding where the principal amount of the prayer of the complaint, exclusive of interest, exemplary damages, attorneys' fees and costs, exceeds three hundred dollars ($300).

74673. In each of the municipal court districts in the County of Santa Clara except the Los Gatos-Campbell-Saratoga Judicial District the fee required by Section 74672 shall be taxed as costs in favor of any party paying it and to whom costs are awarded by the judgment of the court. It is not subject to Section 6103.

The clerks of the municipal courts shall transmit to the county treasurer in accordance with Section 24353 all money paid to him pursuant to Section 74622. The money shall be deposited in the general fund of the county.

74674. In each of the municipal court districts in the County of Santa Clara except the Los Gatos-Campbell-Saratoga Judicial District official reporters, appointed pursuant to Section 72194 shall be attachés of such courts and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such courts, shall receive a biweekly salary of four hundred sixty-four dollars and eighty cents ($464.80), which shall be a charge against the general fund of the county. During the hours which the courts are open for transaction of judicial business, official reporters

shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

74675 In each of the municipal court districts in the County of Santa Clara except the Los Gatos-Campbell-Saratoga Judicial District the judges of such courts, pursuant to Section 72194, may appoint as many additional reporters as the business of the courts may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Sections 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in said sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive forty-five dollars ($45) a day, which shall upon order of the court be a charge against the general fund of the county.

74676. Subject to the provisions of Section 72002.1 each clerk and each of the respective assistants, deputies and other employees shall be subject to the provisions of the merit system rules established pursuant to the Charter of the County of Santa Clara.

74677. Each clerk and each of his respective assistants, deputies, and other employees shall receive salaries computed in accordance with the range established for the position or classifications in order to provide compensation comparable to other positions and classifications in the county service as such comparability is determined by the board of supervisors. Whenever reference to a numbered salary range is made in any section of this article, the following schedule of biweekly salaries shall apply:

Salary Range Number	Hourly Rate Step 1	Biweekly Rate Step 1	Step 2	Step 3	Step 4	Step 5	Equivalent Monthly Rate Step 1
24.5	$1.89	$151.20	$158 40	$166.40	$174.40	$183.20	$328
25	1.93	154 40	162 40	170.40	179.20	188.00	335
25.5	1.98	158.40	166.40	174.40	183.20	192.00	343
26	2.03	162 40	170.40	179.20	188.00	197.60	352
26 5	2.08	166 40	174.40	183.20	192.00	201.60	361
27	2.13	170 40	179 20	188.00	197 60	207.20	369
27.5	2.18	174.40	183.20	192 00	201.60	212 00	378
28	2.24	179.20	188.00	197.60	207.20	217.60	388
28.5	2.29	183.20	192 00	201.60	212 00	222.40	397
29	2.35	188.00	197 60	207.20	217.60	228.80	407
29.5	2 40	192.00	201 60	212.00	222.40	233.60	416
30	2 47	197.60	207.20	217 60	228 80	240.00	428
30.5	2 52	201 60	212 00	222.40	233.60	245.60	437
31	2.59	207 20	217.60	228.80	240.00	252.00	449
31.5	2.65	212 00	222 40	233 60	245.60	257.60	459
32	2.72	217.60	228.80	240 00	252.00	264.80	471
32.5	2.78	222.40	233.60	245.60	257.60	270.40	482
33	2.86	228.80	240.00	252.00	264.80	278.40	496
33.5	2 92	233.60	245.60	257.60	270.40	284.00	506

Salary Range Number	Hourly Rate Step 1	Biweekly Rate Step 1	Step 2	Step 3	Step 4	Step 5	Equivalent Monthly Rate Step 1
34	3.00	240.00	252.00	264.80	278.40	292.00	520
34.5	3.07	245.60	257.60	270.40	284.00	298.40	532
35	3.15	252.00	264.80	278.40	292.00	306.40	546
35.5	3.22	257.60	270.40	284.00	298.40	313.60	558
36	3.31	264.80	278.40	292.00	306.40	321.60	574
36.5	3.38	270.40	284.00	298 40	313.60	329.60	586
37	3.48	278.40	292.00	306.40	321.60	337.60	603
37.5	3.55	284.00	298.40	313.60	329.60	346.40	615
38	3.65	292.00	306.40	321.60	337.60	354.40	633
38.5	3.73	298.40	313.60	329.60	346.40	364.00	647
39	3.83	306.40	321.60	337.60	354.40	372.00	664
39.5	3.92	313.60	329.60	346.40	364.00	382 40	679
40	4.02	321.60	337.60	354.40	372.00	390.40	697
40.5	4.12	329.60	346.40	364.00	382.40	401.60	714
41	4.22	337.60	354.40	372.00	390.40	409.60	731
41.5	4.33	346.40	364 00	382.40	401.60	421.60	751
42	4.43	354.40	372.00	390.40	409.60	430.40	768
42.5	4.55	364.00	382.40	401.60	421.60	442.40	789
43	4.65	372.00	390.40	409.60	430.40	452.00	806
43.5	4.78	382.40	401.60	421.60	442.40	464.80	829
44	4.88	390.40	409.60	430 40	452.00	474.40	846
44.5	5.02	401.60	421.60	442.40	464.80	488.00	870
45	5.12	409.60	430.40	452.00	474.40	498.40	887
45.5	5.27	421.60	442.40	464.80	488.00	512.80	913
46	5.38	430.40	452.00	474.40	498.40	523.20	933
46.5	5.53	442.40	464.80	488.00	512.80	538.40	959
47	5.65	452.00	474.40	498.40	523 20	549.60	979
47.5	5.81	464.80	488.00	512.80	538.40	565.60	1.007
48	5 93	474.40	498.40	523.20	549.60	576 80	1.028
48 5	6.10	488 00	512.80	538 40	565 60	593.60	1,057
49	6.23	498.40	523 20	549.60	576.80	605 60	1.080
49.5	6.41	512 80	538.40	565 60	593 60	623.20	1,111
50	6.54	523.20	549.60	576 80	605.60	636.00	1.134
50 5	6.73	538.40	565.60	593.60	623.20	654.40	1,167
51	6.87	549.60	576.80	605 60	636.00	668.00	1,191
51.5	7.07	565.60	593 60	623 20	654 40	687.20	1,225
52	7 21	576.80	605.60	636.00	668.00	701.60	1,250
52 5	7.42	593.60	623.20	654.40	687.20	721.60	1,286
53	7.57	605.60	636 00	668.00	701.60	736.80	1.312
53.5	7.79	623.20	654 40	687.20	721.60	757.60	1,350
54	7.95	636.00	668 00	701.60	736 80	773.60	1,378
54 5	8.18	654.40	687 20	721.60	757.60	795.20	1,418

The above salary schedule is an excerpt of the basic pay plan as adopted by the board of supervisors on July 29, 1963, and includes the same range numbers and rates of pay utilized for all employees of Santa Clara County.

Should the board of supervisors increase or decrease salaries, or adopt a revised pay plan, the new schedule of salaries and ranges shall apply equally and be effected for all employees of municipal courts in the same manner and on the same date as for other county officers and employees, but all such changes or adjustments shall be effective only until 90 days after the adjournment of the next following general session of the Legislature.

SEC. 6. Article 32.5 (commencing with Section 74820) of Chapter 10 of Title 8 of said code is repealed.

SEC. 7. Section 70046.1 of said code is amended to read:

70046.1. In a county with a population of 600,000 or more and under 700,000, according to the 1960 federal census, the biweekly salary of regular official reporters shall be four hundred sixty-four dollars and eighty cents ($464.80) and the compensation of official phonographic reporters pro tempore shall be at the rate of forty-five dollars ($45) a day, or any fractional part thereof.

During the hours which the court is open for the transaction of judicial business, official reporters shall devote full time to the performance of the duties required of them by law and shall not engage in or solicit to engage in any other employment in their professional capacity.

SEC. 8. The provisions of this act shall be operative on September 20, 1965.

CHAPTER 1151

An act to add Title 7.1 (commencing with Section 1268) to Part 3 of, and to repeal Section 1845.5 of, the Code of Civil Procedure, to amend the heading of Article 2 of Chapter 1 of Division 7 of, and to add Article 2 (commencing with Section 810) to Chapter 1 of Division 7 of, the Evidence Code as proposed by Assembly Bill No. 333 of the 1965 Regular Session, and to repeal Section 1247c of the Code of Civil Procedure as proposed by Assembly Bill No. 333 of the 1965 Regular Session, relating to evidence.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Title 7.1 (commencing with Section 1268) is added to Part 3 of the Code of Civil Procedure, to read:

TITLE 7.1. EVIDENCE IN EMINENT DOMAIN AND INVERSE CONDEMNATION PROCEEDINGS

1268. This title is intended to provide special rules of evidence applicable only to eminent domain and inverse condemnation proceedings.

1268.2. As used in this title, "value of property" means the amount of "just compensation" to be ascertained under Section 14 of Article I of the State Constitution and the amount of value, damage, and benefits to be ascertained under subdivisions 1, 2, 3, and 4 of Section 1248.

1268.4. This title is not intended to alter or change the existing substantive law, whether statutory or decisional, interpreting "just compensation" as used in Section 14 of Article I of the State Constitution or the terms "value," "damage," or "benefits" as used in Section 1248.

1270. (a) The value of property may be shown only by the opinions of:

(1) Witnesses qualified to express such opinions; and

(2) The owner of the property or property interest being valued.

(b) Nothing in this section prohibits a view of the property being valued or the admission of any other admissible evidence (including but not limited to evidence as to the nature and condition of the property and, in an eminent domain proceeding, the character of the improvement proposed to be constructed by the plaintiff) for the limited purpose of enabling the court, jury, or referee to understand and weigh the testimony given under subdivision (a); and such evidence, except evidence of the character of the improvement proposed to be constructed by the plaintiff in an eminent domain proceeding, is subject to impeachment and rebuttal.

1270.2. 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 statutory or decisional 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.

1270.4. The opinion of a witness as to the value of property is limited to such an opinion as is based on matter 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 as to the value of property and which a willing purchaser and a willing seller, dealing with each other in the open market and with a full knowledge of all the uses and purposes for which the property is reasonably adaptable and available, would take into consideration in determining the price at which to purchase and sell the property or property interest being valued, including but not limited to the matters listed in Sections 1271 to 1272.2, unless a witness is precluded by statutory or decisional law from using such matter as a basis for his opinion.

1271. When relevant to the determination of the value of property, a witness may take into account as a basis for his

opinion the price and other terms and circumstances of any sale or contract to sell and purchase which included the property or property interest being valued or any part thereof if the sale or contract was freely made in good faith within a reasonable time before or after the date of valuation, except that where the sale or contract to sell and purchase includes only the property or property interest being taken or a part thereof such sale or contract to sell and purchase may not be taken into account if it occurs after the filing of the lis pendens.

1271.2. When relevant to the determination of the value of property, a witness may take into account as a basis for his opinion the price and other terms and circumstances of any sale or contract to sell and purchase comparable property if the sale or contract was freely made in good faith within a reasonable time before or after the date of valuation. In order to be considered comparable, the sale or contract must have been made sufficiently near in time to the date of valuation, and the property sold must be located sufficiently near the property being valued, and must be sufficiently alike in respect to character, size, situation, usability, and improvements, to make it clear that the property sold and the property being valued are comparable in value and that the price realized for the property sold may fairly be considered as shedding light on the value of the property being valued.

1271.4. When relevant to the determination of the value of property, a witness may take into account as a basis for his opinion the rent reserved and other terms and circumstances of any lease which included the property or property interest being valued or any part thereof which was in effect within a reasonable time before or after the date of valuation. A witness may take into account a lease providing for a rental fixed by a percentage or other measurable portion of gross sales or gross income from a business conducted on the leased property only for the purpose of arriving at his opinion as to the reasonable net rental value attributable to the property or property interest being valued as provided in Section 1271.8 or determining the value of a leasehold interest.

1271.6. For the purpose of determining the capitalized value of the reasonable net rental value attributable to the property or property interest being valued as provided in Section 1271.8 or determining the value of a leasehold interest, a witness may take into account as a basis for his opinion the rent reserved and other terms and circumstances of any lease of comparable property if the lease was freely made in good faith within a reasonable time before or after the date of valuation.

1271.8. When relevant to the determination of the value of property, a witness may take into account as a basis for his opinion the capitalized value of the reasonable net rental value attributable to the land and existing improvements

thereon (as distinguished from the capitalized value of the income or profits attributable to the business conducted thereon).

1272. When relevant to the determination of the value of property, a witness may take into account as a basis for his opinion the value of the property or property interest being valued as indicated by the value of the land together with the cost of replacing or reproducing the existing improvements thereon, if the improvements enhance the value of the property or property interest for its highest and best use, less whatever depreciation or obsolescence the improvements have suffered.

1272.2. When relevant to the determination of the value of property, a witness may take into account as a basis for his opinion the nature of the improvements on properties in the general vicinity of the property or property interest being valued and the character of the existing uses being made of such properties.

1272.4. Notwithstanding the provisions of Sections 1270.4 to 1272.2, the following matter is inadmissible as evidence and is not a proper basis for an opinion as to the value of property:

(a) The price or other terms and circumstances of an acquisition of property or a property interest if the acquisition was for a public use for which the property could have been taken by eminent domain.

(b) The price at which an offer or option to purchase or lease the property or property interest being valued or any other property was made, or the price at which such property or interest was optioned, offered, or listed for sale or lease, except that an option, offer, or listing may be introduced by a party as an admission of another party to the proceeding; but nothing in this subdivision permits an admission to be used as direct evidence upon any matter that may be shown only by opinion evidence under Section 1270.

(c) The value of any property or property interest as assessed for taxation purposes, but nothing in this subdivision prohibits the consideration of actual or estimated taxes for the purpose of determining the reasonable net rental value attributable to the property or property interest being valued.

(d) An opinion as to the value of any property or property interest other than that being valued.

(e) The influence upon the value of the property or property interest being valued of any noncompensable items of value, damage, or injury.

(f) The capitalized value of the income or rental from any property or property interest other than that being valued.

SEC. 2. Section 1845.5 of the Code of Civil Procedure is repealed.

SEC. 3. The heading of Article 2 of Chapter 1 of Division 7 of the Evidence Code, as proposed by Assembly Bill No. 333 is amended to read:

Article 3. Opinion Testimony on Particular Subjects

SEC. 4. Article 2 (commencing with Section 810) is added to Chapter 1 of Division 7 of the Evidence Code, as proposed by Assembly Bill No. 333, to read:

Article 2. Value, Damages, and Benefits in Eminent Domain and Inverse Condemnation Cases

810. This article is intended to provide special rules of evidence applicable only to eminent domain and inverse condemnation proceedings.

811. As used in this article, "value of property" means the amount of "just compensation" to be ascertained under Section 14 of Article I of the State Constitution and the amount of value, damage, and benefits to be ascertained under subdivisions 1, 2, 3, and 4 of Section 1248 of the Code of Civil Procedure.

812. This article is not intended to alter or change the existing substantive law, whether statutory or decisional, interpreting "just compensation" as used in Section 14 of Article I of the State Constitution or the terms "value," "damage," or "benefits" as used in Section 1248 of the Code of Civil Procedure.

813. (a) The value of property may be shown only by the opinions of:

(1) Witnesses qualified to express such opinions; and

(2) The owner of the property or property interest being valued.

(b) Nothing in this section prohibits a view of the property being valued or the admission of any other admissible evidence (including but not limited to evidence as to the nature and condition of the property and, in an eminent domain proceeding, the character of the improvement proposed to be constructed by the plaintiff) for the limited purpose of enabling the court, jury, or referee to understand and weigh the testimony given under subdivision (a); and such evidence, except evidence of the character of the improvement proposed to be constructed by the plaintiff in an eminent domain proceeding, is subject to impeachment and rebuttal.

814. The opinion of a witness as to the value of property is limited to such an opinion as is based on matter 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 as to the value of property and which a willing purchaser and a willing seller, dealing with each other in the open market and with a full knowledge of all the uses and purposes for which the property is reasonably adaptable and available, would take into consideration in determining the price at which to purchase and sell the property or property interest being valued, including but not limited to the matters

listed in Sections 815 to 821, unless a witness is precluded by law from using such matter as a basis for his opinion.

815. When relevant to the determination of the value of property, a witness may take into account as a basis for his opinion the price and other terms and circumstances of any sale or contract to sell and purchase which included the property or property interest being valued or any part thereof if the sale or contract was freely made in good faith within a reasonable time before or after the date of valuation, except that where the sale or contract to sell and purchase includes only the property or property interest being taken or a part thereof such sale or contract to sell and purchase may not be taken into account if it occurs after the filing of the lis pendens.

816. When relevant to the determination of the value of property, a witness may take into account as a basis for his opinion the price and other terms and circumstances of any sale or contract to sell and purchase comparable property if the sale or contract was freely made in good faith within a reasonable time before or after the date of valuation. In order to be considered comparable, the sale or contract must have been made sufficiently near in time to the date of valuation, and the property sold must be located sufficiently near the property being valued, and must be sufficiently alike in respect to character, size, situation, usability, and improvements, to make it clear that the property sold and the property being valued are comparable in value and that the price realized for the property sold may fairly be considered as shedding light on the value of the property being valued.

817. When relevant to the determination of the value of property, a witness may take into account as a basis for his opinion the rent reserved and other terms and circumstances of any lease which included the property or property interest being valued or any part thereof which was in effect within a reasonable time before or after the date of valuation. A witness may take into account a lease providing for a rental fixed by a percentage or other measurable portion of gross sales or gross income from a business conducted on the leased property only for the purpose of arriving at his opinion as to the reasonable net rental value attributable to the property or property interest being valued as provided in Section 819 or determining the value of a leasehold interest.

818. For the purpose of determining the capitalized value of the reasonable net rental value attributable to the property or property interest being valued as provided in Section 819 or determining the value of a leasehold interest, a witness may take into account as a basis for his opinion the rent reserved and other terms and circumstances of any lease of comparable property if the lease was freely made in good faith within a reasonable time before or after the date of valuation.

819 When relevant to the determination of the value of property, a witness may take into account as a basis for his

opinion the capitalized value of the reasonable net rental value attributable to the land and existing improvements thereon (as distinguished from the capitalized value of the income or profits attributable to the business conducted thereon).

820. When relevant to the determination of the value of property, a witness may take into account as a basis for his opinion the value of the property or property interest being valued as indicated by the value of the land together with the cost of replacing or reproducing the existing improvements thereon, if the improvements enhance the value of the property or property interest for its highest and best use, less whatever depreciation or obsolescence the improvements have suffered.

821. When relevant to the determination of the value of property, a witness may take into account as a basis for his opinion the nature of the improvements on properties in the general vicinity of the property or property interest being valued and the character of the existing uses being made of such properties.

822. Notwithstanding the provisions of Sections 814 to 821, the following matter is inadmissible as evidence and is not a proper basis for an opinion as to the value of property:

(a) The price or other terms and circumstances of an acquisition of property or a property interest if the acquisition was for a public use for which the property could have been taken by eminent domain.

(b) The price at which an offer or option to purchase or lease the property or property interest being valued or any other property was made, or the price at which such property or interest was optioned, offered, or listed for sale or lease, except that an option, offer, or listing may be introduced by a party as an admission of another party to the proceeding; but nothing in this subdivision permits an admission to be used as direct evidence upon any matter that may be shown only by opinion evidence under Section 813.

(c) The value of any property or property interest as assessed for taxation purposes, but nothing in this subdivision prohibits the consideration of actual or estimated taxes for the purpose of determining the reasonable net rental value attributable to the property or property interest being valued.

(d) An opinion as to the value of any property or property interest other than that being valued

(e) The influence upon the value of the property or property interest being valued of any noncompensable items of value, damage, or injury.

(f) The capitalized value of the income or rental from any property or property interest other than that being valued.

SEC. 5. Section 1247c of the Code of Civil Procedure as proposed by Assembly Bill No. 333 of the 1965 Regular Session is repealed.

SEC. 6. This act does not apply to any action or proceeding that has been brought to trial prior to the effective date of this act.

SEC. 7. Sections 3, 4, and 5 of this act shall become operative only if Assembly Bill No. 333 is enacted by the Legislature at its 1965 Regular Session and in such case shall become operative at the same time as Assembly Bill No. 333 becomes operative. If Assembly Bill No. 333 is so enacted and becomes operative, then Title 7.1 of Part 3 of the Code of Civil Procedure as added by Section 1 of this act is repealed at the time such bill becomes operative.

CHAPTER 1152

An act to amend Section 6025 of the Penal Code, relating to the Board of Corrections.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 6025 of the Penal 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, the chairman of the Narcotic Addict Evaluation Authority, 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.

CHAPTER 1153

An act to add Section 19810 to the Business and Professions Code, relating to bread.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 19810 is added to the Business and Professions Code, to read:

19810. Notwithstanding any other provision of this chapter, any bakery which maintains and operates premises upon which it offers bread for sale at retail may bake and sell upon such premises loaves of bread which weigh eight ounces, or less, avoirdupois.

CHAPTER 1154

An act to amend Section 188.3 of the Streets and Highways Code, relating to maintenance of state highways and toll bridges.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 188.3 of the Streets and Highways Code is amended to read:

188.3. Notwithstanding Section 186, the cost of maintenance of all landscaping and functional planting on state highways by the department and the cost of maintenance of all toll bridges under the jurisdiction of the California Toll Bridge Authority shall be paid out of money in the State Highway Fund available for the construction of state highways, prior to the allocation of money between county groups under Section 188, provided that expenditures for the maintenance of landscaping and functional planting shall be limited to ten million dollars ($10,000,000) annually.

CHAPTER 1155

An act to amend Section 8833 of the Fish and Game Code, relating to nets.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 8833 of the Fish and Game Code is amended to read:

8833. (a) In Districts 4, 19, 19A, 20, 20A, and 21, trawl nets or dragnets may not be possessed

(b) Notwithstanding the provisions of subdivision (a) of this section, trawl nets and dragnets may be possessed, under such regulations as the commission shall prescribe, in Districts 4, 19, 19A, 19B, and 21.

CHAPTER 1156

An act to add Section 7590 to the Business and Professions Code, relating to private detectives.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 7590 is added to the Business and Professions Code, to read:

7590. Nothing in this Chapter 11 shall be construed as entitling any person to practice law in this state unless he is an active member of the State Bar of California.

CHAPTER 1157

An act to codify the laws relating to the San Francisco World Trade Center Authority, by amending and renumbering Sections 8400, 8401, 8402, and 8403 of, and by adding Chapter 5.5 (commencing with Section 8320) to Division 1, Title 2 of, the Government Code, and by adding Section 1.3 to Chapter 1508 of the Statutes of 1947.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 8400 of the Government Code is amended and renumbered to read:

8310. The inclusion of any question relative to an applicant's race or religion in any application blank or form required to be filled in and submitted by an applicant to any department, board, commission, officer, agent, or employee of this state is prohibited.

Any person who violates this section is guilty of a misdemeanor.

SEC. 2. Section 8401 of said code is amended and renumbered to read:

8311 Wherever any notice or other communication is required by any law to be mailed by registered mail to or by the state, or any officer or agency thereof, the mailing of such

notice or other communication by certified mail shall be deemed to be a sufficient compliance with the requirements of such law.

SEC. 3. Section 8402 of said code is amended and renumbered to read:

8312. No officer or employee of the state or any county, city and county, city, or district who is concerned with the organization or supervision of any discussion or social meeting of aged, blind, or disabled persons shall, in his official capacity, prevent or attempt to prevent any discussion at such meeting of legislation of interest to such persons.

SEC. 4. Section 8403 of said code is amended and renumbered to read:

8313. No officer or employee of the state or any county, city and county, city, or district who is concerned with the administration of any program for the aged, blind, or disabled shall, in his official capacity, attempt to coerce or coerce any aged, blind, or disabled person to join or refrain from joining any organization of the aged, blind, or disabled.

SEC 5. Chapter 5 5 (commencing with Section 8320) is added to Division 1, Title 2 of said code, to read:

CHAPTER 5.5. SAN FRANCISCO WORLD TRADE CENTER AUTHORITY

Article 1. General Provisions and Definitions

8320. This chapter shall be known as the "San Francisco World Trade Center Authority Law."

8320.1. Unless the context otherwise requires, the definitions in this article govern the construction of this chapter.

8320.2. "Authority" means the San Francisco World Trade Center Authority which is continued in existence by this chapter.

8320.3. "Bondholder" or "holder of bonds" or any similar term, mean 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.

8320.4. "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.

8320.5. "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, landscap-

ing, 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.

8320.6. "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.

8320.7. "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.

8320.8. "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.

8321. "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.

8321.1. "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.

8321.2. "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.

8321.3. "San Francisco Port Authority" includes any public body, authority, officer, or other successor of the San Francisco Port Authority to whom the operation of San Francisco Harbor may be transferred.

8321.4. "World trade center" means the area selected for the center in the City and County of San Francisco under the provisions of Section 8335.2 and extended pursuant to Section 8335.3, together with all improvements thereon.

8322. The authority and its officers and agents, the San Francisco Port Authority, the Department of Public Works and all other state officials and departments may perform such act 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.

8323. 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.

8323.1. 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.

8323.2. 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

8325. 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 and County of San Francisco.

8325.1. It is the policy of the state to stimulate the maximum use of the harbor in San Francisco Bay, and to aid in accomplishing this purpose through the establishment of a world trade center, preferably adjacent to or near the waterfront. It is universally recognized that San Francisco's harbor is one of the great natural harbors of the world. It is an outlet for California, for the West, and for the whole United States of America. It has from the time of the admission of the state to the union, afforded particular service as a domestic trade and export center for the natural, processed and manufactured products of the San Francisco Bay area and for the entire hinterland of northern California, and as an import center to fill the requirements of the same area.

8325.2. 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 San Francisco harbor to this end is 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.

8325.3. 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 San Francisco, 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.

8325.4. 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.

8325.5. The Legislature hereby declares that the acquisition, construction and completion of the buildings and facilities of a world trade center in the City and County of San Francisco is essential, due to the special and peculiar conditions relating to the industrial-transportation complex, concentrated in and around the City and County of San Francisco, 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

8330. 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 Coordinating 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. San Francisco World Trade Center Authority

8335 The San Francisco World Trade Center Authority is continued in existence.

8335.1. The authority is a state agency and public corporation of the state

8335.2. 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 and County of San Francisco. 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 San Francisco 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 San Francisco Harbor so that, in the opinion of the authority, the San Francisco 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 to be selected by the authority may include territory, in whole or in part, now under the jurisdiction or control of the San Francisco Port Authority

The area so selected shall be known as the San Francisco World Trade Center.

8335.3 The authority may also do all of the following:

(a) Acquire property by gift or purchase outside the area of the San Francisco 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) Lease or use such property or facilities of the San Francisco Port Authority as may be agreed upon by contract between the authority and the San Francisco Port Authority.

(d) Own, control, and dispose of property, other than real property, wherever it may be situated.

(e) 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.

8335.4 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.

8336. The authority is composed of 11 members, including the Director of Public Works, the Director of Finance, the President of the San Francisco Port Authority, and eight 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 San Francisco 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, the office of the Director of Finance, the office of the President of the San Francisco Port Authority, or any of them, 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.

8336.1. The members occupying the offices of Director of Public Works, Director of Finance, and President of the San Francisco Port Authority shall serve during the periods that they respectively occupy their offices (and subsequently until their successors on the authority shall be their successors in the offices).

8336.2. The members appointed by the Governor shall each serve for four-year terms commencing with the respective dates of their appointment.

8336.3. 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

8340. 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.

8340.1. 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

8340.2. 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.

8340.3. A majority of the members of the authority constitute a quorum for the transaction of business, and may act for the authority.

8340.4. 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.

8340.5. The authority shall maintain an office in the City and County of San Francisco. It may maintain such branch offices in or outside of the state as it may deem advisable.

8340.6. 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.

8340.7. All meetings of the authority shall be open and public, and all persons shall be permitted to attend any meetings of the authority.

8340.8. All records of the authority shall be open to inspection by the public during regular office hours.

Article 6. General Powers

8345. The authority has perpetual succession.

8345.1. The authority may sue and be sued in all courts of competent jurisdiction.

8345.2. 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.

8345.3. The authority may acquire, construct, complete, maintain and operate, or provide by contract, severally or in combination, for the acquisition, construction, completion, maintenance and operation, of land, buildings, halls, structures, facilities, roads, highways, sidewalks, bridges, ramps, monuments, gardens, courts, tracks and spur tracks, warehouses, power, heat, sewage, drainage, and utility systems, garages, parking areas, helicopter roofs, restaurants, concessions, automobiles, buses, aircraft, ships, and all other works, properties, structures and facilities, whether similar to or different from those herein outlined, necessary, convenient or useful for the development of an international trade and cultural center in the City and County of San Francisco.

8345.4. 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 San Francisco, 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.

8345.5. 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 8345.7 or otherwise.

8345.6. 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.

8345.7. 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.

8345 8 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 8345.7.

8345.9 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 8335.2.

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 emi-

nent 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.

8346. 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.

8346.1. 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 8335.2. 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.

8346.2. 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.

Whenever, either before or after the construction or reconstruction of streets, sidewalks or other like facilities, upon any property or interest in property acquired pursuant to this chapter, it shall appear desirable to dedicate the property to the public use for such purpose, the authority may transfer the property to the City and County of San Francisco, subject to such lawful reservations as it may deem advisable.

8346.3. If any or all of the 30 acres to be designated by the authority for use for the purposes of this chapter is private or other property not owned by the state, but under the possession, control or jurisdiction of the San Francisco Port Authority, or subject to the acquisition by the San Francisco Port Authority, then such property shall be subject to acquisition by the San Francisco World Trade Center Authority by purchase, gift, eminent domain or otherwise, in the same manner as though such property were not subject to acquisition or condemnation by the San Francisco Port Authority; and the right or interest therein necessary or useful for the purposes of the authority is hereby declared to be a right and necessity superior to and more permanent than that which now authorizes acquisition by such commission. If requested by the authority, however, the San Francisco Port Authority shall join the authority in any act or proceeding for the purpose of acquiring or condemning such property for use of the authority.

8346.4. 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.

8346 5. 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.

8346.6. 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.

8346.7. 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.

8346.8. 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

8350. 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.

8350.1. 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.

8350.2. 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.

8350.3. 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.

8350.4. The authority shall determine the time, form and manner of the issuance of revenue bonds.

8350.5. 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.

8350.6. 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.

8350.7. 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.

8350.8 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.

8350.9 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.

8351. 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.

8351.1. 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.

8351.2. 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.

8351 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 Section 8345.7, 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.

8351 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.

8351.5 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.

8351.6. 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

8351.7. 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.

8351 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.

8351.9. 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.

8352. 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.

8352.1. 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.

8352.2. 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.

8352.3. 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.

8352.4. 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.

8352.5. 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.

8352.6. 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.

8352.7. 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.

8352.8. 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.

8352.9. 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.

8353. 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.

8353.1. 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.

8353.2. 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.

8353.3. 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.

8353.4. 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.

8353.5. 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.

8353.6. 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.

8353.7. 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.

8353.8. 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.

8353.9. All bonds and the interest or income therefrom shall be exempt from all taxation in this state other than gift, inheritance, and estate taxes.

8354. 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.

8354.1. 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.

8354.2. All bonds issued under the provisions of this chapter shall be negotiable instruments, except when registered in the name of a registered owner.

8354.3. 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 City and County of San Francisco to determine the right to issue the bonds and their validity.

Article 8. Acquisition, Construction, and Completion of Project

8360. 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.

8360.1. 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.

8360.2. 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 act 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.

8360.3. The authority may acquire all the real property necessary for any project on such terms and conditions as it deems advisable.

8360.4. Except as otherwise provided in Section 8361, 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.

8360.5. 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.

8360.6. All bidders shall be afforded an opportunity to examine the plans, specifications, strain sheets and working details.

8360.7. 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.

8360.8. 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.

8360.9. 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.

8361. 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 constructions contracts (for construction and repair work), and the provisions of Sections 8360.4 to 8360.9, 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.

8361.1. 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.

8361.2. 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 8380.3, shall expend all revenues and the income thereof and all sums realized under the provisions

of Section 8346.6 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 8335.2 and 8335.3.

8361.3. 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.

8361.4. 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.

8361.5. 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.

8361.6. 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

8365. 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.

8365.1. 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.

8365.2. 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.

8365.3. 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 8345.7.

8365.4. 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.

8365.5. 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.

8365.6. 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

8370. 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

8375. 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.

8375.1. 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

8380. 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.

8380.1. 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.

8380.2. 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.

8380.3. The City and County of San Francisco, or any other public corporation or private nonprofit corporation, may upon the request of an 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. The City and County of San Francisco and any other 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 city and county or particular 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, con-

struction, or completion of any such property, buildings and facilities, or projects therefor.

8380.4. 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 theretofore have not been repaid, and for the purpose of repayment to any public corporation (including the City and County of San Francisco) 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.

8380.5. 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, the City and County of San Francisco and any other 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; and the city and county also may change its map.

(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.

8380.6. 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.

8380.7. 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

8385. 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 8385.1, to be held for the account of the authority.

8385.1. 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.

8385.2. Moneys in the construction fund shall be deposited as time or demand deposits in such depositary or depositaries as may be authorized by law to receive deposits of state funds.

8385 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 8385.1, 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.

8385.4. 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.

8385.5. 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 authorizing the issuance of the bonds. Any income or interest thereon shall be added to and become a part of the construction fund for the benefit of the authority.

8385.6. 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 depositary thereof.

8385.7. 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 depositary or depositaries 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.

8385.8. 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.

8385.9. 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.

8386. 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.

8386.1. 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 San Francisco World Trade Center.

8386.2. All moneys received pursuant to this chapter shall be deposited in the San Francisco 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 San Francisco 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. 6. Section 1.3 is added to Chapter 1508 of the Statutes of 1947, to read:

Sec. 1.3. Notwithstanding any other provision of this act, the San Francisco World Trade Center Authority shall be governed by Chapter 5.5 (commencing with Section 8320), 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 1158

An act to amend Sections 69592 and 69748.1 of the Government Code, relating to the superior court.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 69592 of the Government Code is amended to read:

69592. In the County of Riverside there shall be eight judges of the superior court.

SEC. 2. Section 69748.1 of said code is amended to read:

69748.1. At least one session of the superior court shall be held in each city to which all of the following conditions apply:

(a) The city hall is not less than 70 miles from the site of the county courthouse.

(b) The city has a population of not less than 9,700.

(c) Within the 30-mile radius from the city hall there is a population of not less than 56,000.

(d) There are residing in the county at least 40 miles from the county courthouse not less than 69,000 persons, some of whom would be required to travel 80 miles to attend court at such city and at least 70 miles farther in order to attend the superior court at the county courthouse, or any other place where sessions of the superior court have been established.

At least three sessions of the superior court shall be held in each city to which all of the foregoing conditions apply, and which city in addition is located in a county in which there are at least eight judges of the superior court.

SEC. 3. This act shall not be operative until January 4, 1967.

CHAPTER 1159

An act to amend Section 207 of the Streets and Highways Code, relating to investment of State Highway Fund moneys.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 207 of the Streets and Highways Code is amended to read:

207. The California Highway Commission may by resolution provide a plan under which the department may invest presently unneeded money in the State Highway Fund in bonds or interest bearing notes or obligations of the United

States for which the faith and credit of the United States are pledged, for the payment of principal and interest. The department may, with the approval of the State Treasurer, invest such excess funds in accordance with said resolution. All such bonds, notes or obligations purchased under the provisions of this section must be delivered to the State Treasurer, who shall keep them as a portion of the State Highway Fund, and all interest thereon when collected shall be paid into and become a part of the State Highway Fund.

All investments under this section shall be liquidated as soon as the funds invested are required for state highway purposes.

CHAPTER 1160

An act to add Section 25468 to the Government Code, relating to construction, alteration or repair of public buildings.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 13, 1965]

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

SECTION 1. Section 25468 is added to the Government Code, to read:

25468. The provisions of this article do not apply to any contract which is entered into between Napa County and the State of California or any agency of the executive department of the State of California, for the alteration or repair of the structure located in Napa County and known as the Old Bale Mill.

CHAPTER 1161

An act to amend Section 24013 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 24013 of the Business and Professions Code is amended to read:

24013. Protests may be filed at any office of the department at any time within 30 days from the first date of posting the notice of intention to engage in the sale of alcoholic beverages at such premises.

The department may reject protests, except protests made by a public agency or public official or protests described in Section 23988, if it determines such protests are false, vexatious, or without reasonable or probable cause at any time before hearing thereon, notwithstanding the provisions of Sec-

tions 24015, 24016, or 24300. If the department rejects a protest as provided in this section and issues a license, the department shall hold a hearing to revoke the license as provided in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

Nothing in this section shall be construed as prohibiting or restricting any right which the individual making the protest might have to a judicial proceeding.

CHAPTER 1162

An act to add Title 7.2 (commencing with Section 66600) to the Government Code, relating to the San Francisco Bay Conservation and Development Commission, and making an appropriation.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Title 7.2 (commencing with Section 66600) is added to the Government Code, to read:

TITLE 7.2. SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

CHAPTER 1. FINDINGS AND DECLARATIONS OF POLICY

66600. The Legislature hereby finds and declares that the public interest in the San Francisco Bay is in its beneficial use for a variety of purposes; that the public has an interest in the bay as the most valuable single natural resource of an entire region, a resource that gives special character to the bay area; that the bay is a single body of water that can be used for many purposes, from conservation to planned development; and that the bay operates as a delicate physical mechanism in which changes that affect one part of the bay may also affect all other parts. It is therefore declared to be in the public interest to create a politically-responsible, democratic process by which the San Francisco Bay and its shoreline can be analyzed, planned, and regulated as a unit.

66601. The Legislature further finds and declares that the present uncoordinated, haphazard manner in which the San Francisco Bay is being filled threatens the bay itself and is therefore inimical to the welfare of both present and future residents of the area surrounding the bay; that while some individual fill projects may be necessary and desirable for the needs of the entire bay region, and while some cities and counties may have prepared detailed master plans for their own bay lands, the fact remains that no governmental mech-

anism exists for evaluating individual projects as to their effect on the entire bay; and that further piecemeal filling of the bay may place serious restrictions on navigation in the bay, may destroy the irreplaceable feeding and breeding grounds of fish and wildlife in the bay, may adversely affect the quality of bay waters and even the quality of air in the bay area, and would therefore be harmful to the needs of the present and future population of the bay region.

66603. The Legislature further finds and declares that in order to protect the public interest in San Francisco Bay, a new regional approach is necessary, to be carried out by the San Francisco Bay Conservation and Development Commission created by this act and comprised of representatives of the federal government, the state government, cities and counties in the San Francisco Bay area, and the general public; that this approach, treating the entire bay as a unit, should begin with a detailed study of all the characteristics of the bay, including the quality, quantity, and movement of bay waters, the ecological balance of the bay, and the economic interests in the bay, including the needs of the bay area population for industry and for employment; that the study should include the requirements of industries that would not pollute the bay nor interfere with its use for recreation or other purposes, but would need sites near deepwater channels or would need large supplies of water for their manufacturing processes; that the study should examine all present and proposed uses of the bay and its shoreline, and should give consideration to the master plans of cities and counties around the bay; and that the study should lead to the preparation of a comprehensive and enforceable plan for the conservation of the water of the bay and the development of its shoreline.

66604. The Legislature further finds and declares that in order, during the period in which the San Francisco Bay Conservation and Development Commission is formulating the comprehensive conservation and development plan referred to in Section 66603, to protect the present shoreline and body of the San Francisco Bay to the maximum extent possible, it is essential that the commission be empowered, during such period, to issue or deny permits, after public hearings, for any proposed project that involves placing fill in the bay or extracting submerged materials from the bay.

CHAPTER 2. DEFINITION OF SAN FRANCISCO BAY

66610. For the purposes of this title, the San Francisco Bay includes the shoals outside the Golden Gate and the water areas from the south end of the bay to the Golden Gate and to the Sacramento River line (Simmons Point-Stake Point in Suisun Bay) and, specifically, the marshlands (land lying between mean high tide and five feet above mean sea level); tidelands (land lying between mean high tide and mean low tide); and submerged lands (land lying below mean low tide),

but excluding from the marshlands, tidelands and submerged lands those lands which are not subject to tidal action.

The definition of San Francisco Bay which is made by this section is merely for the purpose of prescribing the authority of the commission which is created by this title. This definition shall not be construed to affect title to any land or to prescribe the boundaries of the San Francisco Bay for any purpose except the authority of the commission created by this title.

CHAPTER 3. SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

66620. The San Francisco Bay Conservation and Development Commission is hereby created The commission shall consist of 27 members appointed as follows:

(a) One representative of the United States Army Corps of Engineers, appointed by the Division Engineer, United States Army Engineers, South Pacific Division.

(b) One representative of the Department of Health, Education and Welfare, appointed by the Secretary of Health, Education, and Welfare.

(c) The Administrator of Highway Transportation.

(d) The State Planning Officer.

(e) The Administrator of the Resources Agency.

(f) One member of the State Lands Commission, appointed by such commission.

(g) One member of the San Francisco Bay Regional Water Pollution Control Board, appointed by such board.

(h) One member of the Bay Area Transportation Study Commission, appointed by such commission.

(i) Nine county representatives, consisting of one resident of each of the nine San Francisco Bay area counties, appointed by the board of supervisors in each county.

(j) Three representatives of cities, appointed by the Association of Bay Area Governments.

(k) Seven representatives of the public, whose appointments shall be subject to confirmation by the Senate. Five of such representatives shall be appointed by the Governor, one by the Committee on Rules of the Senate, and one by the Speaker of the Assembly. These members of the commission shall be residents of the San Francisco Bay area.

66621. One member of the Senate, appointed by the Senate Rules Committee, and one member of the Assembly, appointed by the Speaker of the Assembly, shall meet with, and participate in the activities of, the commission to the extent that such participation is not incompatible with their respective positions as Members of the Legislature. For the purposes of this title, such Members of the Legislature shall constitute a joint interim investigating committee on the subject of this title, and as such shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

66622. The members of the commission shall serve at the pleasure of their respective appointing powers. The members shall serve without compensation, but each of the members shall be reimbursed for his necessary expenses incurred in the performance of his duties. A member may authorize no more than one proxy for attendance at meetings or for voting, which proxy shall be designated, in writing, at the time the member is appointed to the commission. The name of the proxy shall be filed with the commission.

66623. The Governor shall select, from among public representatives on the commission appointed pursuant to subdivision (k) of Section 66620, a chairman and a vice chairman.

66624. The time and place of the first meeting of the commission shall be prescribed by the Governor, but, in no event, shall it be scheduled for a date later than 10 days after the effective date of this title.

66625. The headquarters of the commission shall be in the City and County of San Francisco.

CHAPTER 4. POWERS AND DUTIES OF THE COMMISSION

66630. The commission shall make a detailed study of all the matters referred to in Section 66603, and shall, upon the basis of such study, prepare a comprehensive and enforceable plan for the conservation of the water of the San Francisco Bay and the development of its shoreline.

66631. In making its study, the commission shall cooperate to the fullest extent possible with the Bay Area Transportation Study Commission and the Association of Bay Area Governments; and in preparing its comprehensive plan, the commission shall, to the fullest extent possible, coordinate its planning for the bay with planning for the land area surrounding the bay by local agencies, which shall retain the responsibility for land use planning. In order to avoid duplication of work, the commission shall make maximum use of data and information available from the planning programs of the State Office of Planning, the Bay Area Transportation Study Commission, the Association of Bay Area Governments, the cities and counties in the San Francisco Bay area, and other public and private planning agencies.

66632. (a) During the period necessary to complete the detailed study of the San Francisco Bay and to prepare the comprehensive plan for its conservation and for the development of its shoreline, any person or governmental agency wishing to place fill in the bay or to extract submerged materials from the bay shall secure a permit from the commission. For purposes of this section, "fill" means earth or any other substance or material, including pilings or structures placed on pilings, which pilings were not in existence on the effective date of this title. For the purposes of this section "materials" means items exceeding twenty dollars ($20) in value.

(b) Whenever a permit is required by a city or county an applicant for a permit shall file an application with the city council of the city if the proposed project is located in incorporated territory, or the board of supervisors of the county, if the proposed project is located in unincorporated territory. The city council or the board of supervisors, as the case may be, shall investigate the proposed project and shall file a report thereon with the commission within 90 days after the application is filed with it.

Whenever a permit is not required by a city or county, application for a permit shall be made directly to the commission.

(c) Upon receipt of the report from the city council or the board of supervisors, as the case may be, or, if the city council or the board of supervisors does not file a report with the commission within the 90-day period, upon the expiration of such 90-day period, or upon receipt of an application for a permit made directly to it, the commission shall hold a public hearing or hearings as to the proposed project and conduct such further investigation as it deems necessary. The commission shall give full consideration to the report of the city council or board of supervisors.

(d) The commission shall take action upon the application for the permit, either denying or granting the permit, within 60 days after it receives the report; or, if the city council or the board of supervisors did not file a report with the commission within the 90-day period, within 60 days after the expiration of such 90-day period; or if an application for a permit was made directly to the commission, within 60 days after it receives the application. The permit shall be automatically granted if the commission shall fail to take specific action either denying or granting the permit within the time period specified in this section. A permit may be granted for a project if the project is either (1) necessary to the health, safety or welfare of the public in the entire bay area, or (2) of such a nature that it will not adversely affect the comprehensive plan being prepared. Thirteen affirmative votes of members of the commission are required to grant a permit. Neither of the federal representatives who are members of the commission may vote on whether or not a permit shall be granted.

The commission shall provide by regulation for the issuance of permits by the executive director, without compliance with the above procedure, in cases of emergency or for minor repairs or improvement.

(e) If the commission denies the permit, the applicant may submit another application for the permit directly to the commission after 90 days from the date of such denial.

(f) If, prior to the effective date of this section, any person or governmental agency has already obtained a permit from the appropriate local body to place fill in the bay or to extract submerged materials from the bay, application may be made directly to the San Francisco Bay Conservation and Develop-

ment Commission and the permit from the local body shall constitute the report of the local body.

66632.1. Nothing in this title shall apply to any project where necessary local governmental approval and a Department of the Army Corps of Engineers permit have been obtained to allow commencement of the diking or filling process, and where such diking or filling process has commenced prior to the effective date of this title, nor to the continuation of dredging under existing Department of the Army Corps of Engineers permits.

66633. The commission may:

(a) Accept grants, contributions, and appropriations from any public agency, private foundation, or individual.

(b) Appoint committees from its membership and appoint advisory committees from other interested public and private groups.

(c) Contract for or employ any professional services required by the commission or for the performance of work and services which in its opinion cannot satisfactorily be performed by its officers and employees or by other federal, state, or local governmental agencies

(d) Do any and all other things necessary to carry out the purposes of this title.

66634. The commission shall, in addition to any funds which the Legislature may appropriate for planning activities of the commission, take whatever steps are necessary to attempt to obtain money available of such planning activities from any federal, state, or local sources.

66635. The commission shall appoint an executive director who shall have charge of the conduct of the study and plan formulation, subject to the direction and policies of the commission. The executive director shall, subject to approval of the commission, appoint such employees as may be necessary in order to carry out the functions of the commission, including but not limited to the following: one assistant executive director to supervise administration and the dissemination of public information, one assistant executive director to supervise commission activities relating to permits, one chief planning officer to supervise the technical preparation of the comprehensive plan, two assistant planning officers, and clerical staff sufficient to enable the commission to carry out its functions.

66636. Within a reasonable time, but not to exceed one year from the date of the first meeting of the commission, the chairman of the commission, in collaboration with and with the concurrence of the commission, shall appoint a citizens' advisory committee to assist and advise the commission in carrying out its functions. The advisory committee shall consist of not more than 20 members.

At least one member of the advisory committee shall be a representative of a public agency having jurisdiction over harbor facilities, and another shall represent a public agency

having jurisdiction over airport facilities. The advisory committee shall also include representatives of conservation and recreation organizations, and at least one biologist, one sociologist, one geologist, one architect, one landscape architect, one representative of an industrial development board or commission, and one owner of privately held lands within the San Francisco Bay as defined in Section 66610.

CHAPTER 5. FINAL REPORT AND TERMINATION OF EXISTENCE OF THE COMMISSION

66650. The commission shall file a progress report with the Governor and the Legislature not later than the fifth legislative day of the 1967 Regular Session of the Legislature, and shall file a final report with the Governor and the Legislature not later than the fifth legislative day of the 1969 Regular Session of the Legislature.

66651. The final report shall contain all of the following:

(a) The results of the detailed study made by the commission.

(b) The comprehensive plan adopted by the commission for the conservation of the water of the San Francisco Bay and the development of its shoreline.

(c) The commission's recommendation of the appropriate agency to maintain and carry out the comprehensive plan.

(d) The commission's estimate of the approximate amount of money that will be necessary to maintain and carry out the comprehensive plan, including, but not limited to, the commission's estimate of the approximate amount of money that will be necessary to purchase real property which the commission may recommend be purchased for public use, and an indication of the possible sources of money for such purposes, such as local bond funds, federal grants, state funds, funds from foundations, and funds from private subscription.

(e) Such other information and recommendations as the commission deems desirable.

66652. The existence of the commission shall terminate on the 90th day after the final adjournment of the 1969 Regular Session of the Legislature.

66653. This title shall be known and may be cited as the McAteer-Petris Act.

SEC. 2. The sum of one hundred eighty-four thousand four hundred fifty dollars ($184,450) is appropriated from the General Fund to the San Francisco Bay Conservation and Development Commission created pursuant to Title 7.2 (commencing with Section 66600) of the Government Code for expenditure for the support of the commission during the 1965–1966 fiscal year.

SEC. 3. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of

the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 1163

An act to continue in effect, and to revise, expand and recodify the McAteer Act, by amending the heading of Chapter 5 (commencing with Section 551) of Division 2 of the Education Code, to amend Sections 551, 552, 553, 554, 555, 556, 557 and 558 of said code, by amending the heading of Article 15 of Chapter 6 of Division 6 of said code to make the same the heading of new Chapter 6.5 of said Division 6, to add new Articles 1, 2, and 3 to the said new Chapter 6.5 of Division 6 of said code, and for these purposes to amend Sections 6450, 6451, and 6452 of, to amend and renumber Sections 6453, 6454, 6455, 6458, 6460, 6460.2, 6460.3, 6460.4, and 6460.5 of, to repeal Sections 6456, 6457, 6459, and 6460.1 of, to add new Sections 6453, 6454, 6455, 6456, 6457, 6458, 6459, 6460, 6473 and 6474 to, the Education Code, relating to compensatory education for disadvantaged children, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 12, 1965 Filed with Secretary of State July 13, 1965]

I object to the appropriation contained in Senate Bill No 482 I reduce Section 31 from $2,000,000 to $1,000,000
With this reduction, I approve the bill
EDMUND G BROWN, Governor

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

SECTION 1. The heading of Article 15 (commencing with Section 6450) of Chapter 6 of Division 6 of the Education Code is amended and renumbered to become the heading of new Chapter 6.5 of Division 6 of said code (which Chapter 6.5 shall commence with Section 6450, and to be comprised of the various sections of the Education Code added and amended herein) to read:

CHAPTER 6.5. SPECIAL COMPENSATORY EDUCATIONAL PROGRAMS FOR DISADVANTAGED CHILDREN

SEC. 1.5. A new article heading is added immediately preceding Section 6450, to read:

Article 1. General Provisions

SEC. 2 Section 6450 of said code is amended to read:

6450. This chapter may be cited as the McAteer Act.

SEC 3. Section 6451 of said code is amended to read:

6451. The Legislature finds and declares that because of home, community, environmental and other conditions which

give rise to language, cultural and economic disadvantages, the latent talents of many minors in the elementary and secondary schools in the state remain undiscovered and are not adequately developed by the general educational programs afforded by the public school system and private schools or school systems. It is the intent and purpose of the Legislature to encourage the establishment and development, by local officers and agencies of the public school system, of programs directed to identifying those pupils affected by language, cultural, and economic disadvantages who are potentially capable of completing the regular courses of instruction leading to graduation from the public elementary and secondary schools, and by special services, techniques, and activities to stimulating their interest in intellectual and educational attainment.

It is further recognized that to combat effectively the evils of such disadvantage a comprehensive, communitywide and statewide cooperative effort will be required together with a marshaling of all public and private resources and aids which may be useful in the endeavor. Securing cooperation, unity of action, and the concentration and effective direction of available outside resources and aids, public and private, should be an essential element of the programs for compensatory education, at both the state and local levels.

The Legislature finds that such special undertakings are essential to the conservation and development of the cultural, economic and intellectual resources of the state and nation. The provisions of this chapter shall be liberally construed to carry out these intents and purposes.

Nothing in this chapter shall be construed to sanction, perpetuate or promote the racial or ethnic segregation of pupils in the public schools.

SEC. 4 Section 6452 of said code is amended to read.

6452. For purposes of this chapter, a "disadvantaged minor" is a minor who is potentially academically able but scholastically underachieving, and must compensate for inability to profit from the normal educational program. He is a minor who:

(a) Is 3 years of age or more, but under 18 years of age and has not graduated from high school.

(b) Is potentially capable of successfully completing a regular educational program leading to graduation from the elementary or secondary school in which he is enrolled or required to be enrolled.

(c) Is, because of home and community environment, subject to such language, cultural, economic, and like disadvantages as will make improbable his completion of the regular program leading to graduation without special efforts on the part of school authorities, over, above, and, in addition to those involved in providing the regular educational programs, directed to the positive stimulation of his potential.

SEC. 5. A new Section 6453 is added to said code, to read:

6453. A "program of compensatory education" is an undertaking by any school district maintaining any of grades kindergarten through 12, in the form prescribed by Article 2 of this chapter, which is over, above, and in addition to the regular educational programs of the district, having the purpose of providing positive stimulation of the intellectual abilities of disadvantaged minors, and which embodies a positive plan for the identification of such minors. Participation in a program of compensatory education under this chapter shall not preclude an individual's participation in any other potentially beneficial program which may be offered in the public school system or otherwise.

SEC. 6. A new Section 6454 is added to said code, to read:

6454. Each county superintendent of schools is authorized, upon request, to provide consultative and coordination services for the school districts under his jurisdiction which have established programs of compensatory education under this chapter. Such activity shall be financed through the county school service fund, and shall be subject to budget review pursuant to Section 18351.

SEC. 7. A new Section 6455 is added to said code, to read:

6455. (a) The State Board of Education may establish programs of the following types:

(1) Establishment of new curricula or modification of existing curricula in connection with the education and training of prospective teachers, to incorporate instruction in methods and techniques developed by competent authorities designed to enable teachers effectively to teach disadvantaged children.

(2) Research and consultative work projects undertaken to assist state and local public school agencies in carrying out their responsibilities under this chapter.

(3) Independently, or in cooperation with any public or private agency or organization, engaging in research and development undertakings directed to overcoming disadvantage, together with related activities involving evaluation, demonstration and dissemination of findings having to do with programs of compensatory education.

(b) It is the intent and aim of the Legislature that the University of California and the California State Colleges participate to the extent practicable with local public school agencies and the State Board of Education in their endeavors under this chapter. It is recommended that greater attention be devoted in the training of teachers to their preparation in the techniques and skills required to cope with the problems of disadvantaged children at the preschool as well as the elementary and secondary level. The university and the state colleges are urged to participate at the local level in the programs being administered by the local public school authorities and agencies, and to provide all technical and personnel services practicable.

SEC. 8. Article 2 (comprising new Sections 6456 to 6460, inclusive, and Section 6453 as amended and renumbered) is

added to the said new Chapter 6.5 of Division 6 of said code, to read:

Article 2. Programs for Compensatory Education

6456. The purpose of this article is to establish criteria to guide local school districts in making applications for federal funds under the Elementary and Secondary Education Act of 1965 as accepted in Chapter 6 (commencing with Section 570) of Division 2, or any state funds provided specially for the purposes of this chapter.

These criteria shall apply to the extent that they do not conflict with the provisions of the Elementary and Secondary Education Act of 1965 or administrative regulations promulgated under that act.

6457. Each application of a local school district for federal funds or state funds shall include a comprehensive compensatory education plan which shall demonstrate that the district has fully utilized all other sources of funds, and the assistance of all volunteer aid offered by individuals and public and private organizations providing assistance for similar educational endeavors, and has effectively coordinated the same. This plan should emphasize a preventive program aimed at the child between the ages of three years and eight years, and have an ultimate goal of teaching the child to read, awakening the child's interest in learning, giving the child a sense of success in school achievement, preventing the child's alienation from the school, and preventing his possible early departure from school. It shall also include remedial programs for older children. Expenditures should be directed to schools with large concentrations of educationally disadvantaged children. If the situation involves disadvantaged children who speak English as a second language, any programs should include early English language instruction, and the use of teachers, teachers' aides or volunteers who are proficient in the child's primary language, and in-service training for teachers in that language.

6458. For purposes of applications for federal funds a plan should be comprehensive in scope, and may include any or all of the program components set out below.

The State Board of Education shall act, upon recommendation of the Advisory Compensatory Education Commission, to establish a priority listing of the following program elements which shall be used in the approval of school district plans to determine those elements which shall be emphasized on a statewide basis:

(a) Reduction of ratios of pupils to teachers, directed specifically to enabling more individual attention to be given to disadvantaged pupils.

(b) Special efforts in the area of reading instruction, including the employment of additional teachers, special reading teachers, teacher aides, and volunteer aides. If Senate Bill No. 205 of the 1965 General Session of the Legislature is enacted

into law, special reading programs authorized pursuant to this subdivision shall be conducted pursuant to standards established under that act; with the provision that, subject to applicable federal law and regulation, available federal funds shall be employed in lieu of the appropriate state financial support provided by that act.

(c) Preschool programs provided through the use of either school facilities, other public or private facilities, or any combination thereof, for children three years of age or older, involving intensive parent participation, established pursuant to standards prescribed by the State Board of Education.

If Assembly Bill No 1331 of the 1965 General Session of the Legislature is enacted into law, preschool programs authorized pursuant to this subdivision shall be conducted pursuant to the educational standards established by the State Board of Education pursuant to that act; with the provision that federal funds which may be available under P.L. 543 of the 87th Congress shall be used to finance those programs which may be eligible for such support.

(d) In-service professional study involving instruction and orientation of school district personnel to enable them to more effectively deal with disadvantaged students.

(e) School-home cooperation, including home visitation, parent education and participation, parent-teacher conferences utilizing, wherever necessary, bilingual interpreters.

(f) Cultural enrichment including the use of field trips, special speakers, motion pictures, records, library programs, concerts and other means which serve to broaden the educational and cultural experience of the students.

(g) After-school tutoring programs utilizing the services of qualified college and university students and volunteers from the community.

(h) Remedial and corrective programs directed to enhancing the pupils' interest and competence in the English language, including extended remedial reading programs, special speech and oral programs, and the teaching of English as a second language, as, for example, where Spanish-speaking children are involved.

(i) Evaluation, testing, and consultation, involving the formulation of evaluation standards which are as rigorous as feasible under the circumstances; the yearly administration of comprehensive achievement tests to all compensatory education students; and the development and use of data based on group controls which will provide evidence of contrast, and the assembly and classification of data for use at the statewide level. A school district plan of compensatory education under this chapter shall, in order to receive approval, contain this program element.

6459. In addition, the district may propose other programs, subject to the approval of the Director of Compensatory Education, to include the following elements:

(a) Employment of competent school-community coordinators, to secure effective coordination of the efforts of pupils, parents, schools, and the community.

(b) Curriculum revision and the development and use of new instructional equipment and facilities to reorient the education program to meet the particular needs of the disadvantaged pupils, with special attention to be given to the teaching of the English language.

(c) Effective use of auxiliary personnel, the services of whom may be made available not only by the public school system, but by other public and private agencies and organizations, including ethnic organizations.

6460. A school district may establish nursery schools and may admit thereto children who are at least three years of age. Nursery schools shall be maintained pursuant to standards set by the State Board of Education which standards shall provide for the qualifications of the teachers to be employed in the schools.

SEC. 8.5. Section 6453 of said code is amended and renumbered to read:

6461. The governing board of each school district maintaining a program of compensatory education shall, at the times and in the form and manner prescribed by the Director of Compensatory Education but not less than once in each school year, submit information evaluating the program in all respects including but not limited to the following standards:

(a) The existence of residential areas within the school district likely to produce substantial numbers of disadvantaged children, which areas may properly be characterized as slum or depressed urban areas, areas of retarded socioeconomic development, remote rural areas, areas including impoverished homes, areas with concentrations of non-English-speaking populations (such as Spanish-speaking populations), Indian reservations, areas with concentrations of recent in-migrant families, areas with concentrations of migrant farm families, areas with concentrations of low income racial and nationality minority populations.

(b) The general adequacy of the program in terms of the degree to which talent, knowledge, information, and all available outside resources and aids (including the Economic Opportunity Act of 1964, P.L. 452, 88th Congress) have been mobilized, precision in the definition of the objectives and the particular types of services, activities, and identification methods to be utilized, the projected term of the undertaking with reference to time required to accomplish objectives, and the measures provided to enable periodic evaluations of accomplishments.

(c) The operational promise of the program in terms of the adequacy of the district's facilities and resources to carry it out, the background and competency of program supervisors and personnel and any special training previously afforded them, and the degree to which the program is likely to en-

hance the skill and competency of supervisors and personnel in achieving the objectives of the program or other such programs.

(d) The economic efficiency of the program in terms of specific district expenditures actually being made over and above those incurred in carrying out the regular educational program, the justification of expenditures by procedures to be followed, the existence of a direct relationship between proposed expenditures and anticipated results, and the adequacy of financing to accomplish stated objectives.

(e) The extent to which the program will serve to facilitate the development of data and information which will serve to increase the general effectiveness of programs for education of educationally disadvantaged minors.

(f) The results of the comprehensive pupil achievement tests administered by the district to all students enrolled in compensatory education programs pursuant to subdivision (i) of Section 6458, together with test scores of appropriate control groups of students, developed in accordance with that subdivision.

SEC. 9. A new article heading is added immediately preceding Section 6466, to read:

Article 3. Administration

SEC. 10. Section 6454 of said code is amended and renumbered to read:

6466. There is in the Department of Education the office of Director of Compensatory Education. The Director of Compensatory Education shall be appointed by the State Board of Education, upon nomination by the Superintendent of Public Instruction, and he shall be subject to state civil service. The authority and position of the director within the Department of Education shall be equivalent to Associate Superintendent of Public Instruction, and in that capacity he shall report to the Superintendent of Public Instruction. In performing his duties and responsibilities under this chapter the director shall act as the representative of the Department of Education. The Director of Compensatory Education shall be provided with such facilities and staffing necessary to provide him with such technical and clerical assistance as is required in order for him to carry out his duties under the provisions of this chapter.

SEC. 11. Section 6455 of said code is amended and renumbered to read:

6467. The Director of Compensatory Education shall, under the direction of the State Board of Education, have overall supervision and control of programs of compensatory education provided throughout the state, and shall take action necessary to coordinate all such programs. He shall, pursuant to the provisions of this chapter and the provisions of the Elementary and Secondary Education Act of 1965 and the

regulations promulgating thereunder, be responsible for approving local program applications and providing technical and consultative assistance to school districts.

The director shall conduct continuing research and study of the subject of programs of compensatory education, involving not only the examination and evaluation of programs established under the provisions of this chapter but comparable undertakings in other states, to the end of effecting improvement in the administration of the programs for compensatory education established under the provisions of this chapter. He shall serve as a clearinghouse and center of information, and shall issue and disseminate to school districts participating in programs established under this chapter or otherwise affected by problems presented by the presence of disadvantaged minors anywhere, such publications and results of investigations as will tend to foster the establishment of sound programs for compensatory education and to enhance their effectiveness.

He shall collect and provide information concerning sources of federal, state, and local public funds, and private funds, which may be available for compensatory education purposes. It shall be the responsibility of the local officials and agencies of the public school system to take necessary measures to secure all outside financial assistance which may be available.

The State Board of Education, on recommendation of the director, shall determine the eligibility of applicant school districts for grants provided under this chapter. Applications for approval of programs and for grants shall be comprehensive in scope. Applicant districts shall, to the extent practicable, provide programs at all grade levels, but special emphasis is to be given programs provided at the preschool and early elementary grade levels.

SEC. 12. Section 6460 of said code is amended and renumbered to read:

6468. There is in the state government the Advisory Compensatory Education Commission. It shall be comprised of 15 members. Eleven of the members shall be appointed by the State Board of Education. Two of the members shall be appointed by the Speaker of the Assembly and two members shall be appointed by the Senate Committee on Rules. One of the Assembly and one of the Senate appointments shall be of a member of the house to which he was elected. Each member shall serve at the pleasure of the appointing power.

SEC. 13. Section 6460.2 of said code is amended and renumbered to read:

6469. The chairman and vice chairman of the commission shall be designated by the State Board of Education from among the 15 members.

SEC. 14. Section 6460.3 of said code is amended and renumbered to read:

6469.5. The members of the commission shall serve without compensation, but shall be reimbursed for necessary traveling

and other expenses incurred in performing their duties and responsibilities.

SEC. 15. Section 6460.4 of said code is amended and renumbered to read:

6470. The commission shall serve as an advisory body to the State Board of Education, and shall formulate and present such policy recommendations as it determines will effect statewide coordination of programs for education of disadvantaged minors and otherwise render more effective the implementation of the provisions of this chapter. The Director of Compensatory Education shall be executive secretary of the commission. The director shall, on behalf of the commission, report to the State Board of Education; and shall, as directed by the commission, make recommendations pursuant to this chapter.

SEC. 16. Section 6460.5 of said code is amended and renumbered to read:

6471. All meetings of the commission shall be open and public, and all persons shall be permitted to attend any meetings of the commission.

SEC. 17. Section 6458 of said code is amended and renumbered to read:

6472. The State Board of Education shall adopt rules and regulations necessary to implement the provisions of this chapter, including rules and regulations which:

(a) Prescribe the procedure by which a district shall identify disadvantaged minors.

(b) Establish minimum standards for programs.

(c) Require the annual submission of such reports by school districts as will permit the evaluation of the programs of compensatory education and the accumulation of data and information which will be useful in developing suggestions, policies, and requirements for improvement of such programs generally.

SEC 17.5. Section 6473 is added to said code, to read:

6473. The State Board of Education, on the recommendation of the Director of Compensatory Education, shall, for purposes of this chapter, in accordance with the provisions of this chapter and the rules and regulations of the State Board of Education implementing the same, have the power to approve, withhold approval of, or disapprove of any program of compensatory education.

SEC. 17.7. Section 6474 is added to said code, to read:

6474. For all purposes of this chapter the Director of Compensatory Education may array and assign priorities to the programs of compensatory education maintained by the different school districts on the basis of numbers, concentration or density of disadvantaged pupils in particular areas.

SEC. 18. Section 6459 of said code is repealed.

SEC. 20. Section 6456 of said code is repealed.

SEC. 21. Section 6457 of said code is repealed.

SEC 22. Section 6460.1 of said code is repealed.

SEC. 22.3. The heading of Chapter 5 (commencing with

Section 551) of Division 2 of the Education Code is amended to read:

CHAPTER 5. FEDERAL ACTS

SEC. 23. Section 551 of said code is amended to read:

551. The people of the State of California accept the provisions of, and each of the funds provided by, the act of Congress entitled "An act to strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical national needs; and for other purposes" (National Defense Education Act of 1958), approved September 2, 1958, and the act of Congress entitled "Elementary and Secondary Education Act of 1965."

SEC. 24. Section 552 of said code is amended to read:

552. In accepting the benefits of these acts of Congress, the people of the state agree to comply with all of their provisions and to observe all of their requirements.

SEC. 25. Section 553 of said code is amended to read:

553. The State Board of Education is designated as the state educational agency to carry out the purposes and the provisions of these acts of Congress. The State Board of Education is hereby vested with authority to prepare and submit to the United States Commissioner of Education any state plan required by said acts of Congress, to prepare and submit amendments to such state plans, and to administer such state plans or amendments thereto, in accordance with said acts of Congress and any rules and regulations adopted thereunder. The State Board of Education is hereby vested with all necessary power and authority to cooperate with the government of the United States, or any agency or agencies thereof in the administration of these acts of Congress and the rules and regulations adopted thereunder.

SEC. 26. Section 554 of said code is amended to read:

554. The board of governors of the State Nautical School on behalf of the State Nautical School, and the governing board of a school district on behalf of any school or junior college maintained by the district is vested with all necessary power and authority to perform all acts necessary to receive the benefits and to expend the funds provided by the act of Congress known as the "National Defense Education Act of 1958" and with all necessary power and authority to cooperate with the government of the United States, or any agency or agencies thereof, and with the State Board of Education for the purpose of receiving the benefits and expending the funds provided by said act of Congress, in accordance with said act, or any rules or regulations adopted thereunder, or any state plan or rules or regulations of the State Board of Education adopted in accordance with said act of Congress.

SEC. 27. Section 555 of said code is amended to read:

555. The State Treasurer is designated as the custodian of all funds received by the state from the government of the United States, or of any agency or agencies thereof, under

these federal acts and he is authorized to receive and provide for the custody of all moneys so received.

SEC. 28. Section 556 of said code is amended to read:

556. The funds received by the state under the provisions of these federal acts shall be paid out by the State Treasurer on warrants drawn by the Controller and requisitioned by the State Board of Education in carrying out the purposes of these federal acts.

SEC. 29. Section 557 of said code is amended to read:

557. The president or the administrative head of each junior college and the State Nautical School may establish and administer student loan funds pursuant to the act of Congress known as the "National Defense Education Act of 1958." Money allocated for the purpose of establishing a student loan fund at the State Nautical School may be withdrawn from the State Treasury and deposited to the credit of that institution in a trust account in accordance with the provisions of Government Code Sections 16305–16305.7 for the purpose of making loans to students in accordance with the federal act.

SEC. 30. Section 558 of said code is amended to read:

558. All acts or proceedings heretofore taken, in connection with receiving the benefits or expending the funds provided by these acts of Congress are hereby ratified and confirmed.

SEC. 31. There is hereby appropriated from the General Fund in the State Treasury for the 1965–66 fiscal year two million dollars ($2,000,000) to the State Board of Education, to be expended for research, development, dissemination of information, and other activities, including activities of the University of California or any state college, directed to enhancing the teaching of disadvantaged minors.

Any expenditure of funds pursuant to this section for research, development and demonstration shall be subject to the same reporting and evaluation requirements as are required of school districts conducting programs of compensatory education pursuant to Sections 6458 and 6461 of Chapter 6.5 (commencing with Section 6450) of Division 6 of the Education Code.

SEC. 32. During the interim period between the effective date of the provisions of this act other than Section 6466 and 6468 of the Education Code contained in Sections 10 and 12, and the effective date of the said Sections 6466 and 6468, the State Board of Education shall have all powers otherwise to be vested in the Director of Compensatory Education to take action necessary to secure all federal funds which may be made available for purposes of Chapter 6.5 (commencing with Section 6450) of Division 6 of the Education Code. During such interim period, the State Board of Education shall have the power to take all measures necessary for the selection and appointment of a Director of Compensatory Education upon nomination of the Superintendent of Public Instruction.

SEC. 33. The provisions of any federal law shall supersede the provisions of this act which conflict with the provisions of the federal law. If any provisions of this act conflict with any provision of the federal law, the remainder of this act is not affected.

SEC. 34. 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 urgently needed programs of compensatory education provided for by this act may be established as soon as possible, and to permit any state financing provided for the 1965–66 fiscal year to be made available as early in that fiscal year as possible, it is necessary that this act, except Sections 10 and 12 thereof, which embody Sections 6466 and 6468 of the Education Code, take effect immediately.

CHAPTER 1164

An act to add Section 13187.5 to the Education Code, relating to credentials for public school service.

[Approved by Governor July 12, 1965. Filed with Secretary of State July 13, 1965.]

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

SECTION 1. Section 13187.5 is added to the Education Code, to read:

13187.5. Notwithstanding any other provisions of this code, any credential described in subdivisions (a), (b), (d), or (e) of Section 13187 shall be issued to an applicant under the following circumstances:

(a) The State Board of Education has accepted, upon application of an approved institution supported by detailed data and justification, a program developed and offered by that institution as an experimental, exploratory, or pilot program of preparation for such a credential. The State Board of Education shall accept only those programs which it finds, by resolution entered in its minutes, to have merit and the potential of improving the quality of service authorized by the credential.

(b) The applicant has completed such a program following the date of its acceptance by the State Board of Education.

(c) The applicant holds a baccalaureate or higher degree from an approved institution.

(d) The applicant meets all of the requirements of Article 1 of Chapter 2 of Division 10 and the regulations of the State Board of Education adopted pursuant thereto, respecting age, character, citizenship, health, identification, oath or affirma-

tion, and study of or examination in the Constitution of the United States.

(e) If the application is for a standard supervisory or administration credential, the applicant holds the basic credentials required by Sections 13197.1 or 13197.2, as appropriate.

CHAPTER 1165

An act to add Section 17507.1 to the Education Code, relating to financial support for the public schools.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 17507.1 is added to the Education Code, to read:

17507.1. During the 1965–66 and the two subsequent fiscal years thereafter, the governing board of any elementary or unified school district may apply to the Superintendent of Public Instruction for exemption from the penalty provisions of Section 17507 which pertain to the maintenance of pupil-teacher ratios in grades 4 through 8, if all of the following conditions are met:

(1) The class size standards for grades 1, 2 and 3 applicable for that year are met with respect to each such class maintained by the district, and

(2) The pupil-teacher ratio in grades 4 through 8 in 1965–66 was not greater than 30 to 1.

The Superintendent of Public Instruction shall grant the exemption pursuant to this section if he determines that the district took into consideration a normal growth in district size and secured facilities and hired teachers sufficient to provide a pupil-teacher ratio in grades 4 through 8 not in excess of the pupil-teacher ratio during the preceding year, but that actual growth of enrollment was in excess of the district's reasonable estimate and resulted in a larger pupil-teacher ratio.

A district granted an exemption pursuant to this section which, for purposes of subdivision (b) of Section 17507, had a ratio of pupils in grades 4 to 8, inclusive, to full-time equivalent classroom teachers during the fiscal year 1964–65 of 28 or less, shall, in the fiscal year 1967–68, be deemed to have had in the preceding fiscal year a ratio of such pupils to such full-time equivalent classroom teachers of 28

CHAPTER 1166

An act to amend Section 767 of the Education Code, relating to teachers' salaries.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 767 of the Education Code is amended to read:

767. On the effective date of the amendment to this section adopted at the 1963 Regular Session of the Legislature, or as soon thereafter as practicable, the salaries of the county superintendents of schools shall be computed in the following manner.

For each of the eight classes of counties the amount which is the statewide average of teachers' salaries shall be multiplied by the amount which is the adjustment factor for the particular class of county, as prescribed by this section. The product so obtained shall be the salary of the county superintendent of schools for a county within that class.

The adjustment factor for each of the eight classes of counties is set forth below opposite the class of county:

(a) Class one	3.375
(b) Class two	3.092
(c) Class three	2.717
(d) Class four	2.249
(e) Class five	1.780
(f) Class six	1.499
(g) Class seven	1.124
(h) Class eight	0.750

For the purposes of this section the statewide average of teachers' salaries shall be deemed to be seven thousand seven hundred and eighty-nine dollars ($7,789).

The cost of salaries of any county superintendents of schools required to be paid by this section shall be divided between the state and the respective county as follows: For counties within class one (1) the state shall pay sixty-five percent (65%) and the county shall pay thirty-five percent (35%); in all counties within class two (2), the state shall pay sixty-five percent (65%) and the county shall pay thirty-five percent (35%); for counties within class three (3) the state shall pay sixty-seven percent (67%) and the county shall pay thirty-three percent (33%); for counties within class four (4) the state shall pay sixty-eight percent (68%) and the county shall pay thirty-two percent (32%); for counties within class five (5) the state shall pay seventy percent (70%) and the county shall pay thirty percent (30%); for counties within class six (6) the state shall pay seventy-six percent (76%) and the

county shall pay twenty-four percent (24%); for counties within class seven (7) the state shall pay eighty-four percent (84%) and the county shall pay sixteen percent (16%); for counties within class eight (8) the state shall pay seventy-six percent (76%) and the county shall pay twenty-four percent (24%).

CHAPTER 1167

An act to amend Sections 8971.5 and 8973 of, and to add Sections 8970, 8970.5, and 8976 to, and to repeal Section 8970 of, the Business and Professions Code, relating to yacht and ship brokers.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 8970 of the Business and Professions Code is repealed.

SEC. 2. Section 8970 is added to said code, to read:

8970. The amount of fees prescribed by this chapter is that fixed by the following schedule:

(a) For every original broker's license the fee is one hundred dollars ($100), but the commission may reduce the fee to not less than fifty dollars ($50).

(b) For the annual renewal of an original broker's license, regardless of class, the fee is fifty dollars ($50), but the commission may reduce the fee to not less than twenty-five dollars ($25).

(c) For every original salesman's license the fee is twenty-five dollars ($25) but the commission may reduce the fee to not less than ten dollars ($10).

(d) For the annual renewal of an original salesman's license, regardless of class, the fee is twenty-five dollars ($25), but the commission may reduce the fee to not less than ten dollars ($10).

SEC. 3. Section 8970.5 is added to said code, to read:

8970.5. The commission shall charge and collect the following fees:

(a) Five dollars ($5) for a salesman's temporary license.

(b) Ten dollars ($10) for every license obtained by a broker for a branch office and for every renewal thereof.

(c) Five dollars ($5) for changing the name or address of a broker on the records of the department.

(d) Five dollars ($5) for every transfer of a salesman's license for every change of employment.

(e) Five dollars ($5) for a duplicate license.

(f) Ten dollars ($10) for the substitution of a name in the license of a corporation or copartnership, and an examination fee of fifteen dollars ($15).

(g) Ten dollars ($10) for the granting of a certificate of convenience under Section 8976.

SEC. 4. Section 8971.5 of said code is amended to read:

8971.5. The commission shall issue licenses for yacht and ship brokers or salesmen, covering all phases of the business.

SEC. 5. Section 8973 of said code is amended to read:

8973. The commission shall select suitable and appropriate questions for the written examination for which the applicant has made application, in order to determine the applicant's knowledge of and experience in the appropriate subjects.

SEC. 6. Section 8976 is added to said code, to read:

8976. The commission may issue a certificate of convenience to the executor or administrator of the estate of a deceased agent or broker, or if no executor or administrator has been appointed, and until a certified copy of an order making such appointment is filed with the commission, to the widow or other heir otherwise entitled to conduct the business of the deceased, permitting such person to act as a broker in the conduct of the business of the estate for a period of 45 days from and after the date of death pending, but not later than, disposal of the business, unless such person qualifies by examination for a permanent broker's license.

SEC. 7. Revenues derived from new fees or assessments provided for in this act shall not be available for expenditure until appropriated.

CHAPTER 1168

An act to amend Sections 230, 253, 272, 360, 400, 501, 507, 531, 1102, 1751, 1800, 1802, 1901, and 3365 of, and to add Sections 260, 1939, 1945, and 3397 to, the Financial Code, relating to banks.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 230 of the Financial Code is amended to read:

230. The superintendent shall appoint a chief deputy who holds office at the pleasure of the superintendent. The annual salary of the chief deputy shall be fixed by the superintendent with the approval of the Director of Finance. He shall have the same qualifications as the superintendent. The superintendent shall also appoint two deputies, one to serve in the City and County of San Francisco and one to serve in the City of Los Angeles.

SEC. 1.1. Section 253 of said code is amended to read:

253. Whenever it is necessary for the superintendent to approve any instrument and to affix his official seal thereto, the superintendent shall charge a fee of ten dollars ($10)

therefor. Whenever it is proper for the department to furnish a copy of any paper which has been filed therein and to certify to the paper, the superintendent may charge twenty-five cents ($0.25) per folio for each copy and a fee of ten dollars ($10) for certifying the copy and for affixing his official seal. The department may furnish photographic copies of the paper for a fee sufficient to cover the cost thereof.

SEC. 1.3. Section 260 is added to said code, to read:

260. Whenever the superintendent is notified of or discovers a violation of the state law punishable by criminal penalties, he shall promptly advise the Attorney General.

SEC. 1.5. Section 272 of said code is amended to read:

272. The superintendent in addition to the annual assessment shall collect from each corporation conducting a trust business only, and from each corporation doing a departmental business as a title insurance company and as a trust company, to defray the cost of examination, a fee not to exceed seventy-five dollars ($75) per diem, for each examiner necessarily engaged in the examination of the trust company or trust department. The superintendent shall assess the fee upon completion of the examination of the trust company or trust department of the title insurance company.

SEC. 1.7. Section 360 of said code is amended to read:

360. The request for authority to organize and establish a corporation to engage in the banking or trust business shall be set forth in an application in such form and containing such information as the superintendent may require and shall be accompanied by a fee of one thousand dollars ($1,000).

SEC. 2. Section 400 of said code is amended to read:

400. The articles of incorporation of the proposed bank or trust company shall be submitted to the superintendent for his approval before they are filed with the Secretary of State pursuant to the Corporations Code. After the articles have been filed with the Secretary of State the proposed bank or trust company shall:

(a) File with the superintendent a copy of its articles of incorporation, certified by the Secretary of State, and, after the organization meeting of the directors, a copy of its by-laws certified by its secretary.

(b) File with the superintendent a statement in such form and with such supporting data as he may require showing that the entire capital and surplus have been fully paid in lawful money, unconditionally, and that the funds representing such capital and surplus, less sums spent as authorized by this code for organization expense and for land, buildings, and fixtures are on deposit in a state or national bank in this state, subject to withdrawal on demand.

(c) Pay to the superintendent a fee of one hundred dollars ($100) for each department.

SEC. 2.4. Section 501 of said code is amended to read:

501. The request for authority to establish a branch office shall be set forth in an application in such form and containing

such information as the superintendent may require and shall be accompanied by an application fee of two hundred fifty dollars ($250) for each new branch office.

SEC. 3. Section 507 of said code is amended to read:

507. When authorized by the superintendent a bank or trust company may change the location of a branch office from one location to another in the same vicinity upon payment of a fee of one hundred dollars ($100).

SEC. 4. Section 531 of said code is amended to read:

531. An application to establish a foreign branch or branches shall specify the place or places where the same are proposed to be established and the banking operations proposed to be carried on and shall contain such other information as the superintendent may require. The superintendent in his discretion may approve or disapprove the application and may at any time require the discontinuance of any foreign branch office. An application to establish a foreign branch shall be accompanied by a fee of two hundred fifty dollars ($250) for each foreign branch sought to be established.

SEC. 5. Section 1102 of said code is amended to read:

1102. A bank or trust company which desires to add one or more additional departments shall apply to the superintendent for his consent, making an application in such form and containing such information as he may require. The application shall show the apportionment of the capital and surplus of such bank or trust company to each of the proposed departments, and shall be accompanied by a fee of one hundred dollars ($100) for each new department. The superintendent, when he is satisfied that the bank has complied with all of the applicable provisions of this division and that the depositors and creditors of the bank will not be adversely affected thereby, shall issue his certificate authorizing the bank to add the department or departments for which application was made.

SEC. 6. Section 1751 of said code is amended to read:

1751. A foreign banking corporation shall not after October 1, 1949, commence to do business in this state until it has met the following requirements:

(a) It is authorized by its charter to transact the character of business described in Section 1756 and has complied with the laws of the state or country under which it is incorporated.

(b) It has filed with the superintendent a certified copy of its charter or articles of incorporation and of its bylaws and an application in such form and containing such information as the superintendent may require, accompanied by a fee of one thousand dollars ($1,000).

(c) It has furnished to the superintendent such proof of the nature and character of its business and its financial condition, stock ownership, and management as he may require.

(d) It has designated the superintendent and his successor in office by a duly executed instrument in writing, its agent, upon whom process directed to the corporation may be served. The superintendent shall forward by mail, postage

prepaid, a copy of every process served upon him under the provisions of this subdivision, addressed to the manager or agent of such corporation at its principal place of business in this state. For each copy of process the superintendent shall collect the sum of five dollars ($5) which shall be paid by the plaintiff or moving party at the time of service, to be recovered by him as a part of his costs.

(e) It has complied with all applicable requirements of the Corporations Code of California relating to foreign corporations except matters specifically otherwise provided for in this code.

(f) Its manager or agent residing in this state has taken an oath that he will, as far as the duty devolves upon him, diligently and honestly administer the affairs of the corporation and will not knowingly violate or wilfully permit to be violated any of the provisions of law applicable to the corporation and the oath, subscribed by the manager or agent taking it, has been transmitted to the superintendent and filed in his office.

(g) It has allocated and assigned to its California business a portion of its capital and surplus equal in amount to the amount of capital required by this division of a bank commencing to do business in the city in which the foreign corporation proposes to do business. One-half of the required minimum allocated capital and surplus, or one hundred thousand dollars ($100,000), whichever is greater, shall be kept in cash or in securities of the kind which may be deposited by trust companies to secure court and private trusts under Section 1542 and shall be deposited with the State Treasurer for the faithful performance of all obligations entered into in California.

(h) It has received from the superintendent his certificate licensing it to do business.

SEC. 7. Section 1800 of said code is amended to read:

1800. No person shall engage in the business of receiving money for the purpose of transmitting the same or its equivalent to foreign countries without first obtaining a license from the superintendent. For the purposes of this article "licensee" means any person licensed pursuant to this article. The provisions of this article shall also apply to persons engaged in the business of receiving money for the purpose of transmitting the same within the United States by an instrument or order drawn upon and directed to the person receiving the money for transmission. The provisions of this article shall not apply to (a) a bank or trust company or a foreign banking corporation licensed to do business in this state, or (b) the receipt of money by an agent of an incorporated telegraph company at any regular office of such company for immediate transmission by telegraph. A licensee engaged in the business of receiving money for transmission to a foreign country or for the purpose of paying to others, bills, invoices or accounts of an obligor, or selling or cashing checks, including travelers' checks, drafts, or money orders, or receiving money for the purpose of transmit-

ting the same within the United States by an instrument or order drawn upon and directed to the person receiving the money for transmission, shall pay to the superintendent annually on or before July 1st fifty dollars ($50) for each branch office and three dollars ($3) for each agency at which money is received for transmission within the United States or to a foreign country or for the purpose of paying the bills, invoices or accounts of an obligor or at which such instruments are cashed or sold, excluding any agency at which only travelers' checks are cashed or sold.

SEC. 7.5. Section 1802 of said code is amended to read:

1802. An application for a license shall be in writing, under oath, and in a form prescribed by the Superintendent of Banks. It shall contain the name and address of the applicant, and, if a corporation, of every officer and director thereof. The application shall also contain such other information as the superintendent may require. Upon the filing of the application for a license the applicant shall pay to the superintendent a filing fee of five hundred dollars ($500).

SEC. 7.7. Section 1901 of said code is amended to read:

1901. Whenever, in the judgment of the superintendent, the condition of any bank, trust company, or foreign banking corporation renders it necessary or expedient to make an extra examination or to devote any extraordinary attention to its affairs, he has authority to make any necessary extra examinations and to devote any necessary extra attention to the conduct of its affairs and to charge for such extra services an amount not exceeding seventy-five dollars ($75) a day for each examiner engaged in the examination of such bank.

SEC. 8. Section 1939 is added to said code, to read:

1939. Every bank shall file with the superintendent one copy of all material filed by such bank with the Board of Governors of the Federal Reserve System or the Federal Deposit Insurance Corporation pursuant to Section 78*l* of Title 15, United States Code, and Section 1817(j) of Title 12, United States Code, and regulations issued thereunder. Each such copy shall be filed with the superintendent on or before the date upon which the original is filed with the Board of Governors of the Federal Reserve System or the Federal Deposit Insurance Corporation, and shall be available for inspection by the public except to the extent the information contained therein is accorded confidential treatment under federal law or regulations issued thereunder by the Board of Governors of the Federal Reserve System or the Federal Deposit Insurance Corporation. All such material shall be open for inspection by the Attorney General.

SEC. 9. Section 1945 is added to said code, to read:

1945. Every bank shall notify the superintendent of any change in the managing officer of the bank.

SEC. 10. Section 3365 of said code is amended to read:

3365. Any director, trustee, officer or employee of any bank organized under the laws of this state, who makes or main-

tains, or attempts to make or maintain, a deposit of such bank's funds with any other corporation on condition, or with the understanding, express or implied, that the corporation receiving such deposit make a loan or advance, directly or indirectly, to any director, trustee, officer or employee of the corporation so making or maintaining or attempting to make or maintain such deposit is guilty of a felony.

SEC. 11. Section 3397 is added to said code, to read:

3397. It shall be unlawful for any person who solicits funds for deposit in any bank in this state to knowingly enter into any agreement with the bank or a borrower whereby a depositor directly or indirectly receives monetary compensation or interest payments which exceed the legal maximum payable as interest for the deposit.

CHAPTER 1169

An act to amend Sections 453, 455 and 4188 of the Fish and Game Code, relating to deer hunting.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 453 of the Fish and Game Code is amended to read:

453. At its April meeting required by statute the commission shall announce the full contents of its proposed orders for the taking of antlerless deer and fix the times and places at which hearings on the proposed orders shall be held. The time shall not be less than 21 days from the day of the meeting and the place shall be the county seat of each of the counties affected. Prior to the day of setting the dates for such hearings the commission shall consult with the boards of supervisors in the counties affected in determining such dates. Notice of the hearing shall be published at least once, and at least 10 days prior to the hearing, in a newspaper of general circulation in each county affected, or if no such newspaper is published in the county, then in such newspaper in an adjoining county. The hearings shall be conducted by either (a) the commission, (b) a member of the commission designated by it, or (c) the director or other employee of the department if specially directed so to do by the commission.

SEC. 2. Section 455 of said code is amended to read:

455. Not later than 15 days after the holding of such hearing, the board of supervisors may, by resolution adopted, object to the proposed order of the commission or may, by resolution adopted, determine that the proposed order should be modified, setting forth the necessary modifications.

A resolution objecting to, or setting forth modifications of, the proposed orders shall be based upon the testimony and information presented at the commission's hearing, or presented to the board of supervisors at its meeting to consider such resolution. The board of supervisors, a member thereof, or a representative designated by the board, shall attend at the hearing conducted by the commission on the proposed orders provided for in Section 453.

This section applies only to the boards of supervisors of, and to those districts or parts of districts in, Siskiyou, Modoc, Trinity, Shasta, Lassen, Plumas, Sierra, Alpine, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Imperial, Inyo, Lake, Madera, Mariposa, Mendocino, Merced, Mono, Monterey, Napa, Nevada, Orange, Placer, Riverside, San Luis Obispo, Santa Barbara, Santa Clara, Tehama, Tuolumne, Yolo, and Yuba Counties.

SEC. 3. Section 4188 of said code is amended to read:

4188. When a landowner or tenant applies for a permit under Section 4181, the commission, in lieu of such a permit, may, with the consent of or upon the request of the landowner or tenant, under appropriate regulations, issue permits to persons holding valid hunting licenses to take deer in sufficient numbers to stop the damage or threatened damage. The commission, prior to issuing permits to licensed hunters, shall investigate and determine the number of permits necessary and the territory involved and the dates of the proposed hunt.

Prior to issuing permits to licensed hunters, the commission shall hold a public hearing on the proposed depredation hunt in the county or area affected thereby. The time of the hearing shall be not less than 10 days prior to the proposed hunt. Notice of the hearing shall be published at least once, and at least 10 days prior to the hearing, in a newspaper of general circulation in each county affected, or if no such newspaper is published in the county, then in such newspaper in an adjoining county. The hearings shall be conducted by either (a) the commission, (b) a member of the commission designated by it, or (c) the director or other employee of the department if specifically directed so to do by the commission. The time and place where the permits will be issued, the number of permits to be issued, the date or dates hunting will be permitted, and the area open to hunting shall be published once in a paper of general circulation in the area, or if there is no such newspaper then posted in two public places most likely in the opinion of the commission to give notice to the public at least two days prior to the issuing of the permits. The permits shall be issued, in the number predetermined as necessary, to the first person or persons who apply, in person, for the permits, show a valid hunting license, and pay two dollars ($2) for the permit. The holder of a permit may take one deer of either sex and on killing a deer shall immediately affix the permit to the deer and have the permit validated, as are license tags under Section 4341, prior to transporting such deer except for the

purpose of taking it to the nearest officer authorized to countersign the permit. Any deer taken under this section shall be a bonus deer and shall not affect the permit holder's eligibility for any other permits or license tags. Nothing in this section shall be construed to authorize hunting on private land without first obtaining the permission of the owner or tenant in possession.

CHAPTER 1170

An act to amend Sections 19486, 19538, and 19540 of, and to add Sections 19416.5, 19417.5, 19539 5, 19566.5, and 19569.5 to, the Business and Professions Code, relating to horseracing

[Approved by Governor July 14, 1965 Filed with Secretary of State July 14, 1965]

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

SECTION 1. Section 19416.5 is added to the Business and Professions Code, to read:

19416.5. "Appaloosa horse" is any horse (including mare, gelding, colt and filly) that meets the requirements of and is registered by the Appaloosa Horse Club.

SEC. 2. Section 19417.5 is added to said code, to read:

19417.5. "Appaloosa racing" is the form of horseracing in which each participating horse is an appaloosa horse, is mounted by a jockey, and engages in races on the flat over a distance of not less than one-quarter of a mile or more than three-quarters of a mile.

SEC. 3. Section 19486 of said code is amended to read:

19486. No license shall be granted to conduct a horserace meeting upon a track less than one mile in circumference or length to any applicant other than a county fair, district agricultural association, appaloosa horseracing association, or quarter horse racing association.

SEC. 4. Section 19538 of said code is amended to read:

19538. The board may allow not to exceed a total of 100 days for harness racing only. Fifty of such days shall be allocated to licensed racing associations conducting horseracing meetings south of the sixth standard parallel south, Mount Diablo Base and Meridian, and the remainder to licensed racing associations conducting such meetings north of that parallel.

At any harness racing meeting, the licensee may, as approved by the board, conduct one or more quarter horse or appaloosa horse races, provided that appaloosa racing shall be allowed only in connection with the conduct of the California State Fair and Exposition, district agricultural association fairs, or county fairs.

SEC. 5. Section 19539.5 is added to said code, to read:

19539.5. The board may allow not to exceed a total of 100 days for appaloosa racing, such days to be contemporaneous with racing days otherwise provided for quarter horse and harness racing, provided that appaloosa racing shall be allowed only in connection with the conduct of the California State Fair and Exposition, district agricultural association fairs, or county fairs.

SEC. 6. Section 19540 of said code is amended to read:

19540. Racing days allowed pursuant to Sections 19534, 19535, 19536, 19537 and Section 19550, and those allowed the California State Fair and Exposition or county or district agricultural association fairs, may be allowed for such types of racing (including running or thoroughbred racing, harness racing, or quarter horse racing) as may be approved by the board. However, racing days for harness racing shall be allowed only under Section 19538, racing days for quarter horse racing shall be allowed only under Section 19539, and racing days for appaloosa horseracing shall be allowed only under Section 19539.5.

The provisions of Sections 19569 and 19570 are not affected by this section.

SEC. 7. Section 19566.5 is added to said code, to read:

19566.5. The Stud Book of the Appaloosa Horse Club shall be recognized as the sole official registry for appaloosa horses. The board shall, however, by rule provide for the registration of California-bred appaloosa horses to enable compliance with this chapter.

SEC. 8. Section 19569.5 is added to said code, to read:

19569.5. In order to encourage and develop the racing of appaloosa horses, whenever the California State Fair and Exposition or a district or county fair conducts a program of horseraces on which there is parimutuel wagering, it may provide a program of appaloosa horseracing on the same days that is provides a program of other types of horseracing, if sufficient appaloosa horses are available to provide competition in one or more appaloosa horseraces.

Such appaloosa horse events may be in addition to the customary number of thoroughbred, quarter horse or standardbred events.

CHAPTER 1171

An act to add Section 11110 to, and to amend Section 11161.5 of, the Penal Code, relating to mistreatment of children.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 11110 is added to the Penal Code, to read:

11110. The State Bureau of Criminal Identification and Investigation shall maintain records of all reports of suspected infliction of physical injury upon a minor by other than accidental means and reports of arrests for, and convictions of, violation of Section 273a. On receipt from a city police department, sheriff or district attorney of a copy of a report of suspected infliction of physical injury upon a minor by other than accidental means received from a physician and surgeon, dentist, resident, intern, chiropractor, or religious practitioner, the bureau shall transmit to the city police department, sheriff or district attorney, information detailing all previous reports of suspected infliction of physical injury upon the same minor or another minor in the same family by other than accidental means and reports of arrests for, and convictions of violation of Section 273a, concerning the same minor or another minor in the same family.

The bureau may adopt rules governing recordkeeping and reporting under Section 11161.5.

SEC. 2. Section 11161.5 of said code is amended to read:

11161.5. In any case in which a minor is brought to a physician and surgeon, dentist, resident, intern, chiropractor, or religious practitioner for diagnosis, examination or treatment, or is under his charge or care, and it appears to the physician and surgeon, dentist, resident, intern, chiropractor, or religious practitioner from observation of the minor that the minor has physical injury or injuries which appear to have been inflicted upon him by other than accidental means by any person, he shall report such fact by telephone and in writing to the head of the police department, the sheriff or the district attorney. The report shall state, if known, the name of the minor, his whereabouts and the character and extent of the injuries.

No physician and surgeon, dentist, resident, intern, chiropractor, or religious practitioner shall incur any civil or criminal liability as a result of making any report authorized by this section.

Copies of all written reports received by the head of a city police department, sheriff or district attorney shall be forwarded to the State Bureau of Criminal Identification and Investigation. If the records of the Bureau of Criminal Identification and Investigation maintained pursuant to Section 11110 reveal any reports of suspected infliction of physical injury upon the same minor or upon any other minor in the same family by other than accidental means, or if the records reveal any arrest or conviction in other localities for a violation of Section 273a inflicted upon the same minor or any other minor in the same family, or if the records reveal any other pertinent information with respect to the same minor or any other minor in the same family, the city police, sheriff or district attorney shall be immediately notified of the fact

Reports and other pertinent information received from the bureau shall be made available to any licensed physician and

surgeon, dentist, resident, intern, chiropractor, religious practitioner, or probation department, and to any agency offering child protective services.

SEC. 3. This act shall be known and may be cited as the Allen-Cologne Act.

CHAPTER 1172

An act to add Section 20211.1 to the Education Code, relating to junior college tuition fund payments.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 20211.1 is added to the Education Code, to read:

20211.1. The board of supervisors of any county shall have the power to levy a special tax upon all taxable property in the county not situated in a junior college district sufficient in amount to pay a judgment by a court of competent jurisdiction arising from a claim made against any county by the State of California or any department or agency thereof arising from an excessive apportionment made to the county pursuant to Section 20211 during the 1961–62 fiscal year.

CHAPTER 1173

An act to amend Section 224 of the Civil Code, relating to adoptions.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 224 of the Civil Code is amended to read:

224. A legitimate child cannot be adopted without the consent of its parents if living; however, after the custody of any child has, by any judicial decree, been given to the father, and the mother for a period of one year fails to communicate with such child when able to do so, or been given to the mother, and the father for a period of one year shall willfully fail to pay for the care, support and education of such child when able to do so, then the parent to whom custody has been given alone may consent to such adoption, but only after the parent to whom custody has not been given has been personally served with a copy of a citation requiring him or her to appear at the time and place set for the appearance in court under Section 227 of this code; failure of father to pay for the care,

support and education of such child for said period of one year or failure of mother to communicate with such child for said period of one year is prima facie evidence that such failure was willful and without lawful excuse; if the parent to whom custody has not been given cannot be located for personal service, the same may be made by publication as provided for the publication of summons in Section 413 of the Code of Civil Procedure; nor an illegitimate child without the consent of its mother if living; except that the consent of a father or mother is not necessary in the following cases:

1. When such father or mother has been judicially deprived of the custody and control of such child (a) by order of the court declaring such child to be free from the custody and control of either or both of his parents pursuant to Chapter 4 (commencing with Section 232) of Title 2, Part 3, Division 1 of this code, or (b) by similar order of the court of another jurisdiction, pursuant to any law of that jurisdiction authorizing such order; or when such father or mother has, in a judicial proceeding in another jurisdiction, voluntarily surrendered his right to the custody and control of such child pursuant to any law of that jurisdiction provided for such surrender.

2 Where such father or mother of any child has deserted the child without provision for its identification

3. Where such father or mother of any child has relinquished said child for adoption as provided in Section 224m of this code; or where such father or mother has relinquished said child for adoption to a licensed or authorized child-placing agency in another jurisdiction pursuant to the law of that jurisdiction.

CHAPTER 1174

An act to amend Section 20106 of the Education Code, relating to the School District Organization Revolving Fund.

[Approved by Governor July 14, 1965 Filed with Secretary of State July 14, 1965]

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

SECTION 1. Section 20106 of the Education Code is amended to read:

20106. To provide for the operation of newly organized school districts, there shall be appropriated to the School District Organization Revolving Fund, which fund is hereby created in the State Treasury, five hundred thousand dollars ($500,000) from the County School Service Fund Surplus Account in the General Fund to be loaned to such newly organized school districts upon application of the governing board of the district, certified by the county superintendent of schools and approved by the Superintendent of Public Instruction for use by the district during the period from the

date the action to form the district was completed and the date the district becomes effective for all purposes. Money loaned to a district pursuant to this section shall be used only to meet (a) the expenses of office rental, office supplies, postage, telephone, and telegraphing; (b) the expenses of necessary elections required by law or authorized by Section 1603 of this code; and (c) the expenses of employing, the salary of, and necessary travel expenses of officers and necessary clerical help for the governing board.

During each of the two successive fiscal years commencing with the first fiscal year of the existence of the school district for all purposes, the State Controller shall deduct from apportionments made to such school district an amount equal to one-half of the amount loaned to such school district under this section and pay the same amount into the School District Organization Revolving Fund in the State Treasury.

CHAPTER 1175

An act to add Section 13144.5 to the Health and Safety Code, relating to the State Fire Marshal.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 13144.5 is added to the Health and Safety Code, to read:

13144.5. The State Fire Marshal may prepare and conduct voluntary regular training sessions devoted to the interpretation and application of the laws and the rules and regulations in Title 19 of the California Administrative Code relating to fire and panic safety.

CHAPTER 1176

An act to amend Sections 6751, 18355, 18358, 19682, and 19683 of, and to add Section 6763 to, the Education Code, relating to educationally handicapped minors.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 6751 of the Education Code is amended to read:

6751. The governing board of any school district may provide for any one or more of the special educational programs for educationally handicapped minors authorized in this sec-

tion. A county superintendent of schools may enter into an agreement pursuant to Section 6753 with the governing board of a school district having less than 901 average daily attendance in the elementary schools or less than 901 in the high schools of the district to provide any one or more of such special educational programs for the district, or the county superintendent of schools may enter into an agreement pursuant to Section 6753 with the governing board of a school district having an average daily attendance of 901 or more in the elementary schools of the district or 901 or more in the high schools of the district to provide only those special educational programs for the district which are set forth in subdivison (a), (c), or (d), or any combination thereof. Whenever a special educational program, for educationally handicapped pupils set forth in subdivision (a) or (d) of this section is provided by a county superintendent of schools for a district with an average daily attendance of 901 or more in the elementary schools of the district or is 901 or more in the high schools of the district, pursuant to an agreement entered into pursuant to Section 6753, the foundation program prescribed in Section 17656 for an elementary district with an average daily attendance of 901 or more shall apply to educationally handicapped pupils of the elementary schools of the district who are in such a special education program and the foundation program prescribed in Section 17665 shall apply to educationally handicapped pupils of the high schools of the district who are in such a special education program. Such programs shall be provided in accordance with standards for each approved by the State Board of Education. The special educational programs for educationally handicapped minors are:

(a) Special classes (elementary and secondary). Under this program educationally handicapped pupils unable to function in a regular class are assigned to a special class. At the elementary level the special class shall be maintained for a minimum schoolday. The special class for junior and senior high school pupils may be maintained for one or more class periods a day. In this program fundamental school subjects shall be emphasized as prescribed by the State Board of Education.

(b) Learning disability groups (elementary and secondary). In this program, the pupil remains in his regular class but is scheduled for individual or small group remedial instruction given by a special teacher.

(c) Specialized consultation to teachers, counselors, and supervisors (elementary and secondary). Under this program specialized consultation is provided teachers, counselors and supervisors relative to the learning disabilities of individual pupils and special education services required by such pupils.

(d) Home and hospital instruction (elementary and secondary). Under this program, a pupil who is unable to function in a school setting and who does not attend school receives instruction at the appropriate grade level at home or in a hos-

pital or in a regularly established nonprofit, tax-exempt, licensed children's institution.

SEC. 2. Section 18355 of said code is amended to read:

18355. The Superintendent of Public Instruction shall allow, in addition to all other allowances, to the county school service funds: (a) for all emergency schools maintained in each elementary school district of the county by the county superintendent of schools, (b) all special schools or classes for mentally retarded minors and severely mentally retarded minors maintained in each elementary school district of the county by the county superintendent of schools, (c) all elementary schools maintained in juvenile halls, juvenile homes, and juvenile camps, by the county superintendent of schools, and (d) all schools and classes for educationally handicapped minors maintained in each elementary school district of the county by the county superintendent of schools, the same amount as he would compute as the foundation program of the elementary school district under Section 17655.5 or Section 17656.

No allowance shall be made for emergency schools which is in excess of the actual expense of maintaining the emergency school.

SEC. 3. Section 18358 of said code is amended to read:

18358. For all physically handicapped pupils, mentally retarded minors and educationally handicapped minors of secondary grade educated by the county superintendent of schools and for all secondary schools maintained in juvenile halls, juvenile homes and juvenile camps by the county superintendent of schools, the Superintendent of Public Instruction shall allow the same amount as he would compute for the foundation program of a high school district under Section 17665.

SEC. 4. Section 19682 of said code is amended to read:

19682. As used in this article (Sections 19681 to 19689, inclusive), "exceptional children" means physically handicapped minors, mentally retarded minors, or educationally handicapped minors required or allowed to be educated pursuant to Sections 6801 to 6855, inclusive, Sections 6901 to 6919, inclusive, and Sections 6750 to 6762, inclusive.

SEC. 5. Section 19683 of said code is amended to read:

19683. Allocations under this article (Sections 19681 to 19689, inclusive) may be made in such amount as may be necessary, and in such manner as to distribute the available funds equitably among school districts, giving consideration to the needs of each district and the number of children within each district who are blind, partially seeing, aphasic, deaf, hard of hearing, mentally retarded, orthopedically handicapped, cerebral palsied or educationally handicapped.

In computing the number of such children there shall be included:

(a) The number of them residing in the district.

(b) The number of handicapped minors who are actually living within the district five or more days a week, although

their legal residence may be outside the district and who are educated pursuant to Section 6805.

(c) The number of them who reside outside of the district, except those described in subdivision (b), and who are to be educated by the district, excluding mentally retarded minors within the provisions of Section 6902 who reside within a district having an average daily attendance of 900 or more and which does not meet the requirements of Section 19590 concerning outstanding bonded indebtedness.

SEC. 8. Section 6763 is added to said code, to read:

6763. This chapter may be cited as "The Waldie Act."

CHAPTER 1177

An act to amend Section 12951 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 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. When a temporary, interim, or duplicate driver's license is produced in court, the charge shall not be dismissed unless the court has been furnished proof by the Department of Motor Vehicles that such temporary, interim, or duplicate license was issued prior to the arrest, that the driving privilege and license had not been suspended or revoked, and that the person was eligible for such temporary, interim, or duplicate license.

(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.

(c) 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 1178

An act to amend Section 564 of the Welfare and Institutions Code, relating to the juvenile courts.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 564 of the Welfare and Institutions Code is amended to read:

564. Upon a hearing conducted in accordance with Section 563, upon an admission by the minor of the commission of a traffic violation charged, or upon a finding that the minor did in fact commit such traffic violation, the judge, referee, or traffic hearing officer may

(1) Reprimand the minor and dismiss the matter, or

(2) Direct the probation officer to file a petition as provided for in Article 7 (commencing with Section 650) of this chapter, or

(3) Make any or all of the following orders:

(a) That the driving privileges of the minor be suspended or restricted for a period not to exceed 90 days,

(b) That the minor attend traffic school over a period not to exceed 60 days,

(c) That the minor pay to the general fund of the county a sum, not to exceed fifty dollars ($50),

(d) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months.

The judge, referee, or traffic hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

CHAPTER 1179

An act to amend Section 22754 of the Government Code, relating to medical and hospital care for state officers and employees under the Meyers-Geddes Act.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 22754 of the Government Code is amended to read:

22754. As used in this part the following definitions, unless the context otherwise requires, shall govern the interpretation of terms.

(a) "Board" means the Board of Administration of the State Employees' Retirement System.

(b) "Employee" means any officer or employee of the State of California or of any agency, department, authority, or instrumentality of the state including the University of California; except persons employed on an intermittent, irregular or less than half-time basis, or employees similarly situated, or employees in respect to whom contributions by the state for any type of plan or program offering prepaid hospital and medical care are otherwise authorized by law.

(c) "Carrier" means a private insurance company holding a valid outstanding certificate of authority from the Insurance Commissioner of the state, a medical society or other medical group, a nonprofit hospital service plan qualifying under Chapter 11A (commencing with Section 11491) of Part 2 of Division 2 of the Insurance Code, or nonprofit membership corporation lawfully operating under Section 9200 or Section 9201 of the Corporations Code, which is lawfully engaged in providing, arranging, paying for, or reimbursing the cost of personal health services under insurance policies or contracts, medical and hospital service agreements, membership contracts, or the like, in consideration of premiums or other periodic charges payable to it.

(d) "Health benefits plan" means a group insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar group arrangement provided by a carrier for the purpose of providing, arranging, paying for, or reimbursing the cost of basic hospital and medical care and for major medical or other comprehensive benefit plans for employees and annuitants who are also covered under basic plans.

(e) "Annuitant" means:

(1) Any person who has retired while an employee and who receives any retirement allowance under any state or University of California retirement system to which the state was a contributing party.

(2) A family member receiving an allowance as the survivor of an annuitant who has retired as provided in subdivision (1), or as the survivor of a deceased employee under Sections 21364, 21365.5 or 21382 of this code or similar provisions of any other state retirement system.

(f) "Family member" means an employee's or annuitant's spouse and any unmarried child (including an adopted child, a stepchild, or recognized natural child who lives with the employee or annuitant in a regular parent-child relationship) The board shall, by regulation, prescribe age limits and other conditions and limitations pertaining to unmarried children.

(g) "Employee organization" means an association or other organization of employees in which membership is open to employees or annuitants of the state, and which is not organized solely or principally for the purpose of obtaining prepaid hospital and medical care.

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

CHAPTER 1180

An act to amend Sections 11509, 11512, 11525, 11526, 11529, 11535, 11535.1, 11540.1, 11552, 11554, 11555, 11611, 11628, and 11629 of, to add Sections 11503.1 and 11525.1 to, to add Article 6 (commencing with Section 11575) to Chapter 2, Part 2, Division 4 of, and to repeal Sections 11594, 11618, and 11626 of, the Business and Professions Code, and to amend Section 65850 of, and to add Sections 65850.1 and 65907 to, the Government Code, relating to land development.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 11503.1 is added to the Business and Professions Code, to read:

11503.1. "Parcel map" refers to a map showing the division of land as described in subdivisions (b) and (c) of Section 11535.

SEC. 2. Section 11509 of said code is amended to read:

11509. "Advisory agency" refers to an official or an official body designated by a local ordinance and charged thereby with the duty of making investigations and reports on the design and improvement of proposed divisions of land.

SEC. 3. Section 11512 of said code is amended to read:

11512. "Appeal board" refers to a board or other official body designated by a local ordinance to hear and make determinations upon appeals from actions of the advisory agency with respect to tentative subdivision maps, or the kinds, nature and extent of the improvements recommended by the advisory agency to be required.

A separate appeal board may be designated to act upon divisions of land into four or less parcels.

SEC. 4. Section 11525 of said code is amended to read:

11525. Control of the design and improvement of subdivisions is vested in the governing bodies of cities and of counties. Every county and city shall adopt an ordinance regulating and controlling the design and improvement of subdivisions.

SEC. 4.5. Section 11525.1 is added to said code, to read:

11525.1. Any action or proceeding to attack, review, set aside, void or annul the decision of a governing body concerning a subdivision, or of any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced within 180 days after the date of such decision. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court,

criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings excepted.

SEC. 5 Section 11526 of said code is amended to read:

11526. The design, improvement and survey data of subdivisions and the form and content of tentative and final maps thereof, and the procedure to be followed in securing official approval are governed by the provisions of this chapter and by the additional provisions of local ordinances dealing with subdivisions, the enactment of which is required by this chapter.

Local ordinances may provide a proper and reasonable fee to be collected from the subdivider for the examination of tentative and final maps.

SEC. 6. Section 11529 of said code is amended to read:

11529. The county surveyor or city engineer shall make such detailed examination of tentative and final maps and such field check, if any, as may be necessary to enable him to ascertain compliance with this chapter and to make on final maps the certificate required by Section 11593.

SEC. 7. Section 11535 of said code is amended to read:

11535. (a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof, shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels, provided, that this chapter shall not apply to the leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases.

(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

(1) The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

(3) Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial development, and which has the approval of the governing body as to street alignments and widths.

(4) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more.

(d) In any case provided in subdivisions (c)(1), (c)(2), and (c)(3), and in the case of subdivision (b) when requested by local ordinance, a tentative map shall be submitted to the governing body or advisory agency (in the same manner as provided in this chapter for subdivisions) for approval as to area and lot design and as to all requirements of this section. Within one year after approval of the tentative map, a parcel map showing each new parcel or parcels may be filed with the recorder of the county concerned. This map shall be filed prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other such designation. Upon application an extension of the approval of the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and shall continue until the governing body accepts or rejects such offer.

In the case of subdivisions (b) and (c)(3), and when local ordinance provides, the governing body may require the improvement of public or private streets, highways, ways, or easements as may be necessary for local traffic, drainage and sanitary needs.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code

SEC. 8. Section 11535.1 of said code is amended to read:

11535.1. For purposes of Section 11535, "subdivision" includes a condominium project, as defined in Civil Code Section 1350, containing five or more condominiums, as defined in Civil Code Section 783, or a community apartment project, as defined in Business and Professions Code Section 11004, containing five or more parcels; but maps of such projects need not show the buildings or the manner in which the buildings or the airspace above the property shown on the map are to be divided, nor shall the governing body have the right to refuse approval of a tentative or final map of such a project on account of design or location of buildings on the property shown on the map not violative of local ordinances or on account of the manner in which airspace is to be divided in conveying the condominium. Fees and lot design requirements shall be computed and imposed with respect to such maps on the basis of parcels or lots of the surface of the land shown thereon as included in the project. Nothing herein shall be deemed to limit the power of the governing body to regulate

the design or location of buildings in such a project by or pursuant to local ordinances.

SEC. 9. Section 11540.1 of said code is amended to read:

11540.1. Nothing in this chapter prevents the governing body of any municipality or county from regulating the division of land which is not a subdivision, provided that such regulations are not more restrictive than the requirements for a subdivision. The validity of any conveyance, as defined in Section 1215 of the Civil Code, made contrary to the provisions of any ordinance prescribing the area or dimensions of lots or parcels, or prohibiting the reduction in area or the separation in ownership of land, or requiring the filing of a map of any land to be divided, shall not be affected, except that any such ordinance may provide that any deed of conveyance, sale or contract to sell made contrary to the provisions of such ordinance is voidable to the extent and in the same manner provided in Section 11540.

SEC. 10. Section 11552 of said code is amended to read:

11552. (a) If there is no advisory agency, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting, which shall act thereon within 40 days thereafter.

If there is an advisory agency, it shall report, in writing, on the map or maps of any subdivision submitted to it within 40 days after the tentative map has been filed and the report shall approve, conditionally approve or disapprove the map or maps of the subdivision.

The governing body may authorize the advisory agency to report its action direct to the subdivider. If the governing body does not so authorize the advisory agency, the advisory agency shall make its report to the governing body, which body shall act upon the report within 10 days or at its next succeeding regular meeting after receipt of the report.

Any reports or recommendations on the map or maps of any subdivision submitted to the advisory agency or governing body shall be submitted in writing to the subdivider prior to final action on the map or maps by the advisory agency or governing body. Such required submission in writing shall be deemed complied with when such reports or recommendations are placed in the mail directed to the subdivider at his designated address and bearing the proper postage.

(b) If the subdivider is dissatisfied with any action of the advisory agency with respect to the tentative map, or the kinds, nature and extent of the improvements recommended by the advisory agency to be required, he may, within 15 days after such action, appeal to the governing body, unless an appeal board has been designated in which event such appeal must be to the appeal board, for a public hearing thereon. The governing body or appeal board as the case may be shall hear the appeal, upon notice to the subdivider and the advisory agency, unless the subdivider consents to a continuance, within 15 days or at its next succeeding regular meeting. At the time

fixed for the hearing the governing body or appeal board shall proceed to hear the testimony of the subdivider or any witnesses in his behalf and the testimony of the representatives of the advisory agency or any witnesses in its behalf. It may also hear the testimony of other competent persons respecting the character of the neighborhood in which the subdivision is to be located, the kinds, nature and extent of improvements, the quality or kinds of development to which the area is best adapted and any other phase of the matter with respect to which it may desire to inquire into.

Upon conclusion of the hearing the governing body or appeal board shall within seven days declare its findings based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendations or rulings of the advisory agency and may make such findings as are not inconsistent with the provisions of this chapter or local ordinance adopted pursuant to this chapter.

If the subdivider or advisory agency is dissatisfied with any action of the appeal board with respect to the tentative map, or the kinds, nature and extent of the improvements required by the appeal board, either may, within 15 days after such action, appeal to the governing body. The governing body shall hear the appeal within 15 days or at its next succeeding regular meeting, unless the subdivider consents to a continuance, and shall give notice of such hearing to the subdivider, the appeal board and the advisory agency. The governing body shall hear the argument of the subdivider, the appeal board and the advisory agency or of their representatives based upon the testimony and the documents before the appeal board, and may receive documents from or hear the testimony of any competent person respecting the character of the neighborhood in which the subdivision is to be located, the kinds, nature and extent of improvements, the quality of kinds of development to which the area is best adapted and any other phase of the matter with respect to which it may desire to inquire into. Upon conclusion of the hearing the governing body shall, within seven days, declare its findings based upon the testimony and documents produced before it or before the appeal board. It may sustain, modify, reject or overrule any recommendations or rulings of the appeal board and may make such findings as are not inconsistent with the provisions of this chapter or local ordinance adopted pursuant to this chapter.

SEC. 11. Section 11554 of said code is amended to read:

11554. Within a period of 18 months, as prescribed by ordinance, after approval or conditional approval of the tentative map or maps, the subdivider may cause the subdivision, or any part thereof, to be surveyed and a final map to be prepared in accordance with the tentative map as approved. Upon application of the subdivider an extension of not exceeding one year may be granted by the governing body or by an advisory agency that is authorized to report its action directly to the subdivider. In the event the advisory agency denies a

subdivider's application for extension, the subdivider may appeal to the governing body.

SEC. 12. Section 11555 of said code is amended to read:

11555. Any failure to record a final map within the period prescribed by ordinance from the approval or conditional approval of the tentative map or any extension thereof granted by the governing body, shall terminate all proceedings. Before a final map may thereafter be recorded, a new tentative map shall be submitted.

SEC. 13. Article 6 (commencing with Section 11575) is added to Chapter 2, Part 2, Division 4 of said code, to read:

Article 6. Parcel Maps

11575. A parcel map under the provisions of this chapter shall comply with all the provisions of the chapter and, if there is a local ordinance, with all its provisions.

11576. (a) The parcel map shall be prepared by a registered civil engineer or licensed land surveyor. It shall show ties to the centerline of streets or property lines bounding the property for the purpose of showing street widening, conformity with proposed building setback lines, and other information required by the governing body for the orderly administration of their zoning and building regulations.

(b) In any case where the division of land creates four or less parcels, the parcel map may be compiled from record data available when sufficient survey information exists on filed maps and when the location of any boundary of the parcel map, either by monuments or possessory lines, is certain. The parcel map shall be submitted to the county surveyor or city engineer for his examination prior to filing.

(c) In any case where the division of the land creates five or more parcels, as authorized in Section 11535, subdivisions (c)(1), (c)(2), or (c)(3), the parcel map shall be based upon a field survey of the land made in conformance with the Land Surveyors' Act. In any case the parcel map may be based upon a field survey made in conformance with the Land Surveyors' Act. Where the parcel map is based on a field survey, it shall be submitted to the county surveyor or city engineer for his examination prior to filing.

(d) Within 20 days after receiving the parcel map, or within such additional time as may be reasonably necessary, the county surveyor or city engineer shall examine it for the survey information shown thereon, and if he is satisfied that it is technically correct, he shall place the following certification on the map:

COUNTY SURVEYOR'S CERTIFICATE
(or CITY ENGINEER'S CERTIFICATE)

This map has been examined this _____ day of _____, 19___, for conformance with the requirements of Section 11575 of the Subdivision Map Act.

Signed_____
County Surveyor/City Engineer

(e) Where the field survey discloses conditions existing as described in subdivisions (a), (b), (c) or (d) of Section 8762, a record of survey map shall be filed as required by the Land Surveyors' Act. The parcel map may then be based upon this survey.

11577. The parcel map shall conform to all of the following provisions:

(a) It shall be a map legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film, including certificates, except that such certificates may be legibly stamped or printed upon the map with opaque ink when recommended by the county recorder and authorized by the local governing body by ordinance. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be 18 x 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

(c) Each parcel shall be numbered or otherwise designated.

(d) The exterior boundary of the land included within the parcel map shall be indicated by colored border. The map shall show the definite location of the original parcel or parcels, and particularly its relation to surrounding surveys.

11578. If the parcel map satisfies the condition of this article and those applicable provisions of Section 11535 of this code, no final map need be filed.

11579. Certificates shall appear on a parcel map as follows:

SURVEYOR'S CERTIFICATE

This map was prepared by me or under my direction (and was compiled from record data) (and is based upon a field survey) in conformance with the requirements of the Subdivision Map Act at the request of (Name of person authorizing map) on _____, 19___. I hereby certify that it conforms to the approved tentative map and the

conditions of approval thereof; that all provisions of applicable state law and local ordinances have been complied with.

(Signed and sealed)_____
L. S. (or R.C.E.) No._____

RECORDER'S CERTIFICATE

Filed for record this ___ day of _____, 19___, at ___m. in Book___ of _____ at Page ___ at the request of _____
_____

(Signed)_____
County Recorder

11580. After affixing his certificate as required in subdivision (d) of Section 11576 the county surveyor shall present the map to the county recorder for filing.

When any parcel map is presented to the county recorder and is accepted by him he shall so certify on the face thereof and shall fasten the same securely in a book of parcel maps which he shall keep in his office. The recorder may not have more than 10 days to examine the parcel map before accepting or refusing it for filing. The charge for filing and for indexing by the recorder shall be the same as provided for subdivided land under Section 27372 of the Government Code. Upon acceptance by the recorder, the parcel map shall be a public record.

SEC. 14. Section 11594 of said code is repealed.

SEC. 15. Section 11611 of said code is amended to read:

11611. The governing body shall at its next meeting or within a period of not more than 10 days after the filing approve the map if it conforms to all the requirements of this chapter and of any local ordinance applicable at the time of approval of the tentative map, or any rulings made thereunder.

The time limit for the approval of such map may be extended by mutual consent of the subdivider and the governing body. If no action is taken within such time limit or within the time to which it has been extended by such mutual consent, the map, if it conforms to all the requirements above set forth, shall be deemed to be approved, and it shall be the duty of the clerk of the governing body thereupon to certify the approval.

The governing body shall at that time also accept, accept subject to improvement, or reject any or all offers of dedication and, unless the streets and easements have been improved and accepted, shall, as a condition precedent to the acceptance of any streets or easements, provide for the improvement of such streets or easements in accordance with standards established by such governing body by local ordinance applicable at the time of approval of the tentative map by requiring the subdivider (a) to enter into an agreement with the city or county upon mutually agreeable terms to thereafter improve said streets and easements at the subdi-

vider's expense, or (b) to enter into a contract with the city or county upon mutually agreeable terms to thereafter initiate and consummate proceedings under an appropriate special assessment act for the financing and installation of all the improvements required by local ordinance.

The standards may be adopted by reference, without posting or publishing them, if they have been printed in book or pamphlet form and three copies thereof have been filed for use and examination by the public in the office of the clerk of the local agency prior to the adoption.

SEC. 16. Section 11618 of said code is repealed.

SEC. 17. Section 11626 of said code is repealed.

SEC. 18. Section 11628 of said code is amended to read:

11628. When any final map is presented to the county recorder and is accepted by him, he shall so certify on the face thereof and shall fasten the same securely in a book of maps of subdivisions or of cities and towns which he shall keep in his office. The recorder may have not more than 10 days to examine the final map before accepting or refusing it for filing. Upon acceptance by the recorder, the final map shall be a public record.

SEC. 19. Section 11629 of said code is amended to read:

11629. Any map of a subdivision that has been filed for record may be amended to correct an error in any course or distance shown thereon or to show any course or distance that was omitted therefrom by the filing for record of an amending map of said subdivision. The amending map shall conform to the requirements of Section 11567. The county surveyor shall examine such amending map and if such examination discloses that the only changes on the amending map are changes above provided for, he shall certify this to be a fact over his signature on the amending map. Thereafter the amending map shall be entitled to be filed in the office of the recorder in which the original subdivision map was filed. Upon such filing, the recorder shall note upon the map thereby superseded, the book and page reference to the amending map.

SEC. 20. Section 65850 of the Government Code is amended to read:

65850. The legislative body of a city or county may, by ordinance, create either a board of zoning adjustment or the office of zoning administrator.

If so designated, and when so operating, acts and determinations of such board of zoning adjustment or such zoning administrator shall be directly reviewable by the legislative body, which may affirm, reverse or modify any such act or determination as it deems just and equitable. The procedure for such review shall be as provided by ordinance of the legislative body.

SEC. 21. Section 65850.1 is added to said code, to read:

65850.1. Any action or proceeding to attack, review, set aside, void or annul the decision of an administrative agency concerning any decision of matters listed in Section 65853, or

concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced within 180 days after the date of such decision. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court, criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings excepted.

SEC. 22. Section 65907 is added to said code, to read:

65907. Any action or proceeding to attack, review, set aside, void or annul any decision of matters listed in Sections 65901 and 65903, or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced within 180 days after the date of such decision. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court, criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings excepted.

SEC. 23. Section 22 of this act shall become operative only if Senate Bill No. 716 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Senate Bill No. 716 takes effect; at which time Sections 65850 and 65850.1 of the Government Code as set forth in Sections 20 and 21 of this act are repealed.

CHAPTER 1181

An act to amend Section 13851 of the Revenue and Taxation Code, relating to inheritance tax.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 13851 of the Revenue and Taxation Code is amended to read:

13851. Intangible personal property is exempt from the tax imposed by this part if the decedent at the time of his death was a resident of a territory or another state of the United States. Such property is also exempt if the decedent at the time of his death was a resident of a foreign state or country

which then imposed a legacy, succession, or death tax in respect to intangible personal property of its own residents, but either:

(a) Did not impose a legacy, succession, or death tax of any character in respect to intangible personal property of residents of this state; or

(b) Had in its laws a reciprocal provision under which intangible personal property of a nonresident was exempt from legacy, succession, or death taxes of every character if the territory or state of the United States or foreign state or country in which the nonresident resided allowed a similar exemption in respect to intangible personal property of residents of the foreign state or country of residence of the decedent.

CHAPTER 1182

An act to amend Section 11251 of the Education Code, relating to average daily attendance of a school district.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 11251 of the Education Code is amended to read:

11251. (a) In computing the average daily attendance of a school district, there shall be included only the attendance of pupils while engaged in educational activities required of such pupils and under the immediate supervision and control of an employee of the district who possessed a valid certification document, registered as required by law, authorizing him to render service in the capacity and during the period in which he served.

(b) The State Department of Education shall, in cooperation with the Department of Finance and the Legislative Analyst, conduct a study to devise a suitable method for determining the number of units of average daily attendance for a fiscal year, of pupils in grades kindergarten through 12 enrolled in elementary districts, high school districts, and unified districts. Such method shall be based upon the mean average of active enrollment figures on appropriate dates throughout the school year, multiplied by a proven percentage ratio of enrollment to average daily attendance.

If the method devised will yield approximately the same total number of average daily attendance as is now obtained by existing methods specified in this code and such method has been approved by the State Board of Education, it shall be recommended to the Legislature to be used for all computations of average daily attendance in the regular day classes of the elementary and high schools.

SEC. 2. It is the intent of the Legislature in amending Section 11251 of the Education Code to relieve, to the fullest possible extent, classroom teachers of noneducational tasks and to reduce administrative costs in accounting and reporting attendance within the limitations imposed for the necessity of providing an accurate attendance accounting system for statistical and fiscal purposes and for insuring proper controls for the derivation of, and allocations from, the State School Fund.

CHAPTER 1183

An act to repeal Section 20804.51 as added by Chapter 1834 of the Statutes of 1961, to amend Sections 20025, 20031, 20580, 20609, 20750.42, 20801.5, 20894.1, 21252.10, 21252.5, 21330, 21330.5 and 21338, to amend and renumber Sections 20205, 20205.1, 20206 and 20209 of, and to add Sections 20612 and 21252.45 to the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 20804.51 of the Government Code as added by Chapter 1834 of the Statutes of 1961 to repeal Section 20950.6, is repealed.

SEC. 2. Section 20025 of said code is amended to read:

20025. For a local member who is an employee of a contracting agency which has amended or shall amend its contract with the board to subject itself to the provisions of this section, and for a retired person who was an employee of a contracting agency which has elected or shall elect to subject itself to the provisions of both this section and Section 21251.3 or Section 21251.35 of this code, and for no other member, there shall be excluded from the compensation used in any computation, to determine the portion of any benefit based on current service rendered to the contracting agency prior to the effective date of such amendment, any compensation in excess of four hundred sixteen dollars and sixty-six cents ($416.66) per month, unless such member shall elect, at any time prior to retirement, by written notice filed in the office of the board, to pay into the retirement fund, by lump sum payments or at times, in amounts, and in a manner fixed by the board, and thereafter pays into the retirement fund, (1) such additional amount as he would have contributed as a part of his normal contributions as an employee of such contracting agency, assuming the entire compensation earned by him was subject to normal contributions; and (2) an amount equal to the additional interest which would have been credited to his account under such assumption; and (3) in the case of any member electing to make

payment in other than a lump sum, interest on the balance of the amount payable into the retirement fund, pursuant to such election, at the rate of interest currently being used from time to time under this system. At the time of filing the notice of election, as herein provided, any such member may elect to apply toward the additional amount payable by him pursuant to such election, any additional accumulated contributions with which he is entitled to be credited.

The entire compensation of a member shall be included in any computation to be made under this part to determine the portion of any benefit based on current service rendered on and after the effective date of such amendment to the contract. If a member makes the election and payment as provided in this section, his entire compensation shall be included in any computation to be made under this part for the entire period of his current service rendered as an employee of such contracting agency and with which he is entitled to be credited at retirement.

A local member's entire compensation shall be included in any computation to be made under this part for the period of his current service with which he is entitled to be credited and which was rendered as an employee of a contracting agency whose contract by express provision on its effective date made the contracting agency subject to the provisions of this section.

This section shall not apply to any state member; nor shall it apply to any contracting agency nor to its employees unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or unless an express provision included in the contract on its effective date, made the contracting agency subject to the provisions of this section.

SEC. 3. Section 20031 of said code is amended to read:

20031. "Accumulated contributions" means accumulated normal contributions plus any accumulated additional contributions standing to the credit of a member's account; provided, however, that "accumulated contributions" as used in any provision of this part specifying a minimum amount of such contributions as a condition of the exercise of any right or entitlement to any benefit shall mean only accumulated normal contributions.

SEC. 4. Section 20580 of said code is amended to read:

20580. Every county superintendent of schools shall enter into a contract with the board for the inclusion in this system of (a) all of the employees of the office of county superintendent whose compensation is paid from the county school service fund other than employees electing pursuant to Section 873.1 of the Education Code to continue in membership in a county system; and (b) all of the employees of school districts existing on July 1, 1949, or thereafter formed, within his jurisdiction, other than school districts which are contracting agencies or which maintain a district, joint district, or other

local retirement system, in respect to service rendered in a status in which they are not eligible for membership in the State Teachers' Retirement System. The effective date of each such contract shall be not later than July 1, 1949. For the purposes of this part such school district employees shall be considered to be employees of the county superintendent of schools having jurisdiction over the school district by which they are employed and service to the district shall be considered as service to the county superintendent of schools.

SEC. 5. Section 20609 of said code is amended to read:

20609. The normal rate of contribution for a member who is credited with service in any membership category in which his current service pension will be calculated under either Section 21252.1, 21252.10, 21252 2, 21252.3, 21252.4, or 21252.6, and who reenters state service in the same or another such category shall be based on the age upon which his normal rate of contribution for the preceding period of such credited service was based, increased by the number of years of any intervening absence from such category, and shall be such as will provide on the average a service retirement annuity at normal retirement age for the category entered or the later completion of 20 years' service equal to one-fourth of final compensation less one-half of the prior service pension and less the total percentage of final compensation which his contributions for such credited service were calculated to provide. In no event shall the normal rate of contribution provided under this section be such as will provide on the average a service retirement annuity in excess of $1\frac{1}{4}$ percent of final compensation for each year of current service.

If, upon any such reentry into state service, the member's current service pension for service thereafter will be calculated under Section 21252.5, the normal rate of contribution thereafter shall be such as will provide on the average a service retirement annuity at age 60 equal to five-eighths of 1 percent of his final compensation for each year of current service which would be applicable toward the benefit formula set forth in Section 21252 5. The amendment to this section at the 1965 General Session shall apply only to the rate of a member who reenters state service on or after October 1, 1965.

SEC. 6. Section 20804.5 of said code is amended to read:

20804.5. Any member shall receive current service credit for time which was spent by him in employment of the state or a contracting agency (a) while not a member of this system but after persons employed in his status were eligible for membership in this system, or (b) while excluded from membership because serving on a part-time basis or because of his failure to exercise his right of election of membership under either Section 20360 or 20361 of this code, or (c) while excluded from membership in an employment in which persons since have become eligible for membership and which is not creditable to him under other provisions of this part, if, at any time prior to retirement, he elects to pay, and pays, into

the retirement fund, by lump sum payment or by installments over a period not to exceed 60 months subject to minimum payments fixed by the board, normal contributions for such time computed by applying the rate of contribution applicable to him at the time he first became a member of this system after the period to be credited as service to the compensation earnable by him at that time, together with interest on such contributions or on the unpaid balance if such contributions are paid by installments, from October 1, 1953, or from the date on which he first became a member of this system after the period to be credited as service, whichever is later, until paid.

SEC. 7. Section 20894.1 of said code is amended to read:

20894.1. Any employee of a contracting agency who is or was absent on military service on the effective date of the contract and who would become or would have become a member if he were not so absent becomes or became a member on said effective date, with the same status and rights of membership as if he were not or had not been so absent on said effective date. Any such employee and any other employee of a contracting agency who was absent on military service prior to said effective date shall receive credit as prior service for time during which he was absent on military service prior to said effective date provided such employee is entitled to receive prior service credit pursuant to Section 20834 or 20834.1 of this part and he returned to employment of the contracting agency within six months of the termination of his active service with the armed forces under conditions other than dishonorable or within six months after any period of rehabilitation afforded by the United States government other than a period of rehabilitation for purely educational purposes.

SEC. 8. Section 21252.10 of said code is amended to read:

21252.10. The current service pension for law enforcement members is a pension derived from the contributions of the employer which, when added to the service retirement annuity that is derived from the accumulated normal contributions of the member, shall equal the same percentage of his final compensation, regardless of his age at retirement, for each year of law enforcement service, as the contributions of the member and the employer are calculated to provide upon retirement for service at age 55, or upon completion of 20 years of service at an age higher than 55, or upon retirement with less than 20 years service at age 55, for each year of law enforcement service after January 1, 1932.

The percentage shall be reduced by one-third, as applied to that part of the member's final compensation which does not exceed four hundred dollars ($400) per month for service after the effective date of coverage of a member under the federal system; provided, however, that the retirement allowance of any member who was a law enforcement member on October 1, 1965, and who is subject to such reduced percentage, shall not be less than the actuarial equivalent of the retirement

allowance he would have received under this section prior to its amendment at the 1965 Regular Session of the Legislature.

SEC. 9. Section 21252.5 of said code is amended to read:

21252.5. The combined current and prior service pensions for a local safety member who is an employee of a contracting agency which is subject to the provisions of this section, is an annual pension which when added to the service retirement annuity that is derived from the accumulated normal contributions of the member shall equal the sum of the following:

(a) A temporary annuity based on age at retirement and length of service computed according to the following formula:

(1) 0.50 times the product of his age at retirement and his years of credited prior and current service not in excess of 20 years, plus

(2) 0.40 times the product of his age at retirement and his years of credited prior and current service in excess of 20 years.

(b) The percentage of final compensation set forth opposite his age at retirement in the following table multiplied by the number of years of credited current and prior service as a safety member in the employ of all contracting agencies subject to this section at the time of his retirement:

If retirement occurs at age:	The percent for each year of credited service is:
60	1.250
60¼	1.275
60½	1.300
60¾	1.325
61	1.350
61¼	1.375
61½	1.400
61¾	1.425
62	1.450
62¼	1.475
62½	1.500
62¾	1.525
63	1.550
63¼	1.575
63½	1.600
63¾	1.625
64	1.650
64¼	1.675
64½	1.700
64¾	1.725
65	1.750

If the member retires before attaining age 60, the prior and current service pension under this section shall be reduced to that amount which the value of the pensions, as deferred to age 60, will purchase at the actual age of retirement.

The temporary annuity under subdivision (a) of this section shall not be subject to the optional settlements under Article 4 of this chapter and shall be payable monthly until the retired member attains or would have attained age 65. Should his death occur prior to age 65, the commuted value of any remaining installments shall be paid to his designated beneficiary in the manner provided in Section 21332.5 for payment of death benefits under optional settlement one.

The agency's liability for prior service shall be in the same proportion to the total reserves required as the years of credited prior service bear to the total years of credited service. The agency's liability for current service shall consist of the remainder of the total reserves required after deducting the liability for prior service and the accumulated normal contributions of the member.

This section shall apply only to a contracting agency which elected prior to October 1, 1965, by express provision of its contract or amendment thereto to be subject hereto.

SEC. 10. Section 21330 of said code is amended to read:

21330. In lieu of the retirement allowance for his life alone, a member or retired member may elect, or revoke or change a previous election prior to the approval of the previous election, to have the actuarial equivalent of his retirement allowance as of the date of retirement applied to a lesser retirement allowance, in accordance with one of the optional settlements specified in this article. Said election or revocation or change thereof, with respect to patrol, local safety or law enforcement members, shall apply to all of the retirement allowance, if, at the effective date of retirement for service or for industrial disability, said member has no wife, children or dependent parents who would qualify for continuance of the allowance after the death of said member; or, if at retirement said member has a wife, children or dependent parents who would so qualify, then said election, or revocation, or change thereof shall apply only to the portion of the allowance which would not be continued after the member's death, regardless of dependents.

SEC. 11. Section 21330.5 of said code is amended to read:

21330.5. The lesser retirement allowance under an optional settlement elected at retirement for law enforcement members whose retirement is effective prior to October 1, 1965, and who are entitled to receive benefits under the federal system, shall be actuarially equivalent to that part of the retirement allowance which is subject to option pursuant to Section 21330 that would have been payable at retirement had no optional settlement been elected after taking into consideration the reduction in said allowance provided for in Section 21252 10. Upon the election of an optional settlement by a member who has not attained the federal retirement age the board shall estimate the federal benefit upon the basis of information then available to it. If the death of such a member should occur before he has attained the federal retirement

age payments under the optional settlement elected shall be as estimated. If such a member attains the federal retirement age, the board shall then recalculate the lesser retirement allowance payable under the optional settlement upon the basis of the age of the member and the beneficiary on the effective date of retirement, actuarial tables then in use and the federal benefit.

SEC. 12. Section 21338 of said code is amended to read:

21338. A member retiring for service who is credited with state service, the compensation for which was subject to contribution pursuant to Section 218 of the Social Security Act, and who is fully insured under old age, survivors, and disability insurance may elect to have the actuarial equivalent of his unmodified service retirement allowance paid in two parts:

(a) A temporary annuity which shall not exceed the primary social security benefit which it is anticipated the member will be entitled to receive at age 62 or 65, whichever shall be designated by the member, plus

(b) A life income consisting of his service retirement annuity plus such pension as may be provided by the actuarial value of his current and prior service pensions remaining after providing the temporary annuity in (a).

The temporary annuity under (a) shall not be subject to further optional settlement under this article and shall be payable monthly until the retired member attains or would attain the age designated by the member under subdivision (a). Should his death occur prior to such age, the commuted value of any remaining installments shall be paid to his designated beneficiary in the manner provided in Section 21332.5 for payment of death benefits under optional settlement one.

This section shall not apply to an allowance based on service with respect to which a member is subject to Section 21252.5.

SEC. 13. Section 20205 of said code is amended and renumbered to read:

20205.1. Except as investment is otherwise authorized by law, investments of the retirement fund are subject to the terms, conditions, limitations, and restrictions imposed by the laws of the state upon savings banks in the making of investments.

SEC. 14. Section 20205.1 of said code is amended and renumbered to read:

20205.7. The board may invest the funds of the retirement fund in bonds issued pursuant to the Improvement Bond Act of 1915; provided, that an ad valorem tax on all property taxable by the public agency which authorized the issuance of such bonds, at a rate not exceeding ten cents ($0.10) for each one hundred dollars ($100) of assessed value, computed as of the date of such investment, would produce an amount equal to at least 100 percent of the principal and interest payable in any year thereafter on the issue of bonds in which such investment is made.

SEC. 15. Section 20206 of said code is amended and renumbered to read:

20205. The board may itself make any investment authorized by law or sell any security, obligation, or real property in which moneys in the fund are invested, by affirmative vote of at least four members of the board and with approval of the Director of Finance, or by such an affirmative vote and with approval of the Director of Finance may from time to time adopt a list of acceptable securities for purchase, and specify either (a) the sum to be invested or (b) the cash reserve to be retained in the fund and not invested, and specify the conditions under which securities or other investments may be sold. While such a list is in effect, securities may be purchased from such list up to the amount so specified for investment by an officer or employee of the board designated by it for such purpose, and sales of securities may be consummated by such officer or employee under the conditions prescribed. Purchases of securities from the list, and sales shall be reported to the board at its next regular meeting.

SEC. 16. Section 20209 of said code is amended and renumbered to read:

20205.5. The board may invest the money in the retirement fund in real property or improvements thereon or to be constructed thereon when such real property or improvements are acquired or to be made by or for sale or lease to the state or a public agency. The board may acquire such real property under the provisions of the Property Acquisition Law. Title to real property acquired by or on behalf of the board pursuant to this section or under the Property Acquisition Law shall be vested in the board. The Director of Finance on behalf of the state may hire or lease as lessee real property or improvements acquired hereunder for lease to the state. Such lease may contain an option or options to purchase said property, or a provision that title to said property shall vest in the state at the expiration of said term, and the Director of Finance is authorized to acquire such property. The board also may invest such money in any valid special obligations of the state or a public agency or an agency of either issued to finance a public building and secured solely by such building or revenues, rentals or receipts received from operation of such building. This section shall not be construed as authorization to acquire any real property or improvements thereon or to issue any obligation 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. 17. Section 20612 is added to said code, to read:

20612. The normal rate of contribution otherwise established pursuant to this article shall be reduced, for a member subject to this section, by one-third as applied to compensation, not exceeding four hundred dollars ($400) for services rendered in any month after the date of execution of the modification of the federal-state agreement including such services

in the federal system, or the effective date of the contract or amendment to the contract subjecting the contracting agency and its employees to this section, whichever is later. This section shall apply to local safety members who are employees of a contracting agency which is subject to Section 21252.45 of this part. This section shall apply to law enforcement members whose services have been included in the federal system with respect to compensation for services rendered on and after October 1, 1965.

SEC. 18. Section 21252.45 is added to said code, to read:

21252.45. The percentage of final compensation, for purposes of calculating the current service pension under Section 21252.4 based on service in any period after the effective date of coverage of a member under the federal system shall be reduced by one-third as applied to that part of the member's final compensation which does not exceed four hundred dollars ($400) per month.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, or in the case of contracts made after the date this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

This section and Section 21252.4 shall supersede Section 21252.5 with respect to all service to a contracting agency electing to be subject hereto; provided, however, that members in employment of such contracting agency on the effective date of the contract amendment subjecting the agency and its employees to this Section 21252.45 may elect, in accordance with board rules, to continue subject to Section 21252.5, and the contracting agency shall be subject to Section 21252.5 rather than this section with respect to members who so elect.

SEC. 19. Section 20750.42 of said code is amended to read:

20750.42. The state's contribution to the retirement fund in respect to law enforcement members is a sum equal to 33.544 percent of the compensation paid law enforcement members.

SEC. 20. Section 20950.6 of said code is repealed.

SEC. 21. The retirement of any member who would have been qualified for retirement had Section 20950.6 of the Government Code not been enacted is hereby confirmed, validated, and declared legally effective.

SEC. 22. This act shall become operative on October 1, 1965.

CHAPTER 1184

An act to amend Section 1011 of the Fish and Game Code, relating to hunter safety training, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 1011 of the Fish and Game Code is amended to read:

1011. The department may:

(a) Procure insurance for its employees against special hazards in connection with their duties occasioned by the existence of a state of war, in addition to workmen's compensation insurance.

(b) Procure insurance for its employees against injury or death in the course of performance of their duties arising from airplane accidents.

(c) Procure insurance on vessels owned or operated by the department against special hazards occasioned by the existence of a state of war, in addition to usual hazards.

(d) Procure insurance for itself and landowners who agree to permit the department to use their land as cooperative hunting, fishing, conservation or recreational areas, against any liability resulting from the operation of such hunting, fishing, conservation or recreational areas.

(e) Procure insurance for itself against any liability resulting from departmental activities or operations.

(f) Procure insurance for its employees or other persons authorized by the department to conduct hunter safety training courses against any public liability or property damage resulting from such training.

The cost of such insurance shall be a proper charge against and shall be paid out of the Fish and Game Preservation Fund.

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 is essential to the maintenance of the efficiency and excellence of the hunter safety training programs directed by the Department of Fish and Game that adequate insurance coverage against personal liability be provided for department employees and independent contracting parties participating therein. In order that the department may take advantage of the authority afforded by this act in connection with hunter safety courses to be conducted during the summer months and prior to the hunting seasons fixed to begin in the late summer

and early autumn of 1965, it is necessary that this act take effect immediately.

CHAPTER 1185

An act to amend Section 1413 of the Labor Code, relating to the Fair Employment Practice Act.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 1413 of the Labor Code is amended to read:

1413. As used in this part:

(a) "Person" includes one or more individuals, partnerships, associations or corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(b) "Employment agency" includes any person undertaking for compensation to procure employees or opportunities to work.

(c) "Labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(d) "Employer," except as hereinafter provided, includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly; the state or any political or civil subdivision thereof and cities.

"Employer" does not include a social club, fraternal, charitable, educational or religious association or corporation not organized for private profit.

"Employer" does not include a person with respect to the person's employment of agricultural workers residing on the land where they are employed as farmworkers, except that "employer" does include a person with respect to the person's employment of agricultural workers to reside on the land where they are employed which employment begins after September 18, 1965.

(e) "Employee" does not include any individual employed by his parents, spouse or child, or in the domestic service of any person in his home.

(f) "Commission," unless a different meaning clearly appears from the context, means the State Fair Employment Practice Commission created by this part.

SEC. 2. The amendment of Section 1413 of the Labor Code made by this act shall be operative only until September 17, 1967, and thereafter shall have no force or effect. On and after September 17, 1967, Section 1413 shall provide as it did prior to the amendment made by this act.

CHAPTER 1186

An act to amend Sections 74131, 74134, 74135, 74136, 74137, 74138 and 74139 of the Government Code, relating to municipal courts of Riverside County.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 74131 of the Government Code is amended to read:

74131. There shall be four judges in the Riverside Judicial District, which shall include the City of Riverside. There shall be two judges in the Desert Judicial District, which shall include the Cities of Palm Springs and Indio. There shall be one judge in the Corona Judicial District, which shall include the City of Corona.

SEC. 1.5. Section 74134 of said code is amended to read:

74134. In the Riverside Judicial District, the salary of the clerk shall be on range 47 and the clerk may appoint:

(a) 1 assistant clerk on range 43.
(b) 7 municipal court clerks on range 39.
(c) 4 senior clerks on range 35.
(d) 8 clerks II on range 33.
(e) 1 municipal court clerk II on range 40

SEC. 2. Section 74135 of said code is amended to read:

74135. In the Riverside Judicial District, the salary of the marshal shall be on range 48 and the marshal may appoint:

(a) 1 assistant marshal on range 44.
(b) 4 deputy marshals II on range 42.
(c) 1 marshal's clerk on range 36.
(d) 2 clerks II on range 33.

SEC. 3. Section 74136 of said code is amended to read:

74136. In the Desert Judicial District, the salary of the clerk shall be on range 47 and the clerk may appoint:

(a) 1 assistant clerk on range 43.
(b) 6 municipal court clerks on range 39.
(c) 2 senior clerks on range 35.
(d) 1 account clerk II on range 34.
(e) 7 clerks II on range 33.
(f) 1 municipal court clerk II on range 40.

SEC. 4. Section 74137 of said code is amended to read:

74137. In the Desert Judicial District, the salary of the marshal shall be on range 48 and the marshal may appoint:

(a) 1 assistant marshal on range 44.
(b) 3 deputy marshals II on range 42.
(c) 2 deputy marshals I on range 41.
(d) 1 marshal's clerk on range 36.
(e) 3 clerks II on range 33.

SEC. 5. Section 74138 of said code is amended to read:

74138. In the Corona Judicial District, the salary of the clerk shall be on range 45 and the clerk may appoint:

(a) 1 municipal court clerk on range 39.
(b) 3 senior clerks on range 35.
(c) 1 account clerk II on range 34.
(d) 2 clerks II on range 33.
(e) 1 municipal court clerk II on range 40.

SEC. 6. Section 74139 of said code is amended to read:

74139. In the Corona Judicial District, the salary of the marshal shall be on range 46 and the marshal may appoint:

(a) 2 deputy marshals II on range 42.
(b) 1 deputy marshal I on range 41.
(c) 1 marshal's clerk on range 36.
(d) 1 clerk II on range 33

SEC. 7. Section 1 of this act shall become operative on April 1, 1967, and Sections 1.5 through 6, inclusive, of this act shall become operative on October 1, 1965.

CHAPTER 1187

An act to amend Section 161 of the Agricultural Code, relating to predatory animal control.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 161 of the Agricultural Code is amended to read:

161. The director may employ hunters and trappers throughout the state to control or eradicate coyotes and other harmful predatory animals, and to shoot or trap bears which are damaging livestock, agricultural crops, or standing timber. For this purpose he may enter into contracts with the Bureau of Sports Fisheries and Wildlife of the United States Department of the Interior to enlist the support of the federal government, and may prescribe the manner, terms, and conditions of such cooperation. No iron or steel-jawed trap shall be used by any hunter or trapper engaged in controlling or eradicating any bears pursuant to this section.

The director may accept, on behalf of the state, donations of money from any person, board of supervisors, or other agency interested in the control of coyotes and other predatory animals. All such moneys shall be paid into the State Treasury and credited to the Department of Agriculture Fund. Moneys thus made available by any board of supervisors shall be expended solely within the boundaries of the county making the appropriation, unless otherwise authorized by the board of supervisors. All other donations shall be applied to the particular locality in which the donors are interested, unless they specifically consent to their use in other localities.

CHAPTER 1188

An act to amend Section 6009.1 of, and to add Section 6395 to, the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 6009.1 of the Revenue and Taxation Code is amended to read:

6009.1. "Storage" and "use" do not include the keeping, retaining or exercising any right or power over tangible personal property for the purpose of subsequently transporting it outside the state for use thereafter solely outside the state, or for the purpose of being processed, fabricated, or manufactured into, attached to or incorporated into, other tangible personal property to be transported outside the state and thereafter used solely outside the state.

"Storage" and "use" also do not include the rental to a lessee of waterproof cargo containers under 20 feet in length, equipped with top-lift castings, suitable for shipboard use, which are removed from this state within 30 days by the lessee for subsequent use in interstate or foreign commerce outside this state and not returned to this state within six months thereafter.

SEC. 2. Section 6395 is added to said code, to read:

6395. There are exempted from the computation of the amount of the sales tax the gross receipts from sales of waterproof cargo containers under 20 feet in length, equipped with top-lift castings, suitable for shipboard use, or materials to become an ingredient or component part of such containers, which are rented to a lessee and removed from this state within 30 days by the lessee for subsequent use in interstate or foreign commerce outside this state and not returned to this state within six months thereafter.

CHAPTER 1189

An act to amend Sections 14920 and 14921 of the Government Code as proposed to be added by Assembly Bill No. 1124 of the 1965 Regular Session, relating to traffic.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965]

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

SECTION 1. Section 14920 of the Government Code as proposed to be added by Assembly Bill No. 1124 of the 1965 Regular Session is amended to read:

14920. (a) 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 via carrier or carriers whose drivers are operating under current collective bargaining agreements or who are maintaining the prevailing wages, standards and conditions of employment for its driver employees; insures adequate state representation before administrative rate-setting bodies; disseminates traffic information throughout all state agencies.

(b) The department shall act in accordance with subsection (a) when issuing bid announcements and upon approval of such bids, except consideration may be given to bids not conforming with the employee cost provisions in areas where no such employee wage standards and conditions are reasonably available.

SEC. 2. Section 14921 of said code as proposed to be added by said bill is amended to read:

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 via carrier or carriers whose drivers are operating under current collective bargaining agreements or who are maintaining the prevailing wages, standards and conditions of employment for its driver employees 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 commensurate with the provisions of Section 14920.

(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 reconsign shipments.

(e) Perform such other duties as may be necessary to the efficient discharge of the rate control function.

SEC. 3. This act shall become operative only if Assembly Bill No. 1124 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No. 1124 takes effect.

CHAPTER 1190

An act to amend Section 40513 of the Vehicle Code, relating to a notice to appear.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 40513 of the Vehicle Code is amended to read:

40513. (a) Whenever written notice to appear has been prepared, delivered, and filed with the court, or whenever notice has been given pursuant to the provisions of Section 41102, an exact and legible duplicate copy of the notice when filed with the magistrate, in lieu of a verified complaint, shall constitute a complaint to which the defendant may plead "Guilty" or "Nolo contendere".

If, however, the defendant violates his promise to appear in court or does not deposit lawful bail, or pleads other than "Guilty" or "Nolo contendere" to the offense charged, a complaint shall be filed which shall conform to the provisions of Chapter 2 (commencing with Section 948) of Title 5, Part 2 of the Penal Code, and which shall be deemed to be an original complaint, and thereafter proceedings shall be had as provided by law, except that a defendant may, by an agreement in writing, subscribed by him and filed with the court, waive the filing of a verified complaint and elect that the prosecution may proceed upon a written notice to appear.

(b) Notwithstanding the provisions of subdivision (a) of this section, whenever the written notice to appear has been prepared on a form approved by the Judicial Council, an exact and legible duplicate copy of the notice when filed with the magistrate shall constitute a complaint to which the defendant may plead "Not guilty." unless the defendant at the time he enters his plea requests that a verified complaint be filed.

CHAPTER 1191

An act to amend Section 18202 of the Health and Safety Code, to amend Sections 1684, 7314, 7721, 7722, 7723 and 7724 of, and to add Section 7728 to, the Labor Code, to amend Sections 971 and 1070.5 of, and to add Sections 1011.5, 1076 and 1091 to, the Insurance Code, and to amend Sections 2815, 10209.5, 10210, 10214.5, 10215, 10222, 10590, 10595, 10602 and 11011 of, and to add Sections 10213.6, 10593.6 and 11011.7 to, the Business and Professions Code, relating to fees.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 18202 of the Health and Safety Code is amended to read:

18202. Fees as applicable shall be submitted for permits:

(a) Plan checking fees equal to one-half of the construction, mechanical and electrical permits, provided, however, the minimum fee shall be ten dollars ($10).

(b) Operating permit fee of twenty-five dollars ($25) for the first 35 lots and fifty cents ($0.50) for each additional lot in excess of the first 35 lots.

(c) Change in name, transfer of ownership, or possession fee ten dollars ($10).

(d) Duplicate or amended permit fee ten dollars ($10).

SEC. 1.5. Section 1684 of the Labor Code is amended to read:

1684. The Labor Commissioner shall not issue to any person a license to act as a farm labor contractor until:

(a) Such person has executed a written application therefor in a form prescribed by the Labor Commissioner, subscribed and sworn to by such person, accompanied by a filing fee of ten dollars ($10), and containing (1) a statement by such person of all facts required by the Labor Commissioner concerning the applicant's character, competency, responsibility, and the manner and method by which he proposes to conduct his operations as a farm labor contractor if such license is issued, and (2) the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates or profit-sharers, in the proposed operation as a labor contractor, together with the amount of their respective interests;

(b) The Labor Commissioner, after investigation, is satisfied as to the character, competency, and responsibility of such person;

(c) Such person has deposited with the Labor Commissioner a surety bond in a penal sum of one thousand five hundred dollars ($1,500). Such bond shall be payable to the people of the State of California and shall be conditioned that said

farm labor contractor will comply with all the terms and provisions of this chapter and will pay all damages occasioned to any person by failure so to do, or by any violation of the provisions of this chapter, or false statements or misrepresentations made in the procurement of his license; and

(d) Such person has paid to the Labor Commissioner a license fee of fifty dollars ($50).

SEC. 2. Section 7314 of said code is amended to read:

7314. The division may fix and collect such fees for the inspection of elevators as it deems necessary, but the charge for the first inspection of each new elevator installation shall not exceed fifteen dollars ($15) or ten dollars ($10) for each inspection of existing elevators or subsequent inspections of new elevator installations. No charge shall be made in any one year for more than one inspection except where safety orders have not been complied with and subsequent inspections are necessary. An additional fee not to exceed ten dollars ($10) may, in the discretion of the division, be charged, for not more than one subsequent inspection annually.

SEC. 3. Section 7721 of said code is amended to read:

7721. The division may, by general safety order, fix and collect fees for the shop inspection of tanks. Said fees shall be fixed in accordance with the size of the tank, the time required to make the inspection and the quantities so inspected. Such fees shall not in any event exceed the following amounts:

(a) For one small tank—eight dollars ($8).

(b) For small tanks in lots of two or more, per hour—eight dollars ($8), or per tank—seventy cents ($0.70) whichever is greater.

(c) Large tanks, per hour—eight dollars ($8).

SEC. 4. Section 7722 of said code is amended to read:

7722. The division may, by general safety order, fix and collect fees for the field inspection of tanks. Such fees shall not exceed the following amounts:

(a) Small tanks, each—eight dollars ($8).

(b) Large tanks, per hour—eight dollars ($8).

SEC. 5. Section 7723 of said code is amended to read:

7723. The division may, by general safety order, fix and collect fees for the field and/or shop inspection of boilers. Such fees shall not, in any event, exceed the following amounts:

(a) For boilers 20 inches or less in diameter, or less than 3 horsepower:

(1) External inspection, six dollars ($6).

(2) Internal inspection, eight dollars ($8).

(b) For fire tube boilers over 20 inches in diameter:

(1) External inspection, eight dollars ($8).

(2) Internal inspection, fifteen dollars ($15).

(c) For water tube boilers over 20 inches in diameter:

(1) External inspection, eight dollars ($8).

(2) Internal inspection, twenty-five dollars ($25).

SEC. 6. Section 7724 of said code is amended to read:

7724. The division may, by general safety order, fix and collect fees for the resale inspection of boilers and tanks. Such fees shall not exceed eight dollars ($8) per hour.

SEC. 7. Section 7728 is added to said code, to read:

7728. Whenever an owner or user of any apparatus or equipment fails to pay the fees required under this chapter within 60 days after notification, said owner or user shall pay, in addition to the fees required under this chapter, a penalty fee equal to 100 percent of such fee. For the purposes of this section, the date of the invoice shall be considered the date of notification.

SEC. 8. Section 971 of the Insurance Code is amended to read:

971. The conditions of such bond shall be as follows:

(a) That the insurer and its agents will pay all state taxes, in the manner and at the time prescribed by law.

(b) That the insurer will conform to all the provisions of the revenue and other laws made to govern it.

(c) That the insurer will promptly pay all fees, assessments, taxes, penalties and fines that may be laid upon or against it.

(d) That if the insurer as a separate entity ceases to do insurance business in this state for whatever reason it will promptly and fully comply with Article 15 (commencing with Section 1070) of Chapter 1, Part 2, Division 1, and pay all fees and lawful charges of the commissioner in connection therewith.

SEC. 9. Section 1011.5 is added to said code, to read:

1011.5. The consent described in Section 1011(c) shall be obtained by filing an application with the commissioner in a form to be prescribed by him accompanied by such additional information concerning the insurer, its condition and affairs as the commissioner requires.

A fee of two hundred fifty dollars ($250) shall be paid to the commissioner for the filing of the application.

SEC. 10. Section 1070.5 of said code is amended to read:

1070.5. Whenever an admitted insurer fails to take any step necessary to maintain continuance of its certificate of authority, or whenever the certificate of authority admitting an insurer is canceled or revoked, or whenever an admitted insurer as an entity ceases doing an insurance business in this state for any reason, such insurer shall apply to withdraw as an insurer and shall withdraw as such insurer from this state pursuant to this article. Every certificate of authority hereafter granted is so granted subject to this withdrawal requirement. Acceptance of every such certificate of authority is an agreement by the accepting insurer that it will conform to the provisions of this article.

SEC. 11. Section 1076 is added to said code, to read:

1076. The withdrawing insurer shall pay to the commissioner a fee of five hundred dollars ($500) for all services and expenses in connection with the withdrawal.

SEC. 12. Section 1091 is added to said code, to read:

1091. The retiring insurer shall pay to the commissioner a fee of seven hundred fifty dollars ($750) for filing the documents initiating approval proceedings under this article. If the plan be approved and consummated the retiring insurer shall apply for withdrawal under Article 15 of this chapter and such fee shall also cover the services and expenses of the commissioner in connection with the withdrawal.

SEC. 13. Section 2815 of the Business and Professions Code is amended to read:

2815. The amount of the fees prescribed by this chapter in connection with the issuance of licenses under its provisions is that fixed by the following schedule:

(a) The fee to be paid upon the filing of an application for a regular renewable license by any person is twenty dollars ($20).

(b) The fee to be paid upon the filing of an application for a temporary license and for each reissuance of a temporary license is five dollars ($5).

(c) The biennial fee to be paid upon the filing of an application for renewal of the regular renewable license shall be set by the board at not more than eight dollars ($8) nor less than two dollars ($2).

(d) The penalty fee for failure to renew a regular renewable license within the prescribed time is five dollars ($5).

No further fee shall be required for a license or a renewal thereof other than as prescribed by this chapter.

SEC. 14. Section 10209.5 of said code is amended to read:

10209.5. The restricted broker license fee is sixty-five dollars ($65) for a four-year period.

SEC. 15. Section 10210 of said code is amended to read:

10210. The real estate broker license fee is sixty-five dollars ($65) for a four-year period.

In the case of an original applicant, the fee is payable after the applicant is notified of passing the examination for license.

SEC. 16. Section 10213 6 is added to said code, to read:

10213.6. If an applicant for any examination fails to take the examination on the date scheduled, he may make application in writing to the principal office of the division in Sacramento for a new date. A fee of four dollars ($4) must accompany the written request to be rescheduled.

SEC. 17. Section 10214 5 of said code is amended to read:

10214 5 The restricted salesman license fee is forty dollars ($40) for a four-year period

SEC. 18 Section 10215 of said code is amended to read:

10215 The real estate salesman license fee is forty dollars ($40) for a four-year period.

In the case of an original applicant, the fee is payable after the applicant is notified of passing the examination for license.

SEC. 19. Section 10222 of said code is amended to read:

10222. For any examination required under any order issued pursuant to the provisions of the Administrative Pro-

cedure Act, the fee is ten dollars ($10) for salesmen and twenty-five dollars ($25) for brokers.

SEC. 20. Section 10590 of said code is amended to read:

10590. The mineral, oil and gas broker license fee is sixty-five dollars ($65) for a four-year period.

In the case of an original applicant, the fee is payable after the applicant is notified of passing the examination for license.

SEC. 21 Section 10593 6 is added to said code, to read:

10593 6. If an applicant for any examination fails to take the examination on the date scheduled, he may make application in writing to the principal office of the division in Sacramento for a new date. A fee of four dollars ($4) must accompany the written request to be rescheduled.

SEC. 22. Section 10595 of said code is amended to read:

10595. The mineral, oil and gas salesman license fee is forty dollars ($40) for a four-year period.

In the case of an original applicant, the fee is payable after the applicant is notified of passing the examination for license.

SEC. 23. Section 10602 of said code is amended to read:

10602. For any examination required under any order issued pursuant to the provisions of the Administrative Procedure Act, the fee is ten dollars ($10) for salesmen and twenty-five dollars ($25) for brokers.

SEC. 24. Section 11011 of said code is amended to read:

11011. After receiving the notice of intention, the commissioner may require such additional information concerning the project as he deems necessary, for which purpose he may prepare a questionnaire for the owner, his agent or subdivider, to answer. A filing fee of fifty dollars ($50), plus two dollars ($2) for each lot in the subdivision, shall accompany the answered questionnaire.

SEC. 25. Section 11011.7 is added to said code, to read:

11011.7. An application for an amended public report shall be accompanied by a twenty-five-dollar ($25) filing fee plus five dollars ($5) for each 100 copies requested in excess of 100 copies.

SEC. 26. The revenues derived from the fees provided for in Sections 8 to 12, inclusive, of this act shall not be available for expenditure until appropriated.

SEC. 27. Revenues derived from the increase in fees or assessments or from the new fees or assessments provided for in Sections 14 to 25, inclusive, of this act shall not be available for expenditure until appropriated.

SEC. 28. Sections 14 to 25, inclusive, of this act shall become operative on January 2, 1966.

CHAPTER 1192

An act to amend Section 20806 of the Education Code, relating to school district taxation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 20806 of the Education Code is amended to read:

20806. For the purpose of providing funds for the payment by the district of all or part of the premiums, dues, or other charges for health and welfare benefits on active officers and employees and retired officers and employees who at the time of retirement were enrolled in a health and welfare benefit plan, or on the spouses and dependent children of such active and retired officers and employees, or on both such active and retired officers and employees and their spouses and dependent children, which the governing board of a district may have authorized in accordance with the provisions of Article 1 (commencing with Section 53200) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code and for the expenses incurred by the district in administration of a program involving the payment of such health and welfare benefits, district taxes may be levied and collected annually by the respective district at the same time and in the same manner as other district taxes are levied and collected. The tax shall be in addition to any other district tax now or hereafter authorized by law, and shall not be considered in fixing maximum rates of tax for school district purposes.

The provisions of this section authorizing the payment of all or part of the premiums, dues, or other charges for health and welfare benefits for the retired officers and employees who at the time of retirement were enrolled in a health and welfare benefit plan, shall be limited in applicability to school districts with an average daily attendance of 200,000 or more.

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 school districts may include in their health and welfare programs, retired officers and employees who at the time of retirement were enrolled in a health and welfare benefit plan and may finance contributions for them from proceeds of this tax for 1965–66, it is necessary that the enabling legislation embodied in this act take effect immediately.

CHAPTER 1193

An act to amend Section 24001 of the Education Code, relating to state colleges, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 24001 of the Education Code is amended to read:

24001. The trustees are vested with all necessary power to perform acts, receive and expend funds, and cooperate with state and federal agencies as provided in Section 554 for the purpose of receiving and spending the funds provided by the act of Congress entitled "An act to strengthen the national defense and to encourage and assist in the expansion and improvement of educational programs to meet critical national needs; and for other purposes" (National Defense Education Act of 1958), approved September 2, 1958, and the act of Congress entitled "An act to amend the Public Health Service Act to increase the opportunities for training professional nursing personnel, and for other purposes" (Nurse Training Act of 1964), approved September 4, 1964.

The trustees may provide for the establishment and maintenance of student loan funds pursuant to any of said acts of Congress. Money allocated for the purpose of establishing a student loan fund at a state college may be withdrawn from the State Treasury and deposited to the credit of that institution in a trust account in accordance with the provisions of Government Code Sections 16305 to 16305.7, inclusive, for the purpose of making loans to students in accordance with the federal acts.

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 1,800 state college students have applied for loans under the "Nurse Training Act of 1964." In order that the Trustees of the California State Colleges may establish student loan funds pursuant to said act of Congress so that such students may be able to secure loans for the fall semester of instruction at the state colleges, it is necessary that this act go into effect immediately.

CHAPTER 1194

An act to add Article 10 (commencing with Section 5788) to Chapter 4, Division 5 of the Public Resources Code, relating to the creation of zones for recreation and park districts.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Article 10 (commencing with Section 5788) is added to Chapter 4, Division 5 of the Public Resources Code, to read:

Article 10. Zones

5788. Zones may be established within a district or in connection with the annexation of territory to a district.

5788.1. Zones may be established for the purpose of providing or maintaining facilities and programs such as parks and recreation facilities which are within the powers of the district to provide or maintain, but which are in addition to facilities and programs provided or maintained for the benefit of the district as a whole. The establishment of a zone as a special assessment district will permit the additional cost of such facilities and programs to the extent that they are not of district-wide benefit to be charged to the taxpayers of the zone for whose benefit the additional facilities and programs are provided or maintained.

5788.2. Zone formation proceedings are commenced by the presentation to the governing body of a petition signed by owners representing at least 25 percent of the total assessed valuation of real property within the proposed zone as shown by the last equalized assessment roll, or by not less than 25 percent of the registered voters within the proposed zone

5788.3. The petition shall contain a statement of the reasons justifying the formation of a zone and a map showing the boundaries of the proposed zone, a general description of the facilities and programs desired, and an estimate of the costs of providing and maintaining such facilities and programs

5788.4. If the zone is proposed to be formed in connection with annexation proceedings, zone formation and annexation proceedings may proceed concurrently. If the territory is not annexed to the district, however, the zone shall not be formed.

5788.5. Upon receipt of a petition for formation of a zone, the governing body of the district shall fix a time and place for hearing the matter of formation of a zone, and shall publish a notice of the hearing pursuant to Section 6066 of the Government Code. The governing body shall also cause notice of the hearing to be mailed at least 15 days prior to the date specified therein for the hearing to all of the owners of land within the proposed zone as shown on the last equalized assessment roll of the county.

5788.6. The notice shall be headed "Notice of the Proposed Formation of a Zone in the _____ Recreation and Park District in _____ County". The notice shall contain a statement of the time and place fixed by the governing body for a hearing on the matter. The notice shall state that unless more than 1 percent of the total number of voters living within the territory to be included in the zone have at or prior to the hearing filed written objections to the zone, the question of formation of the zone shall not be submitted to the voters at an election, and the formation shall be effective upon the date of the adoption of the resolution.

5788.7. At the time and place fixed for the hearing of the matter of formation of a zone, or at any time to which the hearing may be continued, the governing body shall hear any person objecting to the formation of the zone or any portion thereof. If more than 50 percent of the total number of voters living within the territory to be included or the owners of more than 50 percent of the assessed value of land therein have at or prior to the hearing filed written objections to the formation, the governing body shall terminate the proceedings. If written objections are filed by 50 percent or less of such voters or owners, the governing body may proceed in accordance with the following provisions of this article.

5788.8. If the governing body determines to form the zone it shall so declare by resolution. The formation shall be effective upon the date of the adoption of the resolution unless more than 1 percent of the total number of voters living within the territory to be included have at or prior to the hearing filed written objections to the formation. If written objection to the proposed formation is made by the number of voters specified in this section, the resolution of formation shall not be effective until it is approved by a majority of the voters of the territory to be included in the proposed zone.

5788.9. The election shall be held within 90 days after the adoption of the resolution of formation. The election shall be called by publishing and mailing notices in the same manner as is provided in this article for publishing and mailing notice of the hearing on the formation of the zone. The notices shall contain a copy of the resolution of formation and shall specify the time, place, and purposes of the election, and the propositions to be voted upon. The election shall to the extent practicable be conducted in accordance with the general election laws of this state. The district shall pay the cost of the election.

5788.10. The maximum tax levied by the district upon property within a zone shall not exceed a rate of ten cents ($0.10) on each one hundred dollars ($100) of assessed valuation in addition to the tax allowed pursuant to Section 5784.5.

5788.11. If an election is held for the formation of a zone, the proposition may be placed on the ballot as to whether or not a tax ceiling should be established for the zone, and if so, the amount of such ceiling over and above any ceiling established for the entire district. If no ceiling has been established

for the entire district, the amount of the ceiling shall be over and above the general tax rate for the entire district as established from year to year. Any such ceiling shall not exceed the maximum tax which may be levied upon property within a zone. No ceiling shall be established below the general tax rate for the entire district as established from year to year. Any ceiling established for a zone shall be a fixed increment above the rate for the entire district and shall automatically change in accordance with the rate for the entire district.

5788.12. Upon the establishment of the zone, the governing board may fix and collect special zone taxes for use solely within the zone, and do all things necessary within its powers to carry out the purposes of the zone.

5788.13. The provisions in this chapter for the form, issuance, and sale of bonds, the levying and collecting of taxes for the payment thereof, and of other matters relating to bonds of the district shall govern in the case of bonds authorized for the zone, except that all taxes for payment of interest and principal on the bonds shall be levied solely upon the taxable property within the zone. The zone shall not incur a bonded indebtedness exceeding 10 percent of the assessed value of all the taxable property in the zone. Any bonded indebtedness of the entire district shall be included in computing the 10 percent limitation. For the purpose of including the bonded indebtedness of the entire district, it shall be assumed that the assessed valuation is uniform throughout the entire district.

CHAPTER 1195

An act to amend Section 74341 of the Government Code, relating to municipal courts.

[Approved by Governor July 14, 1965 Filed with Secretary of State July 14, 1965]

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

SECTION 1. Section 74341 of the Government Code is amended to read:

74341. There shall be 17 judges.

CHAPTER 1196

An act to amend Section 2803 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 2803 of the Vehicle Code is amended to read:

2803. If the traffic officer determines that the vehicle is not safely loaded or that the height, width, length, or weight is unlawful, he may require the driver to stop in a suitable place and reload or remove such portion of the load as may be necessary to render the load safe or to reduce it to the limits permitted under this code. A suitable place is an area which allows the least obstruction to the highway and which requires the least travel on the highway by the vehicle. Determination of the suitability of an area shall be made by the traffic officer who requires the adjustment. All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator.

If the height, width or length of the vehicle is unlawful, irrespective of any load thereon, or if an unladen vehicle is overweight, the traffic officer may prohibit further movement of the vehicle until a permit is obtained as provided in Section 35780.

CHAPTER 1197

An act to amend Section 10824 of the Fish and Game Code, relating to fish and game.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 10824 of the Fish and Game Code is amended to read:

10824. The following constitutes Fish and Game District 1H: All that area within the County of Plumas within the following boundaries:

Beginning at a point on the Western Pacific Railway known as Quincy Junction; thence following northerly the westerly side of the Old Road to Taylorsville; thence westerly along the southerly side of the County Road 207 to its intersection with the Western Pacific Railway from Crescent Mills to Keddie; thence southwesterly and southerly along these tracks to Keddie; thence southerly and southeasterly along main Western Pacific tracks from Keddie to Quincy Junction to the point of beginning.

CHAPTER 1198

An act to add Section 4794.2 to the Health and Safety Code, relating to bond elections in county sanitation districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 4794.2 is added to the Health and Safety Code, to read:

4794.2. Notwithstanding Section 4794, the district board may call another election to be held within six months after the election which failed, if the acquisition of the property and the doing of the work set forth in the engineer's report are recommended in writing by the health officer of the county in which the district is situated as necessary as an urgency health measure to avert an emergency threat to the public health and safety, the fact of such recommendation and a finding that such threat to the public health and safety exists is stated in the resolution calling the election, and such resolution is adopted by a four-fifths vote of the district board.

This section shall remain in effect until June 30, 1966.

This section shall be applicable only to districts located within the County of Napa.

The Legislature finds and declares that special problems of sanitation exist in the County of Napa in that the extremely rapid growth in population and the rapid opening of large tracts of land to residential development have caused serious difficulties involving the disposal of sewage. Furthermore, the Regional Water Pollution Control Board, San Francisco Bay Region, has issued a cease and desist order against the continued "dry weather" discharge of untreated sewage from the facilities of one or more sanitation districts in the county and, due to the failure of certain bond elections by a small number of votes, such districts have been unable to acquire property and construct needed sanitation facilities.

These problems are not, however, common to all areas of the state in which county sanitation districts are located. It is, therefore, hereby declared that a general law cannot be made applicable and that the enactment of this section as a special law is necessary to effectuate the solution of problems which threaten the health of the residents of Napa County.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: The Regional Water Pollution Control Board, San Francisco Bay Region, has issued a cease and desist order against the continued "dry weather" discharge of untreated sewage from the facilities of one or more sanitation districts in the

County of Napa and, due to the failure of certain bond elections by a small number of votes, such districts have been unable to acquire property and construct needed sanitation facilities.

To meet this critical problem, it is imperative that this act take effect immediately.

CHAPTER 1199

An act to add Section 4786.6 to the Health and Safety Code, relating to county sanitation districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 4786.6 is added to the Health and Safety Code, to read:

4786.6. Notwithstanding Section 4786, if prior to the adoption of the resolution calling the election, the acquisition of the property and the doing of the work set forth in the engineer's report are recommended in writing by the health officer of the county in which the district is situated as necessary as an urgency health measure to avert an emergency threat to the public health and safety, the fact of such recommendation and a finding that such a threat to the public health and safety exists is stated in such resolution, and such resolution is adopted by a four-fifths vote of the board of directors of the district, then bonds of the district for the amount stated in such resolution may be issued and sold if 60 percent of the votes cast at the election are in favor of incurring the bonded indebtedness as proposed.

This section shall remain in effect until June 30, 1966.

This section shall be applicable only to districts located within the County of Napa.

The Legislature finds and declares that special problems of sanitation exist in the County of Napa in that the extremely rapid growth in population and the rapid opening of large tracts of land to residential development have caused serious difficulties involving the disposal of sewage. Furthermore, the Regional Water Pollution Control Board, San Francisco Bay Region, has issued a cease and desist order against the continued "dry weather" discharge of untreated sewage from the facilities of one or more sanitation districts in the county and, due to the failure of certain bond elections by a small number of votes, such districts have been unable to acquire property and construct needed sanitation facilities.

These problems are not, however, common to all areas of the state in which county sanitation districts are located. It is,

therefore, hereby declared that a general law cannot be made applicable and that the enactment of this section as a special law is necessary to effectuate the solution of problems which threaten the health of the residents of Napa County.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are: The Regional Water Pollution Control Board, San Francisco Bay Region, has issued a cease and desist order against the continued "dry weather" discharge of untreated sewage from the facilities of one or more sanitation districts in the County of Napa and, due to the failure of certain bond elections by a small number of votes, such districts have been unable to acquire property and construct needed sanitation facilities.

To meet this critical problem, it is imperative that this act take effect immediately.

CHAPTER 1200

An act to amend Section 4107 of the Corporations Code, relating to merger and consolidation.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 4107 of the Corporations Code is amended to read:

4107. The agreement shall be approved by the vote or written consent of the holders of not less than two-thirds of the issued and outstanding shares of each class, regardless of limitations or restrictions on the voting power thereof, of each corporation, entitled to vote at a meeting duly called upon notice of the time, place, and purpose thereof, duly given to each shareholder at least 20 days prior to the date of the meeting, except that notice of the time, place and purpose of any such meeting may be waived as provided in Section 2209. Unless the notice be waived, there shall be mailed with the notice of the meeting a statement of the general terms of the proposed agreement. Different series of the same class of shares shall not constitute different classes of shares for the purpose of voting by classes. Any holder of shares entitled to vote at the meeting may vote part of the shares to approve the agreement of merger or consolidation and refrain from voting the remaining shares in favor of the agreement, but if he fails to specify the number of shares he is voting to approve the agreement, it will be conclusively presumed that his approving vote is with respect to all shares which he is entitled to vote.

The articles of incorporation may require the vote of the holders of any greater percentage or fraction of the outstanding shares of any one or more classes for the approval of any merger or consolidation than would otherwise be required under this article, but in no case may the articles prohibit any merger or consolidation authorized by this chapter.

CHAPTER 1201

An act to amend Sections 73342, 73351, and 73359 of the Government Code, relating to municipal courts.

[Approved by Governor July 14, 1965 Filed with Secretary of State July 14, 1965]

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

SECTION 1. Section 73342 of the Government Code is amended to read:

73342. Official reporters shall be appointed by the judges of each municipal court district pursuant to the provisions of Section 72194 and shall serve at the pleasure of the judges.

In lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, they shall receive a salary of eight hundred eighty-three dollars and thirty-three cents ($883.33) a month, which shall be a charge against the general fund of the county.

SEC. 2. Section 73351 of said code is amended to read:

73351. The following salary schedule shall apply to all persons employed by municipal courts in Contra Costa County.

Salary Schedule

Range No.	1	2	3	4	5
10	$295	$310	$325	$341	$358
11	302	317	333	349	367
12	310	325	341	358	376
13	317	333	349	367	385
14	325	341	358	376	395
15	333	349	367	385	405
16	341	358	376	395	415
17	349	367	385	405	425
18	358	376	395	415	436
19	367	385	405	425	447
20	376	395	415	436	458
21	385	405	425	447	469
22	395	415	436	458	481
23	405	425	447	469	493
24	415	436	458	481	505
25	425	447	469	493	517
26	436	458	481	505	530

Range No.	1	2	3	4	5
27	447	469	493	517	543
28	458	481	505	530	556
29	469	493	517	543	570
30	481	505	530	556	584
31	493	517	543	570	598
32	505	530	556	584	613
33	517	543	570	598	628
34	530	556	584	613	644
35	543	570	598	628	660
36	556	584	613	644	676
37	570	598	628	660	693
38	584	613	644	676	710
39	598	628	660	693	727
40	613	644	676	710	745
41	628	660	693	727	763
42	644	676	710	745	782
43	660	693	727	763	801
44	676	710	745	782	821
45	693	727	763	801	841
46	710	745	782	821	862
47	727	763	801	841	883
48	745	782	821	862	905
49	763	801	841	883	927
50	782	821	862	905	950
51	801	841	883	927	973
52	821	862	905	950	997
53	841	883	927	973	1,022
54	862	905	950	997	1,047
55	883	927	973	1,022	1,073
56	905	950	997	1,047	1,099
57	927	973	1,022	1,073	1,126
58	950	997	1,047	1,099	1,154
59	973	1,022	1,073	1,126	1,183
60	997	1,047	1,099	1,154	1,212

Classes of positions provided in this article are allocated to the salary schedule as follows:

(a) Deputy clerk I ---- Range 16
(b) Deputy clerk II ---- Range 21
(c) Deputy clerk III ---- Range 29
(d) Deputy clerk IV ---- Range 38
(e) Clerk of court I ---- Range 47
(f) Clerk of court II ---- Range 52
(g) Deputy marshal I ---- Range 36
(h) Deputy marshal II ---- Range 40
(i) Marshal I ---- Range 50
(j) Marshal II ---- Range 54

The above salary schedule is the same schedule utilized for employees of Contra Costa County.

Should the board of supervisors adopt a revised salary schedule for county employees the new schedule shall apply equally to municipal courts and marshals' offices and conversion to the new schedule shall be effected for employees of the municipal courts or marshals' offices in the same manner and on the same date as for county employees, but all such adjustments shall be effective only until 90 days after the adjournment of the next regular session of the Legislature.

SEC. 3. Section 73359 of said code is amended to read:

73359. In a municipal court district having one judge, the following positions are authorized:

(a) One (1) clerk of the court I
(b) One (1) deputy clerk IV
(c) Two (2) deputy clerks III
(d) Five (5) deputy clerks II
(e) Two (2) deputy clerks I

CHAPTER 1202

An act to amend Sections 24200, 24451, 24452, 24453, 24458, and 24472 of the Financial Code, relating to small loans.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 24200 of the Financial Code is amended to read:

24200. No person shall engage in the business of making or negotiating, for himself, or another, loans of money, credit, goods, or things in action, in the amount or of the value of one thousand dollars ($1,000) or less, without first obtaining a license from the commissioner.

SEC. 2. Section 24451 of said code is amended to read:

24451. No licensee shall make any loan of one thousand dollars ($1,000), or less, and contract or receive thereon interest at a rate exceeding ten percent (10%) per year, computed on the unpaid balance of the loan.

SEC. 3. Section 24452 of said code is amended to read:

24452. No licensee shall contract for or receive any service or expense charges beyond the actual outlay. The charges for actual outlay, when added to interest computed at the rate permitted by this article, shall not exceed an aggregate amount of two and one-half percent (2½%) per month on that portion of the unpaid principal balance of any loan not in excess of one hundred dollars ($100), and two percent (2%) per month on that portion of the unpaid principal balance in excess of one hundred dollars ($100) but not in excess of three hundred

dollars ($300) and five-sixths of one percent (⅚ of 1%) on any remainder of such unpaid principal balance.

SEC. 4. Section 24453 of said code is amended to read:

24453. If any property securing a loan made by a licensee is insured against loss in favor of the licensee, the service or expense charges for actual outlay, when added to interest computed at the rate permitted by this article, shall in no event exceed an aggregate amount of two percent (2%) per month on all portions of the unpaid principal balance of the loan not in excess of three hundred dollars ($300).

SEC. 5. Section 24458 of said code is amended to read:

24458. A loan lawfully made outside the state of the amount or value of one thousand dollars ($1,000) or less, may be enforced in this state as to the unpaid principal balance of the loan together with the interest, consideration, brokerage, and all other charges, to the extent of but not to exceed the unpaid principal balance and the aggregate amount of interest, consideration, brokerage, and all other charges permitted by this division in connection with a loan of the same amount made within this state.

SEC. 6. Section 24472 of said code is amended to read:

24472. The payment of one thousand dollars ($1,000) or less by a lender or broker in money, credit, goods, or things in action as consideration for any sale or assignment of, or order for, the payment of wages, salary, commissions, or other compensation for services, whether earned or to be earned, is for the purposes of regulation under this division, a loan secured by such assignment, and the amount by which the assigned compensation exceeds the amount of the consideration actually paid is interest and charges upon or for the loan from the date of payment to the date the compensation is payable. This section shall not be construed as modifying or affecting existing statutes governing wage assignments in the state, or as authorizing such assignments.

CHAPTER 1203

An act to amend Section 850.6 of the Government Code, and to amend Sections 13050, 13051, and 13052 of, and to add Section 13050.1 to, the Health and Safety Code, relating to the use of firefighting equipment and forces outside of their territorial jurisdictions.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 850.6 of the Government Code is amended to read:

850.6. Whenever a public entity provides fire protection or firefighting service outside of the area regularly served

and protected by the public entity providing such service, the public entity providing such service is liable for any injury for which liability is imposed by statute caused by its act or omission or the act or omission of its employee occurring in the performance of such fire protection or firefighting service. Notwithstanding any other law, the public entity receiving such fire protection or such firefighting service is not liable for any act or omission of the public entity providing the service or for any act or omission of an employee of the public entity providing the service; but the public entity providing such service and the public entity receiving such service may by agreement determine the extent, if any, to which the public entity receiving such service will be required to indemnify the public entity providing the service.

Notwithstanding any other provision of this section, any claims against the state shall be presented to the State Board of Control in accordance with Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code.

SEC. 2. Section 13050 of the Health and Safety Code is amended to read:

13050 The apparatus, equipment and firefighting force of any public entity may be used for the purpose of providing fire protection or firefighting services:

(a) In any other public entity with the consent of the chief administrative officer of the office or department authorized by law to provide fire protection in such other public entity.

(b) Outside the limits of any public entity.

SEC. 3. Section 13050.1 is added to said code, to read:

13050.1. "Public entity" includes the state, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the state.

SEC. 4. Section 13051 of said code is amended to read:

13051. The reasonable value of the use of, and repairs and depreciation on, apparatus and equipment, and other expenses reasonably incurred in furnishing firefighting services, may constitute a charge against the public entity in which the firefighting services are furnished.

SEC. 5. Section 13052 of said code is amended to read:

13052. The public entity rendering the service may present a claim to the public entity liable therefor. If the claim is approved by the head of the fire department, if any, in the public entity to which presented, and by its governing body, it shall be paid in the same manner as other charges and if not paid an action may be brought for its collection.

Notwithstanding any other provision of this section, any claims against the state shall be presented to the State Board of Control in accordance with Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code.

CHAPTER 1204

An act to add Section 14896 to the Health and Safety Code, relating to hazardous weeds.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 14896 is added to the Health and Safety Code, to read:

14896. As an alternative to posting and publication, notice in the form required in Section 14892 may be mailed to the property owners as their names and addresses appear from the last equalized assessment role, or as they are known to the clerk.

CHAPTER 1205

An act to add Section 17422 to the Financial Code, relating to joint control agents.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 17422 is added to the Financial Code, to read:

17422. A joint control agent, unless acting pursuant to written instructions of his principals, shall not disburse funds for the payment of the cost of labor, materials, services, permits, fees, or other items of expense incurred in the construction of improvements upon real property until such time as he determines that the person furnishing such labor, materials, services, permits, fees, or other items has substantially complied with the specifications contained in the control agreement.

CHAPTER 1206

An act to amend Sections 18007 and 18022 of the Government Code, relating to state employment.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 18007 of the Government Code is amended to read:

18007. For the purpose of facilitating the recruitment of professional and technically trained persons to fill positions

for which there is a shortage of qualified applicants, the Board of Control may authorize payment of all or a part of the travel expense of applicants who are called for interview and all or a part of the travel and moving expense of persons who change their place of residence to accept employment with the state. In the case of applicants for employment by the Trustees of the California State Colleges, such payments shall be authorized only upon the certification of the trustees that the expenditure is necessary in order to recruit qualified persons needed by the California State Colleges. In the case of all other applicants, such payments shall be authorized only upon the certification of the appointing power and the State Personnel Board that the expenditure is necessary in order to recruit qualified persons needed by the state.

If, for reasons, that do not meet the approval of the state department concerned, the employee or applicant for employment does not accept or continue such employment for a period of two years, he shall reimburse the state department for such moving and travel expenses for the full or proportionate amount.

For the purposes of this section satisfactory reasons for not completing two years of employment shall be death, prolonged illness, disability, unacceptability of the applicant or employee to the state department, and similar eventualities beyond the control of the applicant or employee.

SEC. 2. Section 18022 of said code is amended to read:

18022. Every state agency in which there are employees not subject to state civil service shall submit to the State Personnel Board all information necessary for a determination of the workweek for each employee. For each class or position for which a monthly or annual salary range is established by the Trustees of the California State Colleges, the trustees shall establish and adjust workweek groups and shall assign each class or position to a workweek group.

CHAPTER 1207

An act to amend Section 26154 of the Government Code, relating to elementary school districts.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 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) a redevelopment agency and a housing authority organized under state law, or (b) any

facilities used by the county to house county employees. Any funds received pursuant hereto by an elementary school district may be deposited by the governing board of the school district in any fund of the district. The provisions hereof are applicable only to elementary school districts which have an average daily attendance of less than 3,000. 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 1208

An act to amend Section 1944 of the Labor Code and to amend Section 13123 of the Education Code, relating to service in the public schools.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 1944 of the Labor Code is amended to read:

1944. This article shall not apply:

(a) To the employment, as a member of the faculty or teaching force in public schools or in schools supported in whole or in part by the state, of:

(1) Any person who has declared his intention to become a citizen.

(2) Any native-born woman of the United States who has married a noncitizen.

(3) Any person present in the United States on a valid temporary visa issued by an American consular officer except where federal law prohibits gainful employment of that person in the United States.

For purposes of the preceding sentence, a declaration of intention to become a citizen shall consist of either: (1) the declaration of intention to become a citizen of the United States, or petition for naturalization, or comparable document prescribed by federal law; or (2) an affidavit filed with, and in the form prescribed by, the State Board of Education, by an individual otherwise eligible for issuance of a public school certification document, declaring that he will, at the first opportunity at which the applicable federal law permits, file such a declaration of intention to become a citizen of the United States, petition for naturalization, or comparable document. In the event the State Board of Education determines

that an individual who has filed under alternative (2) of the preceding sentence, has, without good cause, failed at the first opportunity provided under federal law to file one of the specified documents prescribed by federal law, it shall forthwith revoke any public school certification documents issued to the individual.

(b) To any member of the faculty or teaching force or student body, or to any professional librarian, or to student assistants, of any college or university supported in whole or in part by the state.

(c) To any specialist or expert temporarily employed by any department of the state or any county, or city, and engaged in special investigation or teaching.

(d) In an emergency when it is necessary to protect life, health, or property against fire, flood, or other calamity.

(e) To the employment by a county of an intern or resident physician for services in the county hospital under an exchange arrangement with medical facilities in foreign countries.

(f) To any professional person who has declared his intention to become a citizen.

(g) To the employment by hospital districts or a county hospital or in a hospital or clinic operated by the University of California of professional persons actually licensed by the State of California.

(h) To the employment of persons in positions pertaining to the care and guidance of children in a child care program or the supervision of a child care program supported in whole or in part by the state, of any person who has declared his intention to become a citizen, or of a native-born woman of the United States who has married a noncitizen.

(i) To student assistants and interns in Department of Mental Hygiene training programs.

(j) To student assistants and interns in Department of Social Welfare training programs in that department or in a county welfare department.

SEC. 2. Section 13123 of the Education Code is amended to read:

13123. No certification document shall be issued to an applicant who is not a citizen of the United States unless the applicant either comes within an exception described in Section 1944 of the Labor Code or is an exchange teacher.

CHAPTER 1209

An act to amend Section 28113 of the Government Code, relating to compensation of county officers.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 28113 of the Government Code is amended to read:

28113. In a county of the 13th class the following shall receive as compensation for the services required of them by law or by virtue of their office the following sums:

(a) The auditor, _____ fifteen thousand six hundred dollars ($15,600) a year and his necessary expenses incurred while traveling in the performance of his official duties. He shall pay into the county treasury all fees and commissions or compensations received by him in his official capacity, other than his official salary.

(b) The district attorney, twenty-four thousand dollars ($24,000) a year and the necessary expenses incurred in the discharge of his official duties. All fees and commissions or compensations, other than his official salary, received by him in his official capacity from any source shall be paid into the county treasury. He shall devote his entire time during office hours to the work of the county and the state and is prohibited from engaging in private work during his term of office, which prohibition shall also apply to his deputies, while so employed.

(c) Each supervisor, fifteen thousand dollars ($15,000) a year and actual and necessary expenses incurred in the performance of the duties of his office.

(d) Each member of the grand jury shall be allowed six dollars ($6) for each day's attendance upon sessions of the grand jury, or for each day's attendance as a member of any committee of the grand jury even though a full quorum of the grand jury as a whole be not present, and mileage, at the rate payable to officers and employees of such county, for each mile actually and necessarily traveled in attending meetings of the grand jury which are held within the county, or any session of a grand jury committee duly called by the foreman of the grand jury or chairman of the committee.

For attending as a trial juror, in the superior court for each day's actual attendance, five dollars ($5), and fifteen cents ($0.15) for each mile actually traveled in going only.

For attending as a trial juror, in the municipal court for each day's actual attendance, five dollars ($5), and fifteen cents ($0.15) for each mile actually traveled in going only.

For attending as a trial juror in criminal cases in justice courts, three dollars ($3), for each day of actual service as a juror.

The judge of the court shall make an order directing the auditor to draw his warrant in favor of the juror for the per diem and mileage and the treasurer shall pay the warrant.

CHAPTER 1210

An act to amend Section 22407 of the Vehicle Code, relating to speed limits.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 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 or local authority determines upon the basis of engineering 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 highway, the department or local authority, with respect to highways under their respective jurisdiction, 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 1211

An act to amend Sections 3053 and 3054 of the Business and Professions Code, relating to the practice of optometry.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 3053 of the Business and Professions Code is amended to read:

3053. All examinations shall be practical in character and designed to ascertain the applicant's fitness to practice the profession of optometry and shall be conducted in the English language. At every examination the board shall examine the applicants in the subjects set forth in Section 3048 which are the subjects required to be taught by schools of optometry seeking to be accredited by the board. The board shall not examine upon any other subject matter. The board may by rule or regulation accept the examination given by other agen-

cies or organizations which it deems equivalent to the examination required to determine an applicant's fitness to practice optometry.

SEC. 2. Section 3054 of said code is amended to read:

3054. No applicant shall be passed by the board who fails to obtain an average of 75 percent in every subject upon which he is examined. In case any applicant fails to pass any examination, he shall be examined at the next or any succeeding examination held during the next five years only in the subjects in which he failed to obtain an average of 85 percent, except that he shall be reexamined no more than three times during the five-year period.

CHAPTER 1212

An act to add Section 370 to the Education Code, relating to establishing an advisory and consultant school employment service.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 370 is added to the Education Code, to read:

370. There is an advisory and consultant service on school employment in the Department of Education within the bureau whose function it is to perform administrative duties in connection with the issuance by the State Board of Education of credentials for public school service. In cooperation with college and university placement offices and offices of county superintendents of schools, the service shall assist holders of credentials who are seeking education positions described in Section 12902 and school districts with their mutual employment needs.

CHAPTER 1213

An act to amend Section 18010 of the Health and Safety Code, relating to mobilehomes and mobilehome parks.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 18010 of the Health and Safety Code is amended to read:

18010. The provisions of this part apply to all parts of the state and supersede any ordinance enacted by any city, county, or city and county applicable to the provisions of this

part. The Division of Housing may promulgate rules and regulations to interpret and make specific the provisions of this part and when adopted such rules and regulations shall apply to all parts of the state. Upon written notice to the Division of Housing, any city, county, or city and county may assume the responsibility for the enforcement of this part.

In the event of nonenforcement of this part or the rules and regulations promulgated pursuant thereto, the provisions of this part and the rules and regulations promulgated thereunder shall be enforced by the division in any such city, county, or city and county after the division has given written notice to the governing body of such city, county, or city and county of a violation of this part or the rules or regulations promulgated thereunder and the city, county, or city and county has failed to initiate proceedings to secure correction of the violation within 30 days of the date of such notice.

The provisions of this part shall not prevent local authorities of any city, county, or city and county, within the reasonable exercise of their police powers:

(a) From prohibiting mobilehomes or mobilehome parks, travel trailers, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps within all or certain zones within such city, county, or city and county, or from adopting rules and regulations by ordinance or resolution prescribing standards of lot, yard, or park area, landscaping, walls or enclosures, signs, access, and vehicle parking or from prescribing the prohibition of certain uses for mobilehome parks, travel trailer parks, recreational trailer parks, temporary trailer parks, or tent camps; or

(b) From regulating the construction and use of equipment and facilities located outside of a mobilehome or camp car used to supply gas, water, or electricity thereto, except facilities owned, operated, and maintained by a public utility, or to dispose of sewage or other waste therefrom when such facilities are located outside a mobilehome park, travel trailer park, recreational trailer park, or temporary trailer park for which a permit is required by this part, or the regulations adopted pursuant thereto; or

(c) From requiring a permit to use a mobilehome or camp car outside a mobilehome park, travel trailer park, recreational trailer park, or temporary trailer park for which a permit is required by this part or by regulations adopted pursuant thereto, and require a permit therefore commensurate with the cost of enforcing this part and local ordinance with reference to the use of mobilehomes and camp cars, which permit may be refused or revoked if such use violates any provisions of this part, any regulations adopted pursuant thereto, or any local ordinance applicable to such use; or

(d) From requiring a local building permit to construct an accessory structure for a mobilehome when such mobilehome is located outside a mobilehome park, travel trailer park, recreational trailer park or temporary trailer park, under cir-

cumstances which the provisions of this part and the regulation adopted pursuant thereto do not require the issuance of a permit therefor by the enforcement agency.

CHAPTER 1214

An act to add Section 2985.5 to the Civil Code, relating to contract sale of real property.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 2985.5 is added to the Civil Code, to read:

2985.5. Every real property sales contract entered into after January 1, 1966, shall contain a statement of:

(a) The number of years required to complete payment in accordance with the terms of the contract.

(b) The basis upon which the tax estimate is made.

CHAPTER 1215

An act to amend Section 28108 of the Government Code, relating to compensation of county officers.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 28108 of the Government Code is amended to read:

28108. In a county of the eighth class the officers shall receive as compensation for the services required of them by law or by virtue of their offices, the salaries and fees fixed pursuant to the charter of the county, except that the following shall receive as compensation for such services the following sums:

(a) Each supervisor, ten thousand eight hundred dollars ($10,800) a year for personal services performed personally by him as supervisor and seven cents ($0.07) for each mile traveled to and from his residence to the county seat. Not more than one mileage at any one regular or special meeting of the board shall be allowed. The compensation provided in this section to be paid to each member of the board is in full for all official services performed by him in any public capacity.

(b) The fee for trial jurors for attendance in any court is five dollars ($5) for each day's attendance and mileage at the rate of fifteen cents ($0.15) a mile for each mile actually and

necessarily traveled in attending upon court, in going only, the mileage to be computed for daily attendance, irrespective of whether the daily attendance covers one or more sessions of court.

(c) For attending as a grand juror for each day's attendance, including each day's attendance at committee meetings and investigations upon the order of the grand jury five dollars ($5). For each mile actually traveled, in going only, in attending court as a juror, meetings of the grand jury, grand jury committee meetings, and in making investigations upon the order of the grand jury, fifteen cents ($0.15).

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 1216

An act to amend Section 25660.5 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

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

SECTION 1. Section 25660.5 of the Business and Professions Code is amended to read:

25660.5. Any person who sells, gives, or furnishes to any person under the age of 21 years any false or fraudulent written, printed, or photostatic evidence of the majority and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of majority and identification of any other person is guilty of a misdemeanor.

CHAPTER 1217

An act to amend Section 1135 of the Education Code, relating to school district governing boards.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1135 of the Education Code is amended to read:

1135. The recall petition shall contain a statement of not more than 200 words of the specific grounds on which the recall is sought, for the information of the voters.

CHAPTER 1218

An act to add Section 12021.5 to the Penal Code, relating to firearms.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 12021.5 is added to the Penal Code, to read:

12021.5. A minor may not possess a concealable firearm unless he has the written permission of his parent or guardian to have such firearm or is accompanied by his parent or guardian while he has such firearm in his possession.

CHAPTER 1219

An act to amend Sections 12076 and 12077 of the Penal Code, relating to sale of firearms.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 12076 of the Penal Code is amended to read:

12076. The purchaser of any firearm capable of being concealed upon the person shall sign, and the dealer shall require him to sign his legal name and affix his residence address and date of birth to the register in triplicate, and the salesman shall affix his signature in triplicate as a witness to the signature of the purchaser. Any person furnishing a fictitious name or address or knowingly furnishing an incorrect birth date and any person violating any of the provisions of this section is guilty of a misdemeanor.

The triplicate sheet of the register shall, on the date of sale, be placed in the mail, postage prepaid, and properly addressed to the Bureau of Criminal Identification and Investigation at Sacramento and the duplicate shall be mailed, postage prepaid, to the chief of police, or other head of the police department of the city or county wherein the sale is made. Where the sale is made in a district where there is no municipal police department the duplicate sheet shall be mailed to the sheriff of the county wherein the sale is made.

If, on receipt of the triplicate sheet, it appears to the bureau that the purchaser resides in a district other than that to which the duplicate is required to be mailed, the bureau shall make an additional copy and transmit it to the head of the municipal police department, if any, in the district in which

the purchaser resides or, if none, to the sheriff of the county in which he resides.

SEC. 2. Section 12077 of said code is amended to read:

12077. The register provided for in this article shall be substantially in the following form:

FORM OF REGISTER
Original

Serial No. _____
Sheet No. _____

DEALER'S RECORD OF SALE OF REVOLVER OR PISTOL

STATE OF CALIFORNIA

Notice to dealers: This original is for your files. If spoiled in making out, do not destroy. Keep in books. Fill out in triplicate.

A carbon copy must be mailed on the day of sale to the State Bureau of Criminal Identification and Investigation at Sacramento, and a carbon copy must be mailed at the same time to the head of police commissioners, chief of police, city marshal, town marshal, or other head of police department of the municipal corporation, wherein the sale is made, or to the sheriff of your county if the sale is made in a district where there is no municipal police department. Violation of this law is a misdemeanor. Use carbon paper for duplicate. Use indelible pencil.

Sold by _____, Salesman _____
City, town or township, _____
Description of arm (state whether revolver or pistol) _____
Maker _____, number _____, caliber _____
Name of purchaser _____, age ____ years
Permanent residence (state name of city, town or township, street and number of dwelling) _____
Date of birth _____
Height ____ feet, ____ inches. Occupation _____
Color _____, skin _____, eyes _____, hair _____
If traveling or in locality temporarily, give local address:
_____
Signature of purchaser: _____
(Signing a fictitious name or address is a misdemeanor)
(To be signed in triplicate)
Witness: _____ Salesman.
(To be signed in triplicate)
Duplicate and triplicate carbon copies.

Series No. _____
Sheet No. _____

DEALER'S RECORD OF SALE OF REVOLVER OR PISTOL

STATE OF CALIFORNIA

Notice to dealers: Two duplicate carbon copies are required. They must be mailed on the day of sale as set forth in the original of this registered page. Violation of this law is a misdemeanor.

Sold by _____, Salesman _____
City, town or township, _____
Description of arm (state whether revolver or pistol) _____
Maker _____, number _____, caliber _____
Name of purchaser _____, age ____ years
Permanent address (state name of city, town or township, street and number of dwelling) _____
Date of birth _____
Height ____ feet, ____ inches. Occupation _____
Color _____, skin _____, eyes _____, hair _____
If traveling or in locality temporarily, give local address:
_____
Signature of purchaser: _____
(Signing a fictitious name or address is a misdemeanor)
(To be signed in triplicate)
Witness: _____, Salesman.
(To be signed in triplicate)

(Any person signing a fictitious name or address or knowingly affixing an incorrect birth date to said register and any person violating any of the provisions of this section is guilty of a misdemeanor.)

CHAPTER 1220

An act to add Section 5153 to the Welfare and Institutions Code, relating to firearms.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 14, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 5153 is added to the Welfare and Institutions Code, to read:

5153. No person who has been involuntarily committed after October 1, 1955, to any public or private mental hospital or sanitarium for a period of 30 days or more shall have in his possession or under his custody or control any firearm unless there has been issued to such person a certificate as hereafter described in this section and such person has not, subsequent to the issuance of such certificate, again been involuntarily committed for a period of 30 days or more in any such hospital or sanitarium.

A certificate meeting the requirements of this section must be a written statement that is either part of a broader certificate of competency or a separate document and that is issued, on application of the person who was committed, either at the time of release or at a later date, by the superintendent of any California state hospital, stating that in the opinion of the person issuing the certificate, based either on his own knowledge or on the opinions of members of his staff or on records of the institution, the applicant is a person who may possess a firearm without endangering others. If a person applies to a superintendent of a California state hospital for such a certificate and the applicant has not been committed to that hospital, or if the superintendent believes that a current mental examination is necessary to enable him to determine whether or not such a certificate shall be issued, the superintendent shall cause such person to be examined by a member of the staff of the hospital and may otherwise investigate the case. The superintendent may charge a reasonable fee for such examination and investigation.

Refusal of a superintendent to issue a certificate of competency or separate document as described in the preceding provisions of this section is reviewable by mandamus in the superior court of the county of which the applicant is a resident or the county in which the hospital or sanitarium of which the superintendent is head. Upon a showing to the satisfaction of the court of abuse of discretion by the superintendent the court shall issue its writ directing the superintendent to issue its certificate or document.

Every person who possesses or has under his custody or control any firearm in violation of this section is guilty of a misdemeanor.

CHAPTER 1221

An act to add Article 6 (commencing with Section 11460) to Chapter 3 of Title 1 of Part 4 of the Penal Code, relating to paramilitary organizations.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 11460) is added to Chapter 3 of Title 1 of Part 4 of the Penal Code, to read:

Article 6. Paramilitary Organizations

11460. Any two or more persons who assemble as a paramilitary organization for the purpose of practicing with weapons shall be punished by imprisonment in the county jail for

not more than one year or by a fine of not more than one thousand dollars ($1,000), or by both.

As used in this section, "paramilitary organization" means an organization which is not an agency of the United States government or of the State of California, or which is not a private school meeting the requirements set forth in Section 12154 of the Education Code, but which engages in instruction or training in guerrilla warfare or sabotage.

CHAPTER 1222

An act to repeal Section 36057.5 of, and to add Part 8 (commencing with Section 37000) to Division 24 of, the Health and Safety Code, to amend Sections 11559 and 11559.5 of the Government Code, and to amend Section 56, and to repeal Chapter 3 (commencing with Section 76) of Division 1 of the Labor Code, relating to housing and community development, and making an appropriation therefor.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Part 8 (commencing with Section 37000) is added to Division 24 of the Health and Safety Code, to read:

PART 8. COMMISSION OF HOUSING AND COMMUNITY DEVELOPMENT AND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

CHAPTER 1. LEGISLATIVE FINDINGS

37000. The private housing and construction industry in California has met the unprecedented challenge of providing housing and other buildings for California's exploding population since World War II.

37001. Local government in California also met the unprecedented challenge of the period since World War II.

37002. The housing and construction industry and local governments would be better served in meeting the housing and community development needs of the state if a source were available to them to obtain information on the nature and availability of federal assistance for housing and community development programs and new trends which are evident from developments in these fields.

37003. The large equities that the majority of California residents in most economic strata have now accumulated in single family homes must be protected and conserved.

37004. The housing conditions of many farmworkers are inadequate and must be improved.

CHAPTER 2. DEFINITIONS

37010. Unless the context otherwise requires, the definitions contained in this chapter govern the construction of this part.

37011. "Commission" means the Commission of Housing and Community Development.

37012. "Department" means the Department of Housing and Community Development.

37013. "Director" means the Director of Housing and Community Development.

CHAPTER 3. COMMISSION OF HOUSING AND COMMUNITY DEVELOPMENT

37031. There is in the state government a Commission of Housing and Community Development, which shall consist of nine members.

37032. The members shall be appointed by the Governor for four-year terms, subject to confirmation by the State Senate. Of the members first appointed, two shall be appointed for terms of one year, two for two years, three for three years, and two for four years. The term of an appointment to fill any vacancy created prior to the expiration of a term shall be for the unexpired term only. Each member shall continue to hold office after the expiration of his term until a successor has been appointed and qualified.

37033. The Governor has power to remove from office at any time, any members of the commission for continued neglect of duties required by law, or for incompetence, or dishonorable conduct. Nothing in this section shall be construed as a limitation or restriction on the power of the Governor, conferred on him by any other provision of law, to remove any member of the commission.

37034. The chairman of the commission shall be designated by the Governor from among the members and shall serve as chairman at the pleasure of the Governor.

37035. Each commission member shall receive a per diem of twenty-five dollars ($25) for each day actually spent in the discharge of official duties, and each shall be reimbursed for his traveling and other expenses necessarily incurred in the performance of his duties.

37036. The commission shall meet quarterly and at such other times and places as the commission may designate, for the purpose of transacting its business. Special meetings may be held at such times as the commission may elect, or on the call of the chairman of the commission, or on call of not less than four members thereof. The written notice of the time, place and object of such special meeting shall be made by the secretary to all the members not parties to the call, at least 15 days before the day of the meeting.

37037. The Director of Housing and Community Development shall serve as secretary of the commission and as such

shall keep the minutes and records of all commission proceedings.

37038. The commission shall establish the policy for the Department of Housing and Community Development.

37039. The commission may, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code and subject to the provisions of Sections 18900 to 18911, inclusive, of the Health and Safety Code, adopt, repeal and amend rules and regulations reasonably necessary to carry out the provisions of this part. Any rules or regulations adopted by the Chief of the Division of Housing of the Department of Industrial Relations, which are in effect at the time the commission comes into existence, shall remain in existence as the rules and regulations of the commission until such time as the commission shall repeal or amend such rules and regulations.

CHAPTER 4. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

37050. There is in the state government a Department of Housing and Community Development.

37051. Except as otherwise prescribed in this part, the provisions of the Government Code relating to the departments of the state shall govern and apply to the conduct of the department.

37052. The department shall be administered by an executive officer known as the Director of Housing and Community Development.

37053. The director shall be appointed by the Governor, subject to confirmation by the Senate, and shall hold office at the pleasure of the Governor. He shall receive the annual salary provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

37054. Pursuant to the policies established by the commission, the director shall perform all duties, exercise all powers, discharge all responsibilities, and administer and enforce all laws under the jurisdiction of the department.

37055. The provisions of Chapter 2 (commencing with Section 11150), Part 1, Division 3, Title 2 of the Government Code, apply to the department and the director is the head of the department within the meaning of that chapter.

37056. The director shall keep all books and records necessary for proper and efficient administration of the department.

37057. The work of the department shall be divided into the following two divisions:

(a) The Division of Building and Housing Standards, consisting of the present Division of Housing of the Department of Industrial Relations.

(b) The Division of Housing and Community Development.

37058. Each division shall be in charge of a chief, under the direction of the director.

37059. The chiefs of the Division of Building and Housing Standards and the Division of Housing and Community Development shall be appointed, upon recommendation by the director, by the Governor. Such division chiefs shall hold office at the pleasure of the director.

37060. The division chiefs shall each receive a salary as provided by Chapter 6 (commencing with Section 11550), Part 1, Division 3, Title 2 of the Government Code.

CHAPTER 5. RESPONSIBILITIES AND POWERS OF THE DEPARTMENT

37100. The department shall:

(1) Submit to the Governor for his approval its recommendations for changes in state and federal law necessary to meet the needs of housing and community development in California.

(2) Submit to the Governor and to both houses of the State Legislature within 90 days after the end of each calendar year an annual report of the operations and accomplishments of the department.

37101. The department is authorized to make and execute contracts necessary or convenient to the exercise of its powers and functions.

37102. The department is authorized to accept any gifts or grants, or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality thereof, or from any other private or public source, subject to the approval of the Department of Finance, and to comply, subject to and for the purposes of the provisions of this chapter, with the terms and conditions thereof.

37103. The department shall undertake all duties, powers, responsibilities, and jurisdiction vested in the Division of Housing or the Chief of the Division of Housing. The Division of Housing of the Department of Industrial Relations and the office of Chief of the Division of Housing are abolished. As provided in Section 11159 of the Government Code, whenever any reference is made to the Division of Housing of the Department of Industrial Relations or the Chief of the Division of Housing, it shall be deemed to be a reference to, and to mean, the Department of Housing and Community Development and the Director of Housing and Community Development, respectively.

37104. The department may, upon receipt of a request of the local governmental agency having jurisdiction, provide assistance and aid to that agency in developing new and used housing for farm laborers, the elderly, racial minorities, persons displaced by governmental action and low income persons The department may furnish assistance and aid to private enterprises, when so requested, on programs of the nature specified in this section, except that such assistance or aid shall not be furnished with respect to any specific proposal or

project unless the local governmental agency within whose jurisdiction such proposal or project is or is proposed to be situated shall have given its consent. The department may provide assistance and aid in developing housing for students and faculty of universities and colleges upon the request of the governing board or agency of such universities or colleges.

37105. The department shall advise, aid and assist government agencies and private enterprise regarding the nature and availability of federal assistance for housing development and community development or redevelopment.

37106. The department may assist the State Office of Planning with the local planning assistance program vested in the State Office of Planning by Article 7 (commencing with Section 65017.1) of Chapter 1.5 of Title 7 of the Government Code. Nothing in this part shall be construed to repeal or supersede any of the provisions of Article 7 (commencing with Section 65017.1) of Chapter 1.5 of Title 7 of the Government Code.

37107. The department may provide assistance to local governmental agencies, upon request from such agencies, in the development of programs to correct or eliminate blight and deterioration, and to effect community development or redevelopment.

37108. The department may provide a statistics and research service for the collection and dissemination of data and information affecting housing and community development.

37109. The department may collect and make available to the public the federal, state, and local laws and information about aids applicable to housing and community development.

37110. The department may furnish counseling and guidance services to aid any public body or any private or nonprofit organization or persons in securing the financial aid or cooperation of the federal government in the undertaking, construction, maintenance, operation, or financing of any housing designed for farm laborers and their families, persons displaced by action of any state or local public agency, and workers engaged in cutting, processing, milling, handling, or shipping lumber or lumber products, and the families of such workers.

The department may contract for or sponsor, subject to the availability of federal funds, experimental or demonstration projects for permanently fixed or mobile housing designed to meet the special needs of agricultural workers and persons displaced by action of any state or local public agency. Such contracts or sponsorship agreements may be between the department and cities, counties, housing authorities, private enterprise, or nonprofit organizations.

37111. This part does not authorize any state funds for subsidized housing of any kind. The department shall not engage in direct loan or grant programs with funds appropriated by the Legislature or obtained by the issuance of state revenue or general obligation bonds, nor shall any local governmental

agency or agency of state government be required to submit applications to the federal government for federal assistance or to negotiate with the federal government with respect to federal assistance, through the department.

37112. All persons, other than temporary employees, serving in the state civil service and employed by offices whose functions are being transferred to the Department of Housing and Community Development shall remain in the state civil service and are hereby transferred to the Department of Housing and Community Development. The status, position, 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.

37113. The requirements of Title 24, California Administrative Code, shall be used as guides for assistance or aid performed by the department. All such assistance and aid will be considered to conform to the requirements of all local, state or other building regulatory agencies.

SEC. 2. Section 36057.5 of said code is repealed:

SEC. 3. Section 11559 of the Government Code is amended to read:

11559. An annual salary of eighteen thousand dollars ($18,000) shall be paid to each of the following:

(a) State Fire Marshal.

(b) Consumer Counsel.

(c) Director of Housing and Community Development.

SEC. 3.5. Section 11559.5 of said code is amended to read:

11559.5. An annual salary of fifteen thousand five hundred dollars ($15,500) shall be paid to each of the following:

(a) State Librarian.

(b) Chief of the Division of Industrial Welfare.

(c) Chief of the Division of Building and Housing Standards.

(d) Director of Aeronautics.

(e) Chief of the Division of Housing and Community Development.

SEC. 4. Section 56 of the Labor Code is amended to read:

56. The work of the department shall be divided into at least eight divisions known as the Division of Industrial Accidents, the Division of Industrial Safety, the Division of Labor Law Enforcement, the Division of Fair Employment Practices, the Division of Industrial Welfare, the Division of Labor Statistics and Research, the Division of Apprenticeship Standards, and the State Compensation Insurance Fund.

SEC. 5. Chapter 3 (commencing with Section 76) of Division 1 of said code is repealed.

SEC. 6. All property and records of the Division of Housing of the Department of Industrial Relations are transferred to the Department of Housing and Community Development.

SEC. 7. All property and records of the Department of Finance related to its functions under Section 36057.5 of the

Health and Safety Code are transferred to the Department of Housing and Community Development.

SEC. 8. The provisions of this act shall be operative only until the 91st day after the 1969 Regular Session of the Legislature unless such expiration date is extended by the Legislature. If there is no such extension and this act ceases to be operative, then the agencies and functions which are transferred by this act to the Department of Housing and Community Development shall be retransferred to the agencies from which they were removed and all employees involved shall have the same civil service rights of transfer and return to their original agencies as are provided under the terms of this act.

SEC. 9. The sum of eighty-five thousand seven hundred seventy-four dollars ($85,774) is hereby appropriated from the General Fund to the Department of Housing and Community Development for the purposes of this act.

CHAPTER 1223

An act to amend Section 10177 of the Business and Professions Code, relating to real estate licenses.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 10177 of the Business and Professions 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 sub-

division (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

(m) Solicited or induced the sale, lease or the listing for sale or lease, of residential property on the ground, wholly or in part, of loss of value, increase in crime, or decline of the quality of the schools, due to the present or prospective entry into the neighborhood of a person or persons of another race, color, religion, ancestry or national origin.

CHAPTER 1224

An act to add Chapter 15 (commencing with Section 22300) to Division 8 of the Business and Professions Code, relating to passage tickets.

[Approved by Governor July 14, 1965 Filed with Secretary of State July 15, 1965]

The people of the State of California do enact as follows:

SECTION 1. Chapter 15 (commencing with Section 22300) is added to Division 8 of the Business and Professions Code, to read:

CHAPTER 15. PASSAGE TICKETS

22300. No person issuing, selling or offering to sell any passage ticket or any instrument giving or purporting to give any right, either absolutely or upon any condition or contingency, to a passage or conveyance upon any vessel, or a berth or stateroom in any vessel, shall hold himself out to be or advertise himself in any way as the agent of the owner or consignees of such vessel or line, unless he has received authority in writing therefor, specifying the name of the company, line or vessel for which he is authorized to act as agent and the city or other place, together with the street and the street number, in which his office is kept for the sale of tickets, and unless such written authorization is readily available in such office.

This section shall not apply to the sale of passage tickets on board any such vessel or to the offices of the actual owners or consignees of such vessel.

22301. No person issuing, selling or offering to sell or holding himself out as being authorized to sell any such passage ticket or instrument giving or purporting to give any such right to passage or conveyance shall give or cause to be given any false or misleading information or shall print, publish, distribute or circulate or cause to be printed, published, distributed or circulated any false or misleading advertisement, circular, circular letter, pamphlet, card, handbill or other printed paper or notice in regard to the passage, ticket or instrument or the passage or voyage to which it entitles or purports to entitle its owner, purchaser or holder or line over which, or the vessel for which such passage is sold or offered or as to his agency for such line or vessel.

22302. No person issuing, selling or offering to sell any passenger ticket for passage or conveyance aboard any foreign vessel, including the owner or consignee of such vessel, his agents, servants or employees, shall omit reference to the country of registry of such vessel from any advertisement, circular, circular letter, pamphlet, card, handbill or other printed paper or notice, written or oral, in regard to the passage, ticket or instrument or the passage or voyage to which it entitles or purports to entitle its owner, purchaser or holder or line over which, or the vessel for which such passage is sold or offered or as to his agency for such line or vessel. The reference shall be prominently displayed.

22303. A ticket or instrument issued as evidence of a right of passage upon the high seas, from any port in this state, to any port of any other state or nation, and every certificate or order issued for the purpose, or under pretense of procuring any such ticket or instrument, and every receipt for money paid for such ticket or instrument shall state the name of the vessel on board of which the passage is to be made, the name of the owners or consignees of such vessel, the name of the company, or line, if any, to which such vessel belongs, its

country of registry, the place from which such passage is to commence, the place where such passage is to terminate, the day of the month and year upon which the voyage is to commence, the name of the person purchasing such ticket or instrument, or receiving such order, certificate or receipt, and the amount paid therefor; and such ticket or instrument, order, certificate or receipt, unless sold or issued by the owners or consignees of such vessel, shall be signed by their authorized agent.

22304. Any person, firm, corporation, partnership, or association or any employee or agent thereof who violates this chapter is guilty of a misdemeanor.

CHAPTER 1225

An act to amend Sections 6002, 6004, 6005, 6006, 6007, 6008, 6026, 6027, 6028, 6029, 6030, 6032, 6052, 6054, 6075, 6076, 6077, 6100, 6101, 6102, 6110, 6112, 6113, 6200, 6201, 6202, 6203, 6204, 6225, 6226, 6228, 6300, 6302, 6303, 6307, 6350, 6351, 6352, 6354, 6355, 6360, 6362, 6363, 6364, 6370, 6372, 6390, 6400, 6402, 6404, 6427 of, to amend the titles of Division 3 (commencing with Section 6000), Part 1 (commencing with Section 6000) of Division 3, Article 1 (commencing with Section 6200) of Chapter 5 of Part 1 of Division 3, and Article 1 (commencing with Section 6350), Article 2 (commencing with Section 6360), and Article 3 (commencing with Section 6370) of Chapter 7 of Part 1 of Division 3 of, to add Sections 6004.5 and 6081 to, and to add Chapter 10 (commencing with Section 6455) to Part 1, Division 3 of, to add Article 1.5 (commencing with Section 6357) to Chapter 7, Part 1, Division 3 of, and to repeal Sections 6353, 6356, 6361, and 6365 of, the Water Code, relating to supervision of dams and reservoirs, and making an appropriation therefor.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. The title of Division 3 (commencing with Section 6000) of the Water Code is amended to read:

DIVISION 3. DAMS AND RESERVOIRS

SEC. 2. The title of Part 1 (commencing with Section 6000) of Division 3 of said code is amended to read:

PART 1. SUPERVISION OF DAMS AND RESERVOIRS

SEC. 3. Section 6002 of said code is amended to read:

6002. "Dam" means any artificial barrier, together with appurtenant works, which does or may impound or divert water, and which either (a) is or will be 25 feet or more in height from the natural bed of the stream or watercourse at the downstream toe of the barrier, as determined by the department, or from the lowest elevation of the outside limit of the barrier, as determined by the department, if it is not across a stream channel or watercourse, to the maximum possible water storage elevation or (b) has or will have an impounding capacity of 50 acre-feet or more.

SEC. 3.5. Section 6004 of said code is amended to read:

6004. No obstruction in a canal used to raise or lower water therein or divert water therefrom, no levee, including but not limited to a levee on the bed of a natural lake the primary purpose of which levee is to control floodwaters, no railroad fill or structure, and no road or highway fill or structure, no circular tank constructed of steel or concrete or of a combination thereof, no tank elevated above the ground, and no barrier which is not across a stream channel, watercourse, or natural drainage area and which has the principal purpose of impounding water for agricultural use shall be considered a dam. In addition, no obstruction in the channel of a stream or watercourse which is 15 feet or less in height from the lowest elevation of the obstruction and which has the single purpose of spreading water within the bed of the stream or watercourse upstream from the obstruction for percolation underground shall be considered a dam.

SEC. 4. Section 6004.5 is added to said code, to read:

6004.5. "Reservoir" means any reservoir which contains or will contain the water impounded by a dam.

SEC. 5. Section 6005 of said code is amended to read:

6005. "Owner" includes any of the following who own, control, operate, maintain, manage, or propose to construct a dam or reservoir:

(a) The state and its departments, institutions, agencies, and political subdivisions.

(b) Every municipal or quasi-municipal corporation.

(c) Every public utility.

(d) Every district.

(e) Every person.

(f) The duly authorized agents, lessees, or trustees of any of the foregoing.

(g) Receivers or trustees appointed by any court for any of the foregoing.

"Owner" does not include the United States.

SEC. 6. Section 6006 of said code is amended to read:

6006. "Alterations," "repairs," or either of them, mean only such alterations or repairs as may affect the safety of the dam or reservoir.

SEC. 7. Section 6007 of said code is amended to read:

6007. "Enlargement" means any change in or addition to an existing dam or reservoir, which raises or may raise the water storage elevation of the water impounded by the dam or reservoir.

SEC. 8. Section 6008 of said code is amended to read:

6008. Water storage elevation means that elevation of water surface which could be obtained by the existing dam or reservoir, as previously operated, were there no outflow and were the reservoir full of water.

SEC. 9. Section 6026 of said code is amended to read:

6026. No city or county has authority, by ordinance enacted by the legislative body thereof or adopted by the people under the initiative power, or otherwise, to regulate, supervise, or provide for the regulation or supervision of any dams or reservoirs in this state, or the construction, maintenance, or operation thereof, nor to limit the size of any dam or reservoir or the amount of water which may be stored therein. This part shall not prevent a city or county from adopting ordinances regulating, supervising, or providing for the regulation or supervision of dams and reservoirs that (a) are not within the state's jurisdiction, or (b) are not subject to regulation by another public agency or body.

SEC. 10. Section 6027 of said code is amended to read:

6027. Whenever supervision of safety of design or construction of a proposed or existing dam or reservoir is exercised by the United States or any of its agencies pursuant to a jurisdiction superior to that of the state, and the requirements made under authority of such jurisdiction are so contradictory with requirements made by the department under this part that a compliance cannot be made which will meet both federal and state requirements, then the state requirements shall be modified by the department sufficiently to make possible compliance with both federal and state requirements.

SEC. 11. Section 6028 of said code is amended to read:

6028. No action shall be brought against the state or the department or its agents or employees for the recovery of damages caused by the partial or total failure of any dam or reservoir or through the operation of any dam or reservoir upon the ground that such defendant is liable by virtue of any of the following:

(a) The approval of the dam or reservoir.

(b) The issuance or enforcement of orders relative to maintenance or operation of the dam or reservoir.

(c) Control and regulation of the dam or reservoir.

(d) Measures taken to protect against failure during an emergency.

SEC. 12. Section 6029 of said code is amended to read:

6029. Nothing in this part shall be construed to relieve an owner or operator of a dam or reservoir of the legal duties, obligations, or liabilities incident to the ownership or operation of the dam or reservoir.

SEC. 13. Section 6030 of said code is amended to read:

6030. The findings and orders of the department and the certificate of approval of any dam or reservoir issued by the department are final and conclusive and binding upon all state agencies, regulatory or otherwise, as to the safety of design, construction, maintenance, and operation of any dam or reservoir.

SEC. 14. Section 6032 of said code is amended to read:

6032. The records pertaining to the supervision of dams and reservoirs are public documents.

SEC. 15. Section 6052 of said code is amended to read:

6052. The department shall employ such clerical, engineering, and other assistants as are necessary for carrying on the work of dam and reservoir supervision in accordance with this part.

SEC. 16. Section 6054 of said code is amended to read:

6054. When the safety and technical considerations pertaining to a certificate of approval, dam, reservoir, or plans and specifications require it, or when requested in writing to do so by the owner, the department shall appoint a consulting board of two or more consultants to report to the department on the safety features involved.

SEC. 17. Section 6075 of said code is amended to read:

6075. The department, under the police power of the state, shall supervise the construction, enlargement, alteration, repair, maintenance, operation, and removal of dams and reservoirs for the protection of life and property as provided in this part.

SEC. 18. Section 6076 of said code is amended to read:

6076. All dams and reservoirs in the state are under the jurisdiction of the department.

SEC. 19. Section 6077 of said code is amended to read:

6077. It is unlawful to construct, enlarge, repair, alter, remove, maintain, or operate any dam or reservoir except upon approval of the department as provided in this part.

SEC. 20. Section 6081 is added to said code, to read:

6081. In determining whether or not a dam or reservoir or proposed dam or reservoir constitutes or would constitute a danger to life or property, the department shall take into consideration the possibility that the dam or reservoir might be endangered by seepage, earth movement, or other conditions which exist or which might occur in any area in the vicinity of the dam or reservoir. Whenever the department deems that any such condition endangers a dam or reservoir, it shall order the owner to take such action as the department determines to be necessary to remove the resultant danger to life and property.

SEC. 21. Section 6100 of said code is amended to read:

6100. Supervision over the maintenance and operation of dams and reservoirs insofar as necessary to safeguard life and property from injury by reason of the failure thereof is vested in the department.

SEC. 22. Section 6101 of said code is amended to read:

6101. The department may require owners to keep records of, and to report on, maintenance, operation, staffing, and engineering and geologic investigations and shall issue such rules and regulations and orders as necessary to secure maintenance and operation and to require staffing and engineering and geologic investigations which will safeguard life and property. In addition, the owner of a dam or reservoir or his agent shall fully and promptly advise the department of any sudden or unprecedented flood or unusual or alarming circumstance or occurrence affecting the dam or reservoir.

SEC. 23. Section 6102 of said code is amended to read:

6102. The department, from time to time, shall make inspections of dams and reservoirs at state expense for the purpose of determining their safety but shall require owners to perform at their expense such work as necessary to disclose information sufficient to enable the department to determine conditions of dams and reservoirs in regard to their safety and to perform at their expense other work necessary to secure maintenance and operation which will safeguard life and property.

SEC. 24. Section 6110 of said code is amended to read:

6110. The department shall immediately employ any remedial means necessary to protect life and property if either:

(a) The condition of any dam or reservoir is so dangerous to the safety of life or property as not to permit of time for the issuance and enforcement of an order relative to maintenance or operation.

(b) Passing or imminent floods threaten the safety of any dam or reservoir.

SEC. 25. Section 6112 of said code is amended to read:

6112. The department shall continue in full charge and control of such dam or reservoir, or both, and its appurtenances until they are rendered safe or the emergency occasioning the action has ceased.

SEC. 26. Section 6113 of said code is amended to read:

6113. The cost and expenses of the remedial means provided in this article, including cost of any work done to render a dam or reservoir or its appurtenances safe, shall be recoverable by the state from the owner by action brought by the department in the superior court of the county wherein the dam or reservoir or any part thereof is situated.

SEC. 28. The title of Article 1 (commencing with Section 6200) of Chapter 5 of Part 1 of Division 3 of said code is amended to read:

Article 1. New Dams and Reservoirs or Enlargements of Dams and Reservoirs

SEC. 29. Section 6200 of said code is amended to read:

6200. Construction of any new dam or reservoir or the enlargement of any dam or reservoir shall not be commenced until the owner has applied for and obtained from the department written approval of plans and specifications.

SEC. 30. Section 6201 of said code is amended to read:

6201. A separate application for each dam or reservoir shall be filed with the department upon forms to be provided by it, except that only one application need be filed for a dam and the reservoir which will contain the water impounded by the dam.

SEC. 31. Section 6202 of said code is amended to read:

6202. The application shall give the following information:

(a) The name and address of the owner.

(b) The location, type, size, and height of the proposed dam or reservoir and appurtenant works.

(c) The storage capacity of the reservoir.

(d) Such other pertinent information as the department requires.

(e) As accurately as may be readily obtained, the area of the drainage basin, rainfall and streamflow records and floodflow records and estimates.

SEC. 32. Section 6203 of said code is amended to read:

6203. The department may also require the following:

(a) Data concerning subsoil and foundation conditions and the materials entering into construction of the dam or reservoir.

(b) Investigations of, and reports on, subsurface conditions, involving such matters as exploratory pits, trenches and adits, drilling, coring, geophysical surveys, tests to determine leakage rates, and physical tests to measure in place the properties and behavior of foundation materials at the dam or reservoir site.

(c) Investigations of, and reports on, the geology of the dam or reservoir site and its vicinity, possible geologic hazards, availability and quality of construction materials, and other pertinent features.

(d) Such other appropriate information as may be necessary in a given instance.

SEC. 33 Section 6204 of said code is amended to read:

6204. In instances wherein the physical conditions involved and the size of the dam or reservoir are such as to render the above requirements as to drainage areas, rainfall, streamflow, floodflow, and drilling or prospecting of site unnecessary, the department may waive the requirements.

SEC. 34. Section 6225 of said code is amended to read:

6225. Before commencing the repair, alteration, or removal of a dam or reservoir, including the alteration or removal of a

dam or reservoir so that it no longer constitutes a dam or reservoir as defined in this part, the owner shall secure the written approval of the department, except as provided in this article.

SEC. 35. Section 6226 of said code is amended to read:

6226. The application shall give such pertinent information or data concerning the dam or reservoir, or both, as may be required by the department and such information as to other matters appropriate to a thorough consideration of the safety of such a change as may be required by the department.

SEC. 36. Section 6228 of said code is amended to read:

6228. The application shall give the name and address of applicant, shall adequately detail, with appropriate references to the existing dam or reservoir, the changes which it is proposed to effect, and shall be accompanied by maps and plans and specifications which shall be a part of the application and which shall be of such character and size and set forth such pertinent details and dimensions as the department may require. The department may waive any of the requirements of this section if found by it unnecessary.

SEC. 37. Section 6300 of said code is amended to read:

6300 The application for a new dam or reservoir or enlargement shall set forth the estimated cost, as defined in this article, of the dam or reservoir or enlargement and shall be accompanied by a filing fee based upon the estimated cost and according to the following schedule:

(a) For the first one hundred thousand dollars ($100,000) a fee of 1½ percent of the estimated cost.

(b) For the next four hundred thousand dollars ($400,000) a fee of three-fourths of 1 percent.

(c) For the next five hundred thousand dollars ($500,000) a fee of one-half of 1 percent.

(d) For all costs in excess of one million dollars ($1,000,000) a fee of one-fifth of 1 percent.

In no case, however, shall the minimum fee be less than twenty dollars ($20).

SEC. 38. Section 6302 of said code is amended to read:

6302. For the purposes of this part, the estimated cost of the dam or reservoir or enlargement involved shall include the following:

(a) The cost of all labor and materials entering into the construction of the dam and appurtenant works or reservoir

(b) The cost of preliminary investigations and surveys.

(c) The cost of the construction plant properly chargeable to the cost of the dam or reservoir.

(d) Any and all other items entering directly into the cost of the dam or reservoir.

SEC. 39. Section 6303 of said code is amended to read:

6303. The costs of right-of-way, detached powerhouses, electrical generating machinery, and roads and railroads affording access to the dam or reservoir shall not be included among the items used in the determination of cost.

SEC. 40. Section 6307 of said code is amended to read:

6307. All filing fees and other charges collected under the provisions of this part shall be paid into the State Treasury immediately after the department has certified as to the correctness of the amounts received and made any adjustments necessary.

SEC. 41. The title of Article 1 (commencing with Section 6350) of Chapter 7 of Part 1 of Division 3 of said code is amended to read:

Article 1. New or Enlarged Dams and Reservoirs

SEC. 42. Section 6350 of said code is amended to read:

6350. Immediately upon completion of a new dam or reservoir or enlargement of a dam or reservoir the owner shall give a notice of completion to the department and as soon thereafter as possible shall file with the department supplementary drawings or descriptive matter showing or describing the dam or reservoir as actually constructed, including the following:

(a) A record of all grout holes and grouting.

(b) A record of permanent location points and bench marks.

(c) A record of tests of concrete or other material used in the construction of the dam or reservoir.

(d) Any other items which may be of permanent value and have a bearing on the safety and permanency of the dam or reservoir.

SEC. 43. Section 6351 of said code is amended to read:

6351. In connection with the enlargement of a dam or reservoir, the supplementary drawings and descriptive matter need apply only to the new work.

SEC. 44. Section 6352 of said code is amended to read:

6352. As soon as possible after giving notice of completion, the owner shall file an affidavit with the department stating the actual cost of the dam or reservoir in such detail as the department requires to determine whether a further fee is due. In the event the owner of a new or enlarged dam or reservoir, because of loss of records, recent change of ownership, or other causes beyond his control, is unable to report the actual cost of construction or enlargement, he shall file an affidavit to this effect, stating the reasons therefor, within 30 days after receiving a written request therefor from the department. The department shall then make its own appraisal of the cost of construction or enlargement and determine what further fee, if any, is required. Upon making a determination that a further fee is required, the department shall notify the owner by certified mail of the amount of such fee within 15 days and shall notify the owner that he may appear within 60 days thereafter before an authorized representative of the department to protest the amount of the fee, in whole or in part, determined by the department to be required, and the

sufficiency of the appraisal upon which such determination was based.

SEC. 45. Section 6353 of said code is repealed.

SEC. 46. Section 6354 of said code is amended to read:

6354. As soon as practicable the completed dam or reservoir shall be inspected by the department.

SEC. 47. Section 6355 of said code is amended to read:

6355. A certificate of approval shall be issued upon a finding that the dam or reservoir is safe to impound water within the limitations prescribed in the certificate. Upon written request by an owner for a certificate of approval, the department shall issue the certificate if it finds that the dam or reservoir is safe to impound water within the limitations prescribed in the certificate. Pending issuance of a certificate of approval by the department, the owner of the dam or reservoir shall not, through action or inaction, cause the dam or reservoir to impound water.

SEC. 48. Section 6356 of said code is repealed.

SEC. 49. Article 1.5 (commencing with Section 6357) is added to Chapter 7 of Part 1 of Division 3 of said code, to read:

Article 1.5. Certificates of Approval

6357. Each certificate of approval issued by the department under this part may contain such terms and conditions as the department may prescribe.

6357.1. The department may revoke any certificate of approval whenever it determines that the dam or reservoir constitutes a danger to life and property. Whenever it deems such action necessary to safeguard life and property, the department may also amend the terms and conditions of any such certificate by issuing a new certificate containing the revised terms and conditions.

6357 2. The owner of a dam or reservoir for which a certificate of approval has been issued shall not, through action or inaction, cause the dam or reservoir to impound water after the certificate terminates unless a new certificate is issued for the dam or reservoir. A new certificate shall be issued upon a finding by the department that the dam or reservoir is safe to impound water within the limits prescribed in the certificate.

6357.3. With respect to each certificate of approval or written consent for use of a dam which has been issued by the department or a predecessor of the department and which is in effect prior to the effective date of this article, the department shall, within one year from such effective date, issue a new certificate of approval, which shall supersede the previous certificate or written consent for use, or shall revoke the existing certificate or written consent for use if it finds that the dam or reservoir is not safe to impound water.

6357.4. Before any certificate of approval is revoked by the department, the department shall hold a hearing. Written notice of the time and place of the hearing shall be mailed,

at least 20 days prior to the date set for the hearing, to the holder of the certificate. Any interested persons may appear at the hearing and present their views and objections to the proposed action. Any petition for a writ of mandate to inquire into the validity of action of the department revoking a certificate of approval shall be commenced within 30 days after service of notice of the revocation on the holder of the certificate.

SEC. 50. The title of Article 2 (commencing with Section 6360) of Chapter 7 of Part 1 of Division 3 of said code is amended to read:

Article 2. Repaired or Altered Dams and Reservoirs

SEC. 51. Section 6360 of said code is amended to read:

6360. Immediately upon completion of the repair or alteration of any dam or reservoir, the owner shall give notice of completion to the department and as soon thereafter as possible shall file with it supplementary drawings or descriptive matter showing or describing the dam or reservoir as actually repaired or altered together with such maps, data, records, and information pertaining to the dam or reservoir as repaired or altered as the department requires.

SEC. 52. Section 6361 of said code is repealed.

SEC. 53. Section 6362 of said code is amended to read:

6362. As soon as practicable the dam or reservoir as repaired or altered shall be inspected by the department.

SEC. 54. Section 6363 of said code is amended to read:

6363. A certificate of approval shall be issued upon a finding that the dam or reservoir is safe to impound water within the limitations prescribed in the certificate. Pending issuance of a new certificate of approval, the owner of the dam or reservoir shall not, through action or inaction, cause the dam or reservoir to impound water beyond the limitations prescribed in the existing certificate.

SEC. 55. Section 6364 of said code is amended to read:

6364. The certificate of approval shall supersede any previous certificate of approval issued for the dam or reservoir so repaired or altered.

SEC. 56. Section 6365 of said code is repealed.

SEC. 57. The title of Article 3 (commencing with Section 6370) of Chapter 7 of Part 1 of Division 3 of said code is amended to read:

Article 3. Removal of Dams and Reservoirs

SEC. 58 Section 6370 of said code is amended to read:

6370. Upon completion of the removal of a dam or reservoir such evidence as to the manner in which the work was performed and as to the conditions obtaining after the removal as the department requires shall be filed with the department.

SEC. 59. Section 6372 of said code is amended to read:

6372. Before final approval of the removal of a dam or reservoir is issued, the department shall inspect the work and determine that all danger to life and property has been eliminated.

SEC. 60. Section 6390 of said code is amended to read:

6390. Upon receipt of a written complaint alleging that the person or property of the complainant is endangered by the construction, maintenance, or operation of any dam or reservoir the department shall cause an inspection to be made unless the data, records, and inspection reports on file with it are found adequate to enable a determination whether or not the complaint is meritorious.

SEC. 61. Section 6400 of said code is amended to read:

6400. During the construction, enlargement, repair, alteration, or removal of any dam or reservoir the department shall make continuous or periodical inspections at state expense for the purpose of securing conformity with the approved plans and specifications but shall require the owner to perform at his expense such work or tests as necessary to disclose information sufficient to enable the department to determine that conformity with the approved plans and specifications is being secured.

SEC. 62. Section 6402 of said code is amended to read:

6402. If conditions are revealed which will not permit the construction of a safe dam or reservoir the approval may be revoked.

SEC. 63. Section 6404 of said code is amended to read:

6404. If at any time during construction, enlargement, repair, or alterations of any dam or reservoir the department finds that the work is not being done in accordance with the provisions of the approval and the approved plans and specifications or in accordance with the approval and revised plans and specifications, it shall give a written notice and order by registered mail or by personal service to the owner.

SEC. 64. Section 6427 of said code is amended to read:

6427. Any owner or any person acting as a director, officer, agent, or employee of an owner, or any contractor or agent or employee of a contractor who engages in the construction, enlargement, repair, alteration, maintenance, or removal of any dam or reservoir, who knowingly does work or permits work to be executed on the dam or reservoir without an approval or in violation of or contrary to any approval as provided for in this part, or any inspector, agent, or employee of the department who has knowledge of such work being done and who fails to immediately notify the department thereof is guilty of a misdemeanor and punishable as provided in this article.

SEC. 65. Chapter 10 (commencing with Section 6455) is added to Part 1 of Division 3 of said code, to read:

Chapter 10. Dams and Reservoirs Under State Supervision Through 1965 Revisions of Part 1

Article 1. Dams and Reservoirs Completed Before 1965 Revisions

6455. Every owner of a dam or reservoir that falls within the definition of a dam or reservoir in this part by virtue of the amendment of Section 6002 or the addition of Section 6004.5 at the 1965 Regular Session of the Legislature and that was completed prior to September 17, 1965, shall immediately file an application with the department for the approval of such dam or reservoir; provided that this Chapter 10 shall not apply to any reservoir which contains the water impounded by a dam for which a certificate of approval is in effect on September 17, 1965.

6456. A separate application shall be made for each dam or reservoir and shall be filed with the department upon forms to be supplied by it and shall include or be accompanied by such appropriate information concerning the dam or reservoir as the department requires.

6457. The department shall give notice to file an application to owners of such dams or reservoirs who have failed to do so as required by this article, and a failure to file within 30 days after such notice shall be punishable as provided in this part.

6458. The notice provided for in this article may be given by registered or certified mail and a return receipt signed by the owner shall constitute prima facie evidence of service.

6459. The department shall make inspections of such dams or reservoirs at state expense.

6460. The department shall require owners of such dams or reservoirs to perform at their expense such work or tests as necessary to disclose information sufficient to enable the department to determine whether to issue certificates of approval or to issue orders directing further work at the owner's expense necessary to safeguard life and property. For this purpose, the department may require an owner to lower the water level of, or to empty, the reservoir.

6461. If, upon inspection or upon completion to the satisfaction of the department of all work that may be ordered, the department finds that the dam or reservoir is safe to impound water, a certificate of approval shall be issued. The owner of the dam or reservoir shall not, through action or inaction, cause the dam or reservoir to impound water following receipt by the owner of a written notice from the department that a certificate will not be issued because the dam or reservoir will not safely impound water. Before such notice is given by the department, the department shall hold a hearing. Written notice of the time and place of the hearing shall be mailed, at least 20 days prior to the date set for the hearing, to the owner of the dam or reservoir. Any interested persons may

appear at the hearing and present their views and objections to the proposed action. Any petition for a writ of mandate to inquire into the validity of the action of the department shall be commenced within 30 days after receipt by the owner of a written notice from the department that a certificate of approval will not be issued.

Article 2. Dams and Reservoirs Under Construction Before 1965 Revisions

6465. Any dam or reservoir that falls within the definition of a dam or reservoir in this part by virtue of the amendment of Section 6002 or the addition of Section 6004.5 at the 1965 Regular Session of the Legislature and which the department finds was under construction and not 90 percent constructed on September 17, 1965, shall, except as provided in Section 6466, be subject to the same provisions in this part as a dam or reservoir commenced after that date. Every owner of such a dam or reservoir shall file an application with the department for the department's written approval of the plans and specifications of the dam or reservoir. Where an application for approval of the plans and specifications for a dam is pending before the department on September 17, 1965, such application shall be deemed to also constitute an application for approval of the plans and specifications of the reservoir which will contain the water impounded by the dam.

6466. Construction work on such a dam or reservoir may proceed, provided an application for approval of the plans and specifications therefor is filed, until a certificate of approval is received by the owner from the department approving the dam or reservoir or an order is received by the owner from the department specifying how the construction must be performed to render the dam or reservoir safe. After receipt of an order specifying how construction of the dam or reservoir must be performed, work thereafter must be in accordance with the order.

6467. Such dams or reservoirs as are 90 percent or more constructed on September 17, 1965, shall be subject to the same supervision as dams or reservoirs which were completed prior thereto.

Article 3. Fees for Dams or Reservoirs Under Construction Before 1965 Revisions

6470. The owners of completed dams or reservoirs and dams or reservoirs that are 90 percent or more constructed that are made subject to the provisions of this part by the amendment of Section 6002 or the addition of Section 6004.5 at the 1965 Regular Session of the Legislature shall not be required to pay a fee in relation to applications filed with the department for approval of their dams or reservoirs. Applications for the approval of dams or reservoirs that are made

subject to this part by said amendment or addition that are found by the department to have been less than 90 percent constructed on September 17, 1965, shall be accompanied by fees as much less than provided for dams or reservoirs commenced after that date as the percentage of construction found by the department to have been completed on that date.

SEC. 66. There is appropriated from the General Fund to the Department of Water Resources, one hundred ninety-nine thousand five hundred ninety-eight dollars ($199,598) for expenditure for the purposes of Part 1 (commencing with Section 6000) of Division 3 of the Water Code, pertaining to the supervision of dams and reservoirs. The appropriation made by this act shall be available for expenditure until June 30, 1966.

CHAPTER 1226

An act to repeal Chapter 11 (commencing with Section 6399) and Chapter 12 (commencing with Section 6550) of Title 7 of Part 3 of the Penal Code, and to add Division 3 (commencing with Section 3000) to the Welfare and Institutions Code, relating to the commitment, treatment, and rehabilitation of narcotic addicts.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 11 (commencing with Section 6399) and Chapter 12 (commencing with Section 6550) of Title 7 of Part 3 of the Penal Code are repealed.

SEC. 2. Division 3 (commencing with Section 3000) is added to the Welfare and Institution Code, to read:

DIVISION 3. NARCOTIC ADDICTS

CHAPTER 1. COMMITMENT AND TREATMENT OF NARCOTIC ADDICTS

Article 1. Administration

3000. It is the intent of the Legislature that persons addicted to narcotics, or who by reason of repeated use of narcotics are in imminent danger of becoming addicted, shall be treated for such condition and its underlying causes, and that such treatment shall be carried out for nonpunitive purposes not only for the protection of the addict, or person in imminent danger of addiction, against himself, but also for the prevention of contamination of others and the protection of the public. Persons committed to the program provided for in this chapter who are uncooperative with efforts to treat them or are otherwise unresponsive to treatment nevertheless should

be kept in the program for purposes of control. It is the further intent of the Legislature that persons committed to this program who show signs of progress after an initial or subsequent periods of treatment and observation be given reasonable opportunities to demonstrate ability to abstain from the use of narcotics under close supervision in outpatient status outside of the rehabilitation center provided for in Chapter 2 (commencing with Section 3300) of this division. Determinations of progress of persons committed to the program should be based upon criteria to be established by the Director of Corrections with the advice of clinically trained and experienced personnel.

The enactment of the preceding provisions of this section shall not be construed to be evidence that the intent of the Legislature was otherwise before such enactment.

3001. The narcotic detention, treatment and rehabilitation facility referred to herein shall be one within the Department of Corrections whose principal purpose shall be the receiving, control, confinement, employment, education, treatment and rehabilitation of persons under the custody of the Department of Corrections or any agency thereof who are or have been addicted to narcotics or who by reason of repeated use of narcotics are in imminent danger of becoming addicted.

3002. Every person committed pursuant to this chapter or former Chapter 11 (commencing with Section 6399) of Title 7 of the Penal Code who escapes or attempts to escape from lawful custody is guilty of a crime punishable by imprisonment in the state prison for not exceeding seven years. This section does not apply to unauthorized absence from a halfway house.

3003. The Director of Corrections may enter into agreements with the Director of Mental Hygiene pursuant to which persons committed to the custody of either for narcotic addiction or imminent narcotic addiction can be transferred to an institution under the jurisdiction of the other.

3004. (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, 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.

3005. The Director of the Department of Corrections shall engage in a program of research in the detention, treatment and rehabilitation of narcotic addicts.

3006. No commitment under Article 2 or 3 of this chapter shall be ordered until such time as the Director of Corrections designates a place or places for the reception of persons committed thereunder and unless space is available therein.

3007. "Narcotic addict" as used in this chapter refers to any person, whether adult or minor, who is addicted to the unlawful use of any narcotic as defined in Division 10 of the Health and Safety Code, except marijuana.

3008. When a court commits a person to the custody of the Director of Corrections pursuant to this chapter, the court shall immediately after making the order of commitment, mail to the Department of Corrections, at the facility to which the person committed is delivered, a copy of such reports as the probation officer may have made relative to such person.

Article 2. Involuntary Commitment of Persons Charged With a Crime

3050. Upon conviction of a defendant of any crime in a municipal or justice court, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to narcotics, such judge shall adjourn the proceedings or suspend the imposition of the sentence and certify the defendant to the superior court.

The superior court shall then conduct proceedings to ascertain if such defendant is addicted to narcotics or is in imminent danger of becoming addicted thereto. Proceedings shall be conducted in substantial compliance with Sections 5353, 5053, 5054, and 5055 of this code.

If, after a hearing and examination, the judge shall find that the defendant charged is a narcotic addict, or by reason of repeated use of narcotics is in imminent danger of becoming addicted thereto, and is not ineligible for the program under the application of Section 3052 hereof, he shall make an order committing such defendant to the custody of the Director of Corrections for confinement in the facility until such time as he is discharged pursuant to Article 5 of this chapter, except as this chapter permits earlier discharge. In any case to which Section 3052 applies, the judge may request the district attorney to investigate the facts relevant to the advisability of commitment pursuant to this section. In unusual cases, wherein the interest of justice would best be served, the judge may, with the concurrence of the district attorney and defendant, order commitment notwithstanding Section 3052. If, upon the hearing, the judge shall find that the defendant is not a narcotic addict and is not in imminent danger of becoming addicted to narcotics, he shall so certify and return the defendant to the municipal or justice court

which certified such defendant to the superior court for such further proceedings as the judge of such municipal or justice court deems warranted.

If a person committed pursuant to this section, after conviction of a misdemeanor, is dissatisfied with the order of the court, he may demand a hearing by a judge or jury in substantial compliance with the provisions of Section 5125 of this code.

3051. Upon conviction of a defendant for any crime in any superior court, if it appears to the judge that the defendant may be addicted or by reason of repeated use of narcotics may be in imminent danger of becoming addicted to narcotics he shall adjourn the proceedings or suspend the imposition of the sentence and conduct proceedings to ascertain if such person is addicted to narcotics or in imminent danger thereof unless in the opinion of the judge the defendant's record and probation report indicates such a pattern of criminality that he does not constitute a fit subject for commitment under this section. If a petition is ordered filed, proceedings shall be conducted in substantial compliance with Sections 5353, 5053, 5054, and 5055 of this code.

If, after a hearing and examination, the judge shall find that the person charged is a narcotic addict, or by reason of repeated use of narcotics is in imminent danger of becoming addicted to narcotics, he shall make an order committing such person to the custody of the Director of Corrections for confinement in the facility until such time as he is discharged pursuant to Article 5 of this chapter, except as this chapter permits earlier discharge. In any case to which Section 3052 applies, the judge may request the district attorney to investigate the facts relevant to the advisability of commitment pursuant to this section. In unusual cases, wherein the interest of justice would best be served, the judge may, with the concurrence of the district attorney and defendant, order commitment notwithstanding Section 3052. If, upon the hearing, the judge shall find that the defendant is not a narcotic addict and is not in imminent danger of becoming addicted to narcotics, he shall so certify and return the defendant to the department of the superior court which directed the filing of the petition for such further proceedings on the criminal charges as the judge of such department deems warranted.

If a person committed pursuant to this section, after conviction of a felony, is dissatisfied with the order of the court, he may demand a hearing by a judge or jury in substantial compliance with the provisions of Section 5125 of this code.

3052. Sections 3050 and 3051 shall not apply to persons convicted of, or who have been previously convicted of murder, assault with intent to commit murder, attempt to commit murder, kidnaping, robbery, burglary in the first degree, mayhem, a violation of Section 245 or a violation of any provision of Chapter 1 (commencing with Section 261) of Title 9 of Part 1 of the Penal Code (but excepting subdivision 1 of Sec-

tion 261) any felonies involving bodily harm or attempt to inflict bodily harm or any offense set forth in Article 1 (commencing with Section 11500) or 2 (commencing with Section 11530) of Chapter 5 of Division 10 of the Health and Safety Code, or in Article 4 (commencing with Section 11710) of Chapter 7 of such Division 10 for which the minimum term prescribed by law is more than five years in state prison.

3053 If at any time after 60 days following receipt of a person at the facility, the Director of Corrections concludes that the person, because of excessive criminality or for other relevant reason, is not a fit subject for confinement or treatment in such narcotic detention, treatment and rehabilitation facility, he shall return the person to the court in which the case originated for such further proceedings on the criminal charges as that court may deem warranted.

3054. A person committed to the custody of the Director of Corrections pursuant to this article is not required to register pursuant to Article 6 (commencing with Section 11850) of Chapter 7, Division 10 of the Health and Safety Code.

Article 3. Involuntary Commitment of Persons Not Charged With a Crime

3100. Anyone who believes that a person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use or any person who believes himself to be addicted or about to become addicted may report such belief to the district attorney who may petition the superior court for a commitment of such person to the Director of Corrections for confinement in the narcotic detention, treatment and rehabilitation facility.

3101. Every person who knowingly contrives to have any person adjudged a narcotic addict under this article unlawfully or improperly, is guilty of a misdemeanor.

3102. Upon the filing of a proper petition pursuant to Section 3100, the court shall order the person sought to be committed to be examined by a physician or physicians, by order similar in form to the order for examination prescribed by Section 5050 1 of this code The court may also order that the person be confined pending hearing in a county hospital or other suitable institution if the petition is accompanied by the affidavit of a physician alleging that he has examined such person within three days prior to the filing of the petition and has concluded that, unless confined, such person is likely to injure himself or others or become a menace to the public. In any case in which a person is so ordered to be confined, it shall be the duty of the person in charge of the institution to provide the person ordered confined with medical aid as necessary to ease any symptoms of withdrawal from the use of narcotics. Such medical aid shall not be administered by a peace officer who is not licensed as a physician and surgeon.

3103. 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.

3104. The report of the examination by the physician shall be delivered to the court, and if the report is to the effect that the person is not addicted nor in imminent danger of addiction, it shall order the petition dismissed. If the report is to the effect that the person is addicted or in imminent danger of addiction, the court shall set a time and place of hearing and cause notice thereof to be served on the person.

3105. The court may issue subpoenas for attendance of witnesses at the hearing and the person sought to be committed shall have the right to have subpoenas issued for such purpose. At the hearing the person shall have the right to be represented by counsel, to present witnesses on his behalf, and to cross-examine witnesses. If he is unable financially to employ counsel, the court shall, if requested, appoint counsel for him.

3106. At the hearing the court shall determine whether the person is addicted to the use of narcotics or in imminent danger of addiction. If that issue is determined in the negative, the petition shall be denied. If the issue is determined in the affirmative, the court shall order the person committed to the custody of the Director of Corrections until such time as he is discharged in accordance with Article 5 of this chapter, except as provided in Section 3109.

3107. Hearing may be waived by consent of the person sought to be committed, expressed in open court.

3108. If the person so committed or any friend in his behalf is dissatisfied with the order of the court, he may demand a hearing by judge or jury in substantial compliance with the provisions of Section 5125 of this code.

3109. If at any time after 60 days following receipt at the facility of a person committed pursuant to this article, the Director of Corrections concludes that such person is not, because of excessive criminality or for other relevant reason, a fit subject for confinement or treatment in a facility of the Department of Corrections, he may order such person discharged.

3110. A person committed to the custody of the Director of Corrections pursuant to this article is not required to register pursuant to Article 6 (commencing with Section 11850) of Chapter 7, Division 10 of the Health and Safety Code.

Article 4. Release in Outpatient Status

3150. (a) There is in the Youth and Adult Corrections Agency a Narcotic Addict Evaluation Authority, hereafter referred to in this article as the "authority." The authority shall be composed of four 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. Mem-

bers shall be eligible for reappointment. The chairman of the authority shall be designated by the Governor from time to time. The terms of the members first appointed to the authority shall expire as follows: one on January 15, 1965, one on January 15, 1966, one on January 15, 1967, and one on January 15, 1968 Their successors shall hold office for terms of four years, each term to commence on the expiration date of the term of the predecessor. The Governor shall fill every vacancy for the balance of the unexpired term. Insofar as practicable, persons appointed to the authority shall have a broad background in law, sociology, law enforcement, medicine, or education, and shall have a deep interest in the rehabilitation of narcotic addicts.

(b) Each member of the authority shall devote such time to the duties of his office as required for performance of his duties and shall be entitled to a per diem of fifty dollars ($50) per day for attendance upon business of the authority. In addition, each member shall be allowed actual expenses incurred in the discharge of his duties, including travel expenses.

(c) The authority shall maintain its headquarters at the California Rehabilitation Center and shall be provided with necessary office space, equipment and services from funds appropriated to the California Rehabilitation Center.

(d) The authority shall meet at the center or its branches at such times as may be necessary for a full and complete study of the cases of all patients who are certified by the Director of Corrections to the authority as having recovered from addiction or imminent danger of addiction to such an extent that release in an outpatient status is warranted. Other times and places of meetings may also be fixed by the authority. The authority may meet and transact business in panels. Each authority panel shall consist of at least two members of the authority. Two members of the authority shall constitute a quorum for the transaction of business. No action shall be valid unless concurred in by a majority of the members present.

3151 After an initial period of observation and treatment of six months, and subject to the rules and policies established by the Director of Corrections, whenever a person committed under Article 2 or Article 3 of this chapter has recovered from his addiction or imminent danger of addiction to such an extent that, in the opinion of the Director of Corrections, release in an outpatient status is warranted, the director shall certify such fact to the authority. If the director has not so certified within the preceding 12 months, in the anniversary month of the commitment of any person committed under this chapter his case shall automatically be referred to the authority for consideration of the advisability of release in outpatient status. Upon any such certification by the director or such automatic certification, the authority may release such person in an outpatient status subject to all rules and regulations adopted by the authority, and subject to all conditions imposed

by the authority, whether of general applicability or restricted to the particular person released in outpatient status, and subject to being retaken and returned to inpatient status as prescribed in such rules, regulations, or conditions. The supervision of such persons while in an outpatient status shall be administered by the Department of Corrections. Such persons are not subject to the provisions of Penal Code Section 2600.

A single member of the authority may by written or oral order suspend the release in outpatient status of such a person and cause him to be retaken, until the next meeting of the authority.

3152. The rules for persons in outpatient status shall include but not be limited to close supervision of the person after release from the facility, periodic and surprise testing for narcotic use, counseling and return to inpatient status at the California Rehabilitation Center or its branches at the discretion of the authority, if from the reports of agents of the Department of Corrections or other information including reports of law enforcement officers as to the conduct of the person, the authority concludes that it is for the best interests of the person and society that this be done.

3153. The Director of Corrections is authorized to establish one or more halfway houses in large metropolitan areas as pilot projects in order to determine the effectiveness of such control on the addict's rehabilitation, particularly upon his release from the narcotic detention and treatment facility. Rules and regulations governing the operation of such halfway houses shall be established by the Director of Corrections and shall provide for control of the earnings of persons assigned to such halfway houses during their residence there, from which shall be deducted such charges for maintenance as the Director of Corrections may prescribe.

Article 5. Discharge of Narcotic Addicts

3200. If at any time the Director of Corrections is of the opinion that a person committed pursuant to Article 3 of this chapter while in outpatient status has abstained from the use of narcotics for at least three consecutive years and has otherwise complied with the conditions of his release, he shall recommend to the Narcotic Addict Evaluation Authority that such person be discharged from the program. If the authority concurs in the opinion of the director, it shall discharge such person from the program.

If at any time the director is of the opinion that a person committed pursuant to Article 2 of this chapter while in outpatient status has abstained from the use of narcotics for at least three consecutive years and has otherwise complied with the conditions of his release, he shall so advise the Narcotic Addict Evaluation Authority, and if the authority concurs in the opinion of the director it may file with the superior court of the county in which the person was committed a certificate

alleging such facts and recommending to the court the discharge of the person from the program. The authority shall serve a copy of such certificate upon the district attorney of the county. Upon the filing of such certificate, the court shall discharge the person from the program and may dismiss the criminal charges of which such person was convicted. Where such person was certified to the superior court from a municipal or justice court, the person shall be returned to such court, which may dismiss the original charges. In any case where the criminal charges are not dismissed and the person is sentenced thereon, time served while under commitment pursuant to Article 2 of this chapter shall be credited on such sentence. Such dismissal shall have the same force and effect as a dismissal under Section 1203.4 of the Penal Code, except the conviction is a prior conviction for purposes of Division 10 of the Health and Safety Code.

3201. If a person committed pursuant to this chapter has not been discharged from the program prior to expiration of seven years, the Director of Corrections shall, on the expiration of such period, return him to the court from which he was committed, which court shall discharge him from the program and order him returned to the court in which criminal proceedings were adjourned, or the imposition of sentence suspended, prior to his commitment or certification to the superior court; or, if he was committed pursuant to Article 3, shall discharge him. If however, it appears to the director that such person gives promise that, if his time on the program were extended, he could complete three consecutive years of abstinence from narcotics, the director shall return him to the court from which he was committed, with the recommendation that an extension not to exceed three years be ordered. The court may order such extension. If it declines to do so, it shall, if the person was committed pursuant to Article 3, discharge him, or, if he was committed pursuant to Article 2, return the person to the court in which criminal proceedings were adjourned, or the imposition of sentence suspended, prior to his commitment or certification to the superior court.

If an extension of the commitment is ordered pursuant to the preceding provisions of this section, the person must be returned to the court and discharged from the program on or before the expiration of 10 years from the date of the original commitment.

Any other provision of this chapter notwithstanding, in any case in which a person was committed pursuant to Article 3 as a result of such person's having requested the district attorney to file a petition for his commitment, such person must be discharged no later than two years and six months after his commitment.

No person committed pursuant to Chapter 11 (commencing with Section 6399) of Title 7 of Part 3 of the Penal Code, before the effective date of the 1963 amendments thereto shall be subject to the program for any longer period than the term

of his commitment under the law as it read at the time he was committed.

Nothing in this chapter shall preclude a person who has been discharged from the program from being recommitted under the program, irrespective of the periods of time of any previous commitments.

CHAPTER 2. CALIFORNIA REHABILITATION CENTER

3300. There is hereby established an institution, and branches thereof, under the jurisdiction of the Department of Corrections, to be known as the California Rehabilitation Center. Branches may be established in existing institutions of the Department of Corrections or of the Department of the Youth Authority, and in halfway houses, as described in Section 3153. The branches in the Department of the Youth Authority shall be established on order of the Administrator of the Youth and Adult Corrections Agency and shall be subject to the administrative direction of the Director of the Youth Authority.

3301. The principal purpose of the California Rehabilitation Center shall be the receiving, control, confinement, employment, education, treatment and rehabilitation of persons under the custody of the Department of Corrections or any agency thereof who are addicted to the use of narcotics or are in imminent danger of becoming so addicted.

3302. The Director of Corrections shall acquire, or construct, and equip, in accordance with law, suitable buildings, structures and facilities for the California Rehabilitation Center.

3303. The Director of Corrections shall make rules and regulations for the government of the California Rehabilitation Center and the management of its affairs.

3304. A superintendent shall be appointed for the California Rehabilitation Center pursuant to Section 6050 of the Penal Code, and the Director of Corrections shall appoint, subject to civil service, such other officers and employees as may be necessary.

3305. The supervision, management and control of the California Rehabilitation Center and the responsibility for the care, custody, training, discipline, employment and treatment of the persons confined therein are vested in the Director of Corrections. The provisions of Part 3 of the Penal Code apply to said institution as a prison under the jurisdiction of the Department of Corrections and to the persons confined therein insofar as such provisions may be applicable.

CHAPTER 1227

An act to amend and renumber Sections 6500, 6502, 6503, 6504, 6505, 6506, 6507, 6508, 6509, and 6510 of, and to add Sections 6500, and 6503 to, the Penal Code, and to add Sections 3009 and 3102.5 to, the Welfare and Institutions Code, and to amend Sections 3100, 3102, 3104, 3105, and 3107 of said code as added by Assembly Bill No. 1874 of the 1965 Regular Session, relating to narcotics.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 6500 of the Penal Code is amended and renumbered to read:

6502. Anyone who believes that a person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use or any person who believes himself to be addicted or about to become addicted may report such belief to the district attorney, under oath, who may, when there is probable cause, petition the superior court for a commitment of such person to the Director of Corrections for confinement in the narcotic detention, treatment and rehabilitation facility.

SEC. 2. Section 6500 is added to said code, to read:

6500. A "narcotic addict," as used in this article, refers to any person, adult or minor, who is addicted to the unlawful use of any narcotic as defined in Division 10 of the Health and Safety Code, except marijuana.

SEC. 3. Section 6502 of said code is amended and renumbered to read:

6504. Whenever, upon the filing of a petition filed pursuant to this article, it appears probable to a judge of the superior court that the person sought to be committed is addicted to narcotic drugs, or by reason of the repeated use of narcotic drugs is in imminent danger of becoming addicted thereto, the judge shall, after giving such person notice, make such orders as are necessary to provide for an examination of such person. Such person shall be permitted to remain in his home or other place of domicile pending the examination, except as hereafter provided.

If the petition is accompanied by the affidavit of a physician alleging that he has examined such person within three days prior to the filing of the petition and has concluded that, unless confined, such person is likely to injure himself or others or become a menace to the public, or if it otherwise affirmatively appears that such person, because of his addiction, is likely to injure himself or others unless confined, the judge may order such person detained in a place designated by the court pending examination. A similar order may be issued if a person ordered to appear for an examination fails to do so.

If the person alleged to be a narcotic addict is ordered detained pending examination and hearing, the judge shall issue an order directing that the person be apprehended and be detained in a facility designated by the court.

The court shall further order that when a person is so apprehended and detained, the examination shall be conducted within 72 hours following such apprehension. In any case in which a person is so ordered to be confined, it shall be the duty of the person in charge of the institution to provide the person ordered confined with medical aid as necessary to ease any symptoms of withdrawal from the use of narcotics. Such medical aid shall not be administered by a peace officer who is not licensed as a physician and surgeon.

SEC. 4. Section 6503 of said code is amended and renumbered to read:

6505. 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.

SEC. 5. Section 6503 is added to said code, to read:

6503. The petition filed pursuant to Section 6502 of this code shall contain the following:

(a) The name, title and address of the petitioner.

(b) The name of the person who is believed to be a narcotic addict, or who because of repeated use of narcotics is in imminent danger of becoming addicted thereto

(c) Statements supporting the belief that the person alleged to be addicted is in fact addicted or in imminent danger of addiction.

(d) The address, telephone number (if any), birth date, birthplace, age, sex, marital status, occupation, and a physical description of the person believed to be a narcotic addict.

(e) A statement that the person believed to be a narcotic addict or in imminent danger of addiction is in need of care, supervision and treatment at the narcotic detention, treatment and rehabilitation facility of the State of California.

SEC. 6. Section 6504 of said code is amended and renumbered to read:

6506. Upon an order by the court that a person be examined, the court shall appoint two medical examiners to examine the person alleged to be a narcotic addict or in imminent danger of becoming addicted to their use to determine whether or not the person is addicted to narcotic drugs or in imminent danger of becoming addicted thereto. The report of the examination by the physicians shall be delivered to the court, and if the report is to the effect that the person is not addicted or in imminent danger of addiction, it shall order the petition dismissed. If the report is to the effect that the person is addicted or in imminent danger of addiction, the court shall set a time and place of hearing and cause notice thereof to be served on the person at least one day before the time of hearing.

SEC. 7. Section 6505 of said code is amended and renumbered to read:

6507. The person sought to be committed shall at all stages of the proceedings have the right to be represented by counsel, and at the hearing to present witnesses on his behalf, and to cross-examine witnesses. If he is unable financially to employ counsel, the court shall, if requested, appoint counsel for him. The court may issue subpoenas for attendance of witnesses at the hearing and the person sought to be committed shall have the right to have subpoenas issued for such purpose.

SEC. 8. Section 6506 of said code is amended and renumbered to read:

6508. At the hearing the court shall determine whether the person is addicted to the use of narcotics or in imminent danger of addiction. If that issue is determined in the negative, the petition shall be denied. If the issue is determined in the affirmative, the court shall order the person committed to the custody of the Director of Corrections until such time as he is discharged in accordance with Article 5 of this chapter, except as provided in Section 6509.

SEC 9. Section 6507 of said code is amended and renumbered to read:

6509. Hearing may be waived by consent of the person sought to be committed, expressed in open court or in writing by the person prior to the hearing.

SEC. 10. Section 6508 of said code is amended and renumbered to read:

6510. If the person so committed or any friend in his behalf is dissatisfied with the order of the court, he may demand a hearing by judge or jury in substantial compliance with the provisions of Section 5125 of the Welfare and Institutions Code.

SEC. 11. Section 6509 of said code is amended and renumbered to read:

6511. If at any time after 60 days following receipt at the facility of a person committed pursuant to this article, the Director of Corrections concludes that such person is not, because of excessive criminality or for other relevant reason, a fit subject for confinement or treatment in a facility of the Department of Corrections, he may order such person discharged.

SEC. 12. Section 6510 of said code is amended and renumbered to read:

6512. A person committed to the custody of the Director of Corrections pursuant to this article is not required to register pursuant to Article 6 (commencing with Section 11850) of Chapter 7, Division 10 of the Health and Safety Code.

SEC. 13. Section 3009 is added to the Welfare and Institutions Code, to read:

3009. A "narcotic addict," as used in this division refers to any person, adult or minor, who is addicted to the unlawful use of any narcotic as defined in Division 10 of the Health and Safety Code, except marijuana.

SEC. 14. Section 3102.5 is added to said code, to read:

3102.5. The petition filed pursuant to Section 3100 of this code shall contain the following:

(a) The name, title and address of the petitioner.

(b) The name of the person who is believed to be a narcotic addict, or who because of repeated use of narcotics is in imminent danger of becoming addicted thereto.

(c) Statements supporting the belief that the person alleged to be addicted is in fact addicted or in imminent danger of addiction.

(d) The address, telephone number (if any), birth date, birthplace, age, sex, marital status, occupation, and a physical description of the person believed to be a narcotic addict.

(e) A statement that the person believed to be a narcotic addict or in imminent danger of addiction is in need of care, supervision and treatment at the narcotic detention, treatment and rehabilitation facility of the State of California.

SEC. 15. Section 3100 of said code as added by Assembly Bill No. 1874 of the 1965 Regular Session is amended to read:

3100. Anyone who believes that a person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use or any person who believes himself to be addicted or about to become addicted may report such belief to the district attorney, under oath, who may, when there is probable cause, petition the superior court for a commitment of such person to the Director of Corrections for confinement in the narcotic detention, treatment and rehabilitation facility.

SEC. 16. Section 3102 of said code as added by Assembly Bill No. 1874 of the 1965 Regular Session is amended to read:

3102. Whenever, upon the filing of a petition filed pursuant to this article, it appears probable to a judge of the superior court that the person sought to be committed is addicted to narcotic drugs, or by reason of the repeated use of narcotic drugs is in imminent danger of becoming addicted thereto, the judge shall, after giving such person notice, make such orders as are necessary to provide for an examination of such person. Such person shall be permitted to remain in his home or other place of domicile pending the examination, except as hereafter provided.

If the petition is accompanied by the affidavit of a physician alleging that he has examined such person within three days prior to the filing of the petition and has concluded that, unless confined, such person is likely to injure himself or others or become a menace to the public, or if it otherwise affirmatively appears that such person, because of his addiction, is likely to injure himself or others unless confined, the judge may order such person detained in a place designated by the court pending examination. A similar order may be issued if a person ordered to appear for an examination fails to do so.

If the person alleged to be a narcotic addict is ordered detained pending examination and hearing, the judge shall issue

an order directing that the person be apprehended and be detained in a facility designated by the court.

The court shall further order that when a person is so apprehended and detained, the examination shall be conducted within 72 hours following such apprehension. In any case in which a person is so ordered to be confined, it shall be the duty of the person in charge of the institution to provide the person ordered confined with medical aid as necessary to ease any symptoms of withdrawal from the use of narcotics. Such medical aid shall not be administered by a peace officer who is not licensed as a physician and surgeon.

SEC. 17. Section 3104 of said code as added by Assembly Bill No. 1874 of the 1965 Regular Session is amended to read:

3104. Upon an order by the court that a person be examined, the court shall appoint two medical examiners to examine the person alleged to be a narcotic addict or in imminent danger of becoming addicted to their use to determine whether or not the person is addicted to narcotic drugs or in imminent danger of becoming addicted thereto.

The report of the examination by the physician shall be delivered to the court, and if the report is to the effect that the person is not addicted nor in imminent danger of addiction, it shall order the petition dismissed. If the report is to the effect that the person is addicted or in imminent danger of addiction, the court shall set a time and place of hearing and cause notice thereof to be served on the person.

SEC. 18. Section 3105 of said code as added by Assembly Bill No. 1874 of the 1965 Regular Session is amended to read:

3105. The court may issue subpoenas for attendance of witnesses at the hearing and the person sought to be committed shall have the right to have subpoenas issued for such purpose. The person sought to be committed shall, at all stages of the proceedings, have the right to be represented by counsel, to present witnesses on his behalf, and to cross-examine witnesses. If he is unable financially to employ counsel, the court shall, if requested, appoint counsel for him.

SEC. 19. Section 3107 of said code as added by Assembly Bill No. 1874 of the 1965 Regular Session is amended to read:

3107. Hearing may be waived by consent of the person sought to be committed, expressed in open court or in writing by the person prior to hearing.

SEC. 20. Sections 13, 14, 15, 16, 17, 18, and 19 of this act shall become operative only if Division 3 (commencing with Section 3000) of the Welfare and Institutions Code as proposed by Assembly Bill No. 1874 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No. 1874 takes effect; at which time Sections 6500 and 6503 of the Penal Code as added by Sections 2 and 5 of this act and Sections 6500, 6502, 6503, 6504, 6505, 6506, 6507, 6508, 6509, and 6510 of said code as amended by Sections 1, 3, 4, 6, 7, 8, 9, 10, 11, and 12 of this act are repealed.

CHAPTER 1228

An act to add Section 6500.5 and Section 6511 to, and to amend Section 6502 of the Penal Code, and to add Sections 3100.6 and 3111 to, and to amend Section 3102 of, the Welfare and Institutions Code, relating to narcotics addiction.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 6500.5 is added to the Penal Code, to read:

6500.5. Any peace officer or health officer who has reasonable cause to believe that a person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use may take the person, for his best interest and protection, to the county hospital or other suitable medical institution designated by the board of supervisors of the county.

Upon written application of the peace officer or health officer, the physician or superintendent in charge of the designated hospital or institution may admit the person believed to be addicted to the use of narcotics or in imminent danger of becoming addicted to their use. The application shall state the circumstances under which the person's condition was called to the officer's attention, shall state the date, time and place of taking the person into custody and shall state the facts upon which the officer has reasonable cause to believe that the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use. The application shall be signed by the officer, and a copy of the application shall be presented to the person prior to his admittance to the hospital or institution.

Within 24 hours of admittance, a physician shall conduct an examination to determine whether the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use and may provide the person with medical aid as necessary to ease any symptoms of withdrawal from the use of narcotics.

If, after examination, the physician does not believe that the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use, he shall immediately report his belief to the physician or superintendent in charge of the hospital or institution, who shall discharge the person immediately.

If, after examination, the physician believes that further examination is necessary to determine whether the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of addiction to their use, he shall prepare an affidavit which states that he has examined the person and has such belief. The physician or superintendent

in charge of the hospital or institution thereupon shall have the power to detain the person for not more than an additional 48 hours for further examination.

If, after such further examination, the physician does not believe that the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use, he shall immediately report his belief to the physician or superintendent in charge of the hospital or institution, who shall discharge the person immediately.

If, after such examination, or further examination, the physician believes that the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use, he shall prepare an affidavit which states that he has examined the person and has such belief, and which states the time and date of admission to the hospital or institution and the time and date of the examination and, if appropriate, the further examination. The physician or superintendent in charge of the hospital or institution thereupon shall report such belief to the district attorney, who may petition the superior court for a commitment of the person to the Director of Corrections for confinement in the narcotic detention and rehabilitation facility.

Unless the petition of the district attorney, accompanied by the affidavit of the examining physician, is filed in the superior court within 72 hours after admittance to the hospital or institution, excluding Saturdays, Sundays and judicial holidays, the physician or superintendent in charge shall discharge the person immediately.

Upon the filing of a proper petition pursuant to this section accompanied by the affidavit of the examining physician, the court need not order the person sought to be committed to be examined by any other physician or physicians.

No evidence of violations of Sections 11500, 11530 and 11721 of the Health and Safety Code found during the examination authorized by this section shall be admissible in any criminal proceeding against the person.

SEC. 3. Section 6511 is added to the Penal Code, to read:

6511. In the performance of acts and duties required by this article, any peace officer, health officer, physician, superintendent of an institution or district attorney shall have the same immunity from liability as is provided for public officers in Sections 820.2 and 821.6 of the Government Code.

SEC. 4. Section 3100.6 is added to the Welfare and Institutions Code, to read:

3100.6. Any peace officer or health officer who has reasonable cause to believe that a person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use may take the person, for his best interest and protection, to the county hospital or other suitable medical institution designated by the board of supervisors of the county.

Upon written application of the peace officer or health officer, the physician or superintendent in charge of the designated hospital or institution may admit the person believed to be addicted to the use of narcotics or in imminent danger of becoming addicted to their use. The application shall state the circumstances under which the person's condition was called to the officer's attention, shall state the date, time and place of taking the person into custody and shall state the facts upon which the officer has reasonable cause to believe that the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use. The application shall be signed by the officer, and a copy of the application shall be presented to the person prior to his admittance to the hospital or institution.

Within 24 hours of admittance, a physician shall conduct an examination to determine whether the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use and may provide the person with medical aid as necessary to ease any symptoms of withdrawal from the use of narcotics.

If, after examination, the physician does not believe that the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use, he shall immediately report his belief to the physician or superintendent in charge of the hospital or institution, who shall discharge the person immediately.

If, after examination, the physician believes that further examination is necessary to determine whether the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of addiction to their use, he shall prepare an affidavit which states that he has examined the person and has such belief. The physician or superintendent in charge of the hospital or institution thereupon shall have the power to detain the person for not more than an additional 48 hours for further examination.

If, after such further examination, the physician does not believe that the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use, he shall immediately report his belief to the physician or superintendent in charge of the hospital or institution, who shall discharge the person immediately.

If, after such examination, or further examination, the physician believes that the person is addicted to the use of narcotics or by reason of the repeated use of narcotics is in imminent danger of becoming addicted to their use, he shall prepare an affidavit which states that he has examined the person and has such belief, and which states the time and date of admission to the hospital or institution and the time and date of the examination and, if appropriate, the further examination. The physician or superintendent in charge of the hospital or institution thereupon shall report such belief to the district

attorney, who may petition the superior court for a commitment of the person to the Director of Corrections for confinement in the narcotic detention and rehabilitation facility.

Unless the petition of the district attorney, accompanied by the affidavit of the examining physician, is filed in the superior court within 72 hours after admittance to the hospital or institution, excluding Saturdays, Sundays and judicial holidays, the physician or superintendent in charge shall discharge the person immediately.

No evidence of violations of Sections 11500, 11530 and 11721 of the Health and Safety Code found during the examination authorized by this section shall be admissible in any criminal proceeding against the person.

SEC. 5. Section 3102 of the Welfare and Institutions Code as added by Assembly Bill No. 1874 of the 1965 Regular Session is amended to read:

3102. Upon the filing of a proper petition pursuant to Section 3100, the court shall order the person sought to be committed to be examined by a physician or physicians, by order similar in form to the order for examination prescribed by Section 5050.1 of this code. Upon the filing of a proper petition pursuant to Section 3100.6, accompanied by the affidavit of the examining physician, the court need not order the person sought to be committed to be examined by any other physician or physicians. The court may also order that the person be confined pending hearing in a county hospital or other suitable institution if the petition is accompanied by the affidavit of a physician alleging that he has examined such person within three days prior to the filing of the petition and has concluded that, unless confined, such person is likely to injure himself or others or become a menace to the public. In any case in which a person is so ordered to be confined, it shall be the duty of the person in charge of the institution to provide the person ordered confined with medical aid as necessary to ease any symptoms of withdrawal from the use of narcotics. Such medical aid shall not be administered by a peace officer who is not licensed as a physician and surgeon.

SEC. 6. Section 3111 is added to the Welfare and Institutions Code, to read:

3111. In the performance of acts and duties required by this article, any peace officer, health officer, physician, superintendent of an institution or district attorney shall have the same immunity from liability as is provided for public officers in Sections 820.2 and 821.6 of the Government Code.

SEC. 7. Sections 4, 5, and 6 of this act shall become operative only if Division 3 (commencing with Section 3000) of the Welfare and Institutions Code as proposed by Assembly Bill No. 1874 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No. 1874 takes effect; at which time Sections 6500.5 and 6511 of

the Penal Code as added by Sections 1 and 3 of this act and Section 6502 of the Penal Code as amended by this act are repealed.

CHAPTER 1229

An act to add Section 23601.8 to the Education Code, relating to the California State Colleges.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 23601.8 is added to the Education Code, to read:

23601.8. There is hereby established a state college in Ventura County. The college shall be included in the California State Colleges.

The state college established by this section shall commence construction only upon resolution of the trustees, approved by the Coordinating Council for Higher Education.

SEC. 2. It is the intention of the Legislature in enacting this act to authorize or approve the establishment of a state college in Ventura County so as to permit the proceeds of bonds authorized to be issued under the "State Construction Program Bond Act of 1964" (Stats. 1964 (1st Ex. Sess.) Ch. 143), when appropriated pursuant to Section 7 of such act, to be used for the acquisition of a site for that state college.

CHAPTER 1230

An act to add Section 23601.5 to the Education Code, relating to the California State Colleges, and making an appropriation.

[Approved by Governor July 14, 1965 Filed with Secretary of State July 15, 1965]

The $20,000 appropriation in Section 2 of Senate Bill No 75 should be deleted. This amount has been included in the Budget Act.

With this deletion, I approve the bill

EDMUND G BROWN, Governor

The people of the State of California do enact as follows:

SECTION 1. Section 23601.5 is added to the Education Code, to read:

23601.5. There is hereby established a state college in Kern County. The college shall be included in the California State Colleges.

SEC. 2. The sum of twenty thousand dollars ($20,000) is hereby appropriated from the General Fund to the Trustees of the California State Colleges to be expended by them in furtherance of the establishment of a state college to be located in Kern County.

CHAPTER 1231

An act creating a committee to study the scope, organization, governmental powers, and other characteristics of a Lake Tahoe Joint Study Committee, and making an appropriation therefor.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. (a) As used in this act, "committee" means the Lake Tahoe Joint Study Committee.

(b) As used in this act, "Lake Tahoe Basin" means that territory within the Lake Tahoe watershed basin.

SEC. 2. A Lake Tahoe Joint Study Committee is hereby created which shall consist of nine members, appointed as follows:

(a) One member shall be appointed by each Governor of the States of California and Nevada from a state agency having an active program interest in the Lake Tahoe Basin.

(b) One member shall be appointed by each Board of Supervisors from the Counties of Placer, El Dorado, and Nevada in the State of California, and each Board of Commissioners from the Counties of Ormsby, Washoe, and Douglas in the State of Nevada.

(c) One member shall be selected at large by the other eight members

Five members of the committee shall constitute a quorum for all purposes.

SEC. 3. The committee shall study and shall develop and present recommendations concerning an areawide agency to provide for the orderly development of the Lake Tahoe Basin. The contemplated duties of such an agency would include protecting and preserving the natural land and water environment to the greatest degree consistent with development and public enjoyment of this unique natural resource. The study shall determine if the agency should be authorized:

(a) To prepare or adopt comprehensive plans for future development of the Lake Tahoe Basin;

(b) To receive gifts, bequests, or the dedication of scenic easements;

(c) To exercise any of the planning, zoning, architectural or related powers provided by enablement of the states of Nevada or California;

(d) To coordinate public works through mandatory referral;

(e) To construct, operate, and maintain recreational facilities within the Lake Tahoe Basin;

(f) To construct, operate, and maintain public transportation facilities in the air, ground, or water;

(g) To control air pollution;

(h) To provide other municipal services by contract to local districts;

(i) To construct, operate, and maintain public educational, medical, or cultural facilities, and to charge user fees therefor;

(j) To have the power to tax the property of residents or owners of record within the Lake Tahoe Basin;

(k) To exercise the power of eminent domain for its authorized purposes;

(*l*) To police its own facilities and to provide supplementary public health, safety, and welfare services to establish governmental jurisdictions, upon request;

(m) To receive subventions of state or federal moneys;

(n) To borrow money;

(o) To exercise urban and area redevelopment authority and contract with the federal government;

(p) To undertake only those functions which are affirmatively approved by a majority vote of the residents and owners of record of residentially improved property within the Lake Tahoe Basin;

(q) To have any other powers or responsibilities of counties, districts, or municipalities under the laws of California or Nevada;

(r) To have the right of rejecting or accepting any other Lake Tahoe Basin-wide governmental functions which may be proposed from time to time and favorably voted upon by the people of the basin;

(s) To be subject to review in the federal district courts;

(t) To be subject to the election of each of its members by affirmative vote of the majority of the residents and owners of record of residentially improved property within the Lake Tahoe Basin;

(u) To be subject to the rights of initiative, referendum, and recall;

(v) To have its basic charter ratified by the federal and state governments, and by the people of the Lake Tahoe Basin.

SEC. 4. The committee may hold hearings, appoint staff, defray expenses, and retain consultants.

SEC. 5. The Governors shall summon the committee to its first meeting.

SEC. 6. The committee shall conclude its study and report its findings and recommendations to the Governors and to the Legislatures of the State of California and the State of Nevada within two years from the operative date of this act.

SEC. 7. The sum of forty thousand dollars ($40,000) is hereby appropriated from the General Fund to the committee

for expenditure in carrying out the duties which are imposed upon it by this act.

SEC. 8. This act shall become operative when legislation of the State of Nevada is enacted and becomes effective which ratifies this act and appropriates ten thousand dollars ($10,000) for expenditure by the committee in carrying out the duties which are imposed upon it by this act.

CHAPTER 1232

An act to add Sections 13665.1 and 14905.1 to the Government Code, relating to distribution of state publications.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 13665.1 is added to the Government Code, to read:

13665.1. The California State Library may enter into agreements with the appropriate state agencies of each of the 49 other states of the United States of America, to establish a program for the exchange of publications of legislative service agencies, other than publications of the Joint Legislative Audit Committee and of the Joint Legislative Budget Committee. The California legislative reports to be exchanged shall be selected by the State Librarian after consultation with, and subject to the approval of, the Joint Committee on Legislative Organization. The legislative research reports received from other states in exchange shall be made available by the California State Library to the California Legislature.

Prior to designation as an exchange agency, the state agency shall agree to provide adequate facilities for the storage and use of the publications, and must agree to render reasonable service in the use of the publications without charge to the legislature of that state and other qualified patrons.

The California State Library shall notify the appropriate state agency of each of the other states of the provisions of this section.

The additional number of copies of publications, not to exceed 100, needed to implement the program shall be printed or otherwise duplicated. The State Printer and the state legislative agencies upon notification of the need shall provide the designated number of publications.

SEC. 2. Section 14905.1 is added to said code, to read:

14905.1. The California State Library may enter into agreements with the appropriate state agencies of each of the 49 other states of the United States of America, to establish a program for the exchange of publications of legislative service agencies, other than publications of the Joint Legislative

Audit Committee and of the Joint Legislative Budget Committee. The California legislative reports to be exchanged shall be selected by the State Librarian after consultation with, and subject to the approval of, the Joint Committee on Legislative Organization. The legislative research reports received from other states in exchange shall be made available by the California State Library to the California Legislature.

Prior to designation as an exchange agency, the state agency shall agree to provide adequate facilities for the storage and use of the publications, and must agree to render reasonable service in the use of the publications without charge to the legislature of that state and other qualified patrons.

The California State Library shall notify the appropriate state agency of each of the other states of the provisions of this section.

The additional number of copies of publications, not to exceed 100, needed to implement the program shall be printed or otherwise duplicated. The State Printer and the state legislative agencies upon notification of the need shall provide the designated number of publications.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill 1124 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill 1124 takes effect; at which time Section 13665.1, as added to the Government Code by Section 1 of this act, is repealed.

CHAPTER 1233

An act to add Chapter 2.5 (commencing with Section 7770) to Division 7 of the Education Code, relating to reading instruction in the public schools, and making an appropriation therefor.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.5 (commencing with Section 7770) is added to Division 7 of the Education Code, to read:

CHAPTER 2.5. SPECIAL ELEMENTARY SCHOOL READING INSTRUCTION PROGRAM

Article 1. General Provisions

7770. This act may be cited as the Miller-Unruh Basic Reading Act of 1965.

7771. It is the intent and purpose of the Legislature that the elementary school reading instruction program provided for by this chapter shall be directed to the prevention of read-

ing disabilities, and the correction of reading disabilities at the earliest possible time in the educational career of the pupil. The instruction program shall be provided in grades one, two, and three in the elementary schools.

It is the further intent of the Legislature that the reading program in the public schools be of high quality, and that the program be designed to permit early development of reading skills, and the early correction of reading disabilities. The Legislature recognizes that early development of reading ability enhances the opportunity of each pupil for success in school and for success in a career upon leaving school. The Legislature further recognizes that to achieve its intent and purpose it will be necessary to provide means to employ teachers trained in the teaching of reading, to provide incentives to encourage such training, and to stimulate the establishment and maintenance of school libraries. To carry out its intent and purpose, the Legislature has enacted this chapter to provide salary payments for specialist teachers in reading, scholarships to encourage the development of skills in the teaching of reading, and salary payments for the employment of professional librarians in school districts It is also the intent of the Legislature that the provisions of this chapter shall be administered to provide funds and services first to those school districts and to the schools in such districts where the need for reading instruction is greatest and the financial ability of the district to provide it is least. This program is voluntary and any school district may participate or may decline to participate. If a district participates, it shall participate fully with respect to those schools in the district in which the program is established.

7772. The State Board of Education shall have the power to adopt and promulgate all rules and regulations necessary to the effective administration of this chapter, including but not necessarily limited to those specifically required to be adopted by particular provisions of this chapter.

7773. As used in this chapter:

(a) "Specialist teacher" shall mean a person holding a certificate of specialist teacher in reading, issued by the Department of Education, and employed by a school district for the duties listed in Section 7796.

(b) "Average daily attendance" shall, except as otherwise specifically provided, mean average daily attendance during the preceding fiscal year.

7774. The governing board of any school district is hereby authorized to accept the provisions of any act of Congress under which federal funds are available for purposes of this chapter, and may participate in any program provided thereunder in order to accept and expend such federal funds pursuant to such act of Congress and this chapter. Participation may include the expenditure by the school district of whatever funds may be required by the federal government as a condition to such participation.

Article 2. Nomination and Designation of Specialist Teacher in Reading

7780. The governing board of any school district maintaining grades one, two, and three in elementary schools may, in writing, nominate to the Department of Education qualified certificated employees of the district for the position of specialist teacher. The nominations shall be based upon the observed performance of the teacher in instructing elementary school pupils to read, and the written nominations to the department shall so attest.

Any certificated employee of a school district who has not been so nominated may, in writing, petition the Department of Education to be appointed a specialist teacher. Thereupon, the department shall appoint a panel of three persons, selected on the basis of criteria established by rules and regulations of the State Board of Education, who shall observe the performance of the employee in the classroom, and either nominate the employee for the position of specialist teacher or deny such nomination.

7781. Each certificated employee nominated for the position of specialist teacher shall be notified of the time and place at which a written examination will be held to determine whether such employee is qualified for appointment as a specialist teacher.

7782. The State Board of Education shall designate a written examination to be administered by the Department of Education to each person nominated for the position of specialist teacher. The examination shall be one designed to test the knowledge of the nominee concerning the various approaches and techniques which have been determined by competent authority to be most effective in imparting reading instruction to young school pupils, and concerning the appropriate selection of various techniques to meet the requirements of different pupils. Such an examination shall be administered on a statewide basis at least once in each school year. For such purposes the State Board of Education may select an examination prepared by any competent public or private person, organization, or agency.

7783. Certificated school district employees nominated pursuant to Section 7780, who are determined by the department to have passed the examination prescribed by Section 7782, shall forthwith be granted certificates entitling them to accept employment as specialist teachers in reading.

Article 3. Testing and Program Evaluation

7785. Commencing with the school years 1965–66, the State Board of Education shall require that uniform tests to determine achievement of basic reading fundamentals and skills shall be administered to all pupils who are completing the first and second grades. The State Board of Education shall adopt

rules and regulations governing the time, place and methods for administration of the testing program.

Uniform tests for each grade shall be recommended by the Department of Education and shall be submitted to the State Board of Education for approval and adoption no later than January 31, 1966. Any test so adopted shall be in national use and nationwide norms shall have been developed for such test. The tests which have been approved and adopted by the board shall be printed or purchased, and distributed to the various school districts in the state by the Department of Education.

Pupils who have been determined to be mentally retarded or educationally handicapped, as defined in this code, shall be exempted from the testing requirement imposed by this chapter.

The testing program imposed by this chapter shall be used exclusively for the purposes herein set forth, and no test scores or results shall be employed to rank school districts according to their test results in any publication, other than a publication which may be made necessary in order to effectively administer this chapter.

The tests administered pursuant to this article shall be employed to determine each school district's quota of specialist reading teachers, as required by Article 3 (commencing with Section 7790) of this chapter.

7786. Commencing with the school year 1966–67, and in each year thereafter, a standardized reading achievement test, which shall be adopted by the State Board of Education and distributed to the various school districts, shall be administered separately to all third grade pupils who have participated in a remedial reading program conducted pursuant to this chapter, and to any other pupils whose reading skills, because they have moved to this state from another state, or for any other reason, have not been tested pursuant to Section 7785.

From a study of the results of these tests in districts which conduct a basic reading program pursuant to this chapter, and the test results in districts which do not conduct such a program, the Superintendent of Public Instruction shall evaluate the basic reading program provided by this chapter, and he shall report his findings annually to the State Board of Education.

The State Board of Education shall report its findings regarding the implementation of, and experience under, the basic reading program provided by this chapter, together with any recommendations for any adjustments in the program, to the Legislature at each general session.

Article 4. Employment of Specialist Teachers

7790. Beginning with the fiscal year 1966–67, each school district maintaining grades one, two, and three at the ele-

mentary level shall compute a basic quota of certificated employees to be appointed specialist teachers, of one such employee for each 125 units of average daily attendance in grades one, two, and three and any additional fraction thereof; provided that:

(a) With respect to districts maintaining more than one school, each of which has an average daily attendance in grades one, two, and three of less than 50, the quota shall be one such employee for each 100 units of the average daily attendance in grades one, two, and three in those schools.

(b) With respect to all school districts in a county with an average daily attendance in grades one, two, and three of less than 50, the quota shall be one specialist teacher for each 100 units of average daily attendance in grades one, two and three in those districts.

7791. For any school district in which thirty percent (30%) or more of the first grade pupils received scores falling below the first quartile of scores established on a statewide basis for the reading section of the most recent reading achievement test given pursuant to Article 3 (commencing with Section 7785) of this chapter, the basic quota established pursuant to Section 7790 shall be increased by one specialist teacher for each 300 units of average daily attendance in grades one, two, and three, and fractional part thereof, maintained by the district.

For any school district in which forty percent (40%) or more of the first grade pupils received scores falling below the first quartile of scores established on a statewide basis for the reading section of the most recent statewide achievement test given pursuant to Chapter 9 (commencing with Section 12820) of Division 9, the basic quota established pursuant to Section 7790 shall be increased as ordered by the Department of Education following an investigation of the circumstances of the district.

7792. Each school district maintaining grades one, two, and three may employ specialist teachers in number not to exceed one hundred ten percent (110%) of the basic quota established for the district pursuant to Sections 7790 and 7791.

7793. Persons serving in the employ of school districts as specialist teachers under this chapter shall be considered as classroom teachers for purposes of all laws dealing with permanent status of certificated employees in the employment of school districts.

Such a specialist teacher employed by a school district may elect to serve for a period of not to exceed two consecutive school years in the employ of other school districts as a specialist teacher, in which case the district of the teacher's regular employment shall afford him a leave of absence for such period, and the teacher shall retain all personnel rights accumulated by him in the employ of such district of regular employment. Such employment with another district shall

be pursuant to a written contract for a term of one school year, which contract may be renewed for an additional school year.

A person appointed to the position of specialist teacher and actually employed in such position by the governing board of a school district under this chapter shall not engage in supplementary nonschool employment during the regular academic year established in the district.

7794. A specialist teacher employed by a school district with an average daily attendance in grades one, two, and three of less than 50, shall serve under the direction of the county superintendent of schools.

7795. The governing board of a school district employing specialist teachers may employ qualified teachers who shall serve under the direction of the specialist teachers in instructing pupils in reading.

7796. Specialist teachers employed by a school district shall be relieved of all regular teaching and administrative responsibilities and shall devote their full time in performance of the following responsibilities, which shall be directed to training pupils to attain reading ability essential to success in studies to be undertaken beyond the grade three level:

(a) Supplementing the reading instruction otherwise provided in regular classes for all pupils in grade one.

(b) Providing instruction to small groups of pupils, and to individual pupils, in grades two and three who have been determined to have reading disabilities.

(c) Administering reading tests to be given pupils in grades one, two, and three under Article 3 (commencing with Section 7785) of this chapter. For such purposes, the specialist teachers shall examine the tests given and grade and analyze the results with respect to each pupil.

7797. The annual salary of a specialist teacher, employed as such by a school district for a school year, shall be increased by two hundred fifty dollars ($250) over that otherwise payable to him under his regular contract of employment with the district in which he is regularly employed.

Such sum shall be paid by the school district in a lump sum payment to the specialist reading teacher, no later than June 30 of each fiscal year, and the warrant on which the payment is made shall clearly identify the purpose for which the payment is being made with words to the effect of: "Special Stipend for State Basic Reading Program" appearing on the face of the warrant. Partial lump-sum payments for specialist reading teachers employed for a portion of the school year shall be paid no later than 30 days after the specialist teacher leaves the employ of the district.

Article 5. Allowances for Specialist Teachers in Reading

7805. Beginning with the 1966–1967 fiscal year and each fiscal year thereafter, a school district which maintains grades

1, 2 and 3, may apply for an allowance for the employment of specialist teachers. Application shall be made in accordance with rules and regulations adopted by the Superintendent of Public Instruction on forms that he shall furnish.

7805.5. Pursuant to its authority under Section 7772, the State Board of Education shall adopt, by rules and regulations, minimum standards of course content for basic reading programs authorized by this chapter, and criteria to be used by the Superintendent of Public Instruction in approving district applications for funds pursuant to Section 7805. No allowance for a special reading program shall be made to a school district unless the Superintendent of Public Instruction approves the district application and certifies that the minimum standards and criteria of the State Board of Education are met by the district.

The superintendent shall not disapprove any application on the basis of the methodology of providing basic reading instruction pursuant to this chapter which the school district has selected.

7806. Allowances under this article shall be made by the Superintendent of Public Instruction from funds appropriated therefor by the Legislature. The allowances shall be made as early as practicable in the fiscal year and upon order of the Superintendent of Public Instruction the State Controller shall draw his warrants upon the money appropriated, in favor of the eligible districts in the amounts ordered.

7807. Allowances under this article shall be made by the Superintendent of Public Instruction in accordance with a system of priorities that he shall by rule and regulation adopt, designed to carry out the intent and purpose of the Legislature stated in Section 7771. As a basis for such system of priorities, the Superintendent of Public Instruction, upon receipt of all applications for a fiscal year, shall determine and use (1) the relative financial ability of each applicant district as measured by the assessed valuation per unit of average daily attendance in the district, and (2) the relative need of the district for specialist teachers in reading as measured by the percentage of pupils in grades 1 through 8, inclusive, tested in the statewide testing program during the preceding year in the district, or in the school where the specialist teacher will be employed, that scored below the 25th percentile. The Superintendent of Public Instruction may use additional factors as a basis for a system of priorities as long as such factors are not in conflict with the intent and purpose of the Legislature.

The Superintendent of Public Instruction shall make no allowances in any year in excess of the amount appropriated by the Legislature for the purposes of this chapter.

7808. The Superintendent of Public Instruction shall allow to each district eligible to receive an allowance under this article an amount equal to the total of salaries to be paid specialist teachers employed by the district, including the extra sti-

pend provided pursuant to Section 7797 and the amounts computed as salary allotment for professional school librarians pursuant to Section 7825, diminished by the product of the ratio which the assessed valuation per unit of average daily attendance during the preceding fiscal year in kindergarten and grades 1 through 8 inclusive, in the district bears to the assessed valuation per unit of such average daily attendance in the state and one-half of the total of salaries to be paid specialist teachers employed in the district. The attendance of pupils in grades 7 and 8 of a junior high school shall be used in computing the assessed valuation per unit of average daily attendance in grades kindergarten through 8 of a district.

Article 6. Scholarship Grants for Teachers of Reading

7815. Any regularly credentialed teacher in grades 1, 2 or 3 may, pursuant to this article apply for a scholarship grant for teachers of reading. Each scholarship grant shall be in the amount of two hundred fifty dollars ($250).

7816. Scholarship grants shall be made by the State Board of Education upon recommendation of the Superintendent of Public Instruction in accordance with rules and regulations adopted by the State Board of Education. The scholarship grants may be used to meet expenses of the grantee attending any regular session or summer session conducted by an institution accredited for teacher training purposes by the State Board of Education and enrolling for credit in courses designed to improve the teaching of reading that have been approved by the State Board of Education.

7817. The number of scholarship grants awarded by the State Board of Education in the 1966–67 fiscal year shall not exceed the number of specialist teachers in reading for whom allowances were provided during that year to school districts pursuant to Section 7808. In the 1967–68 fiscal year, the number of scholarship grants awarded shall not exceed one-half of the number of specialist teachers in reading for whom allowances were provided during that year. In the 1968–69 fiscal year and each fiscal year thereafter, the number of scholarship grants awarded shall not exceed one-fourth of the number of specialist teachers in reading for whom allowances were provided during each of such respective fiscal years.

7818. Scholarship grants awarded shall be paid from the amounts appropriated by the Legislature for the purposes of this chapter.

Article 7. Salary Allotment for Professional School Librarians

7825. A salary allotment for professional school librarian shall be computed by the Superintendent of Public Instruction whenever he determines with respect to any school in a district that:

1. One or more specialist teachers are employed full time in such school, and

2. A librarian holding a credential authorizing service as a librarian pursuant to Section 13289 and 13290 is employed full time in the school.

The salary allotment for the professional school librarian shall be five hundred dollars ($500) multiplied by the number of specialist teachers in reading employed full time in the school.

SEC. 2. There is hereby appropriated from the General Fund to the Department of Education, for the 1965–1966 fiscal year, the sum of eighty-five thousand dollars ($85,000) for the purposes of Chapter 2.5 (commencing with Section 7771) of Division 7 of the Education Code.

CHAPTER 1234

An act to amend Sections 6060, 6061, and 6063 of, to amend the heading of Article 6.5 (commencing with Section 6060) of Chapter 6, Division 6 of, to add Section 6065 to, and to repeal Sections 6065 and 6066 of, the Education Code, relating to the public school system, making an appropriation therefor.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

I object to the appropriation contained in Senate Bill No. 478. I reduce Section 7 from $100,000 to $50,000.

With this reduction, I approve the bill.

/s/ Edmund G. Brown
EDMUND G. BROWN, Governor

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 6.5 (commencing with Section 6060) of Chapter 6, Division 6 of the Education Code is amended to read:

Article 6.5. Special Programs or Classes in English for Elementary School Pupils

SEC. 2. Section 6060 of said code is amended to read:

6060. The Legislature hereby finds, recognizes, and declares that an extraordinary situation exists with reference to language handicaps of many pupils in attendance at public elementary schools. In some of the public schools, inordinately high percentages of the pupils are unable to speak the English language, wholly aside from considerations of their inability to read and write the same. Superimposed upon the responsibility of conduct of the regular program in those schools, consequently, is the necessity of providing preliminary and concurrent work in mastering the rudiments of the English

language for large numbers of pupils. Providing the specially trained personnel, and the supplies and equipment necessary for those purposes is found to entail an added financial burden upon the districts maintaining those schools which cannot, without undue hardship, be met through the established state and local system for support of the public schools.

The Legislature intends, by the provisions of this article, to establish a program under the general direction of the State Board of Education, and insofar as the state's direct financial participation is concerned, under the administration of the Superintendent of Public Instruction, which shall serve to afford some financial relief to the school districts.

SEC. 3. Section 6061 of said code is amended to read:

6061. The governing board of any elementary school district may, with the approval of the Superintendent of Public Instruction, pursuant to this article and the implementing rules and regulations of the State Board of Education and the Superintendent of Public Instruction, establish and maintain special programs or classes for which state financial assistance under this article may be provided, in speaking, reading and writing the English language for foreign-born minors and native-born minors. Programs may be maintained only by the governing board of a district in an elementary school in which one in every four pupils in that school of the district is unable, at the time of enrollment for the second year in a California school, not counting kindergarten, to speak, understand, read or write the English language well enough to carry on the normal class activities of the grade in which he is enrolled.

SEC. 4. Section 6063 of said code is amended to read:

6063. (a) The Superintendent of Public Instruction shall compute the excess expense to school districts of maintaining programs under this article, and shall allow to such districts in each fiscal year from moneys appropriated therefor, the amount of such excess expense but not to exceed fifty dollars ($50) per full school year participating pupil. Such allowances shall be made on a current basis commencing in the 1965–1966 fiscal year and continuing for a five-year period, thereafter, to, and including, the fiscal year 1970–1971; and the amounts computed as allowable shall be apportioned to the school districts together with any of the apportionments from the State School Fund made pursuant to Article 3 (commencing with Section 17401) of Chapter 2 of Division 14, as the Superintendent of Public Instruction shall determine.

(b) The Superintendent of Public Instruction shall, on behalf of each elementary school district maintaining programs under this article, enter into agreements with any agency of the federal government in order to receive grants or allocations of money from such agency which may be available for purposes of this article. In computing the excess expense allowance pursuant to subdivision (a), the superintendent shall reduce the maximum amount so allowable in a fiscal year to

a school district receiving such a grant or allocation by the amount of the grant or allocation received in such fiscal year.

(c) A school district shall not be eligible for, nor shall it be allowed, any allowance pursuant to this section unless the school district meets all of the following conditions:

(1) The school district had established and maintained a program pursuant to this article at the end of the 1964–1965 fiscal year, or had maintained a similar program at district expense at the end of the 1964–1965 fiscal year.

(2) Equalization aid has been allowed the district for the fiscal year for which an allowance may otherwise be made under this section.

(3) The school district maintains the program established pursuant to this article in accordance with the standards and requirements of this article.

The Superintendent of Public Instruction shall not approve programs under this article during the 1965–1966 fiscal year that will enroll more than a total of 2,000 pupils in all those districts eligible and maintaining programs pursuant to this article. The Superintendent of Public Instruction may prescribe and require the submission of such reports as he may require for these purposes, and shall otherwise administer this article.

SEC. 5. Section 6065 of said code is repealed.

SEC. 5.5. Section 6065 is added to said code, to read:

6065. The Department of Education may approve, as part of a program maintained under this article, the establishment and maintenance of a media demonstration school to demonstrate the latest in equipment, materials and instructional techniques if such school is established and maintained in conformity with the purposes and requirements under any federal act enacted at the 89th session of Congress which is directed to the strengthening and improvement of educational quality and educational opportunity in the nations elementary schools.

The governing board of a school district which establishes and maintains a media demonstration school pursuant to this section shall secure, accept and receive on behalf of the state, any federal funds made available for purposes of this section under such federal act, and may expend such funds for purposes of this section in conformity with the purposes and requirements of the federal act under which the funds were made available and allocated.

SEC. 6. Section 6066 of said code is repealed.

SEC. 7. There is hereby appropriated from the General Fund in the State Treasury to the Department of Education, for the 1965–1966 fiscal year, the sum of one hundred thousand dollars ($100,000) for purposes of carrying out the provisions of Article 6.5 (commencing with Section 6060) of Chapter 6 of Division 6 of the Education Code.

CHAPTER 1235

An act to amend the title of Article 2 of Chapter 5 of Division 12, Sections 16645.2, 16645.9, 16645.11, 16645.12a, 16645.23, 16645.26, and 16645.28 of, and to add Sections 16645.1 and 16645.29 to, and to repeal Section 16645.1 of the Education Code, relating to development centers for handicapped minors, and making an appropriation therefor, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 14, 1965 Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. The title of Article 2 of Chapter 5 of Division 12 of the Education Code is amended to read:

Article 2. Development Centers for Handicapped Minors

SEC. 2. Section 16645.1 of said code is repealed.

SEC. 3. Section 16645.1 is added to said code, to read:

16645.1. The purpose of the Legislature in enacting this article is to continue these development centers for physically handicapped and mentally retarded minors having successfully demonstrated that there is a need for such facilities to help these children from an earlier age, that such development centers effectively relieve parents to engage in work, that the centers reduce significantly the demand for institutional placement, and that the centers are accessible to families without causing the physical dislocation of minors from their families.

SEC. 4. Section 16645.2 of said code is amended to read:

16645.2. The governing body of any school district or a county superintendent of schools with the approval of the county board of education is authorized to establish and maintain, upon the approval of the Superintendent of Public Instruction, one or more development centers for physically handicapped and mentally retarded children between 3 years and 21 years of age residing in, and in the custody of persons residing in, the district or county. The governing body or county superintendent shall determine the hours, days, and months during which the development center is to be maintained.

Nothing in this section shall be construed as vesting in the county superintendent of schools any authority to alone effect the levy and collection of any county, school, or other local taxes for the support of any such development center for physically handicapped and mentally retarded minors.

The establishment and maintenance of any development center for physically handicapped and mentally retarded minors by the county superintendent of schools shall be undertaken subject to the prior approval of the county board of

education, upon the application of one or more school districts under his jurisdiction, and such establishment and maintenance shall be upon such terms and conditions as may be provided for in a written contract between the county superintendent of schools and the governing body of any school district. Not more than eight pilot centers shall be established pursuant to this section.

SEC. 5. Section 16645.9 of said code is amended to read:

16645.9. The Superintendent of Public Instruction shall prepare a schedule of fees which shall be used by each school district and county superintendent for the charging of fees to parents. The fees shall be based on the financial status of the parents, with larger fees to be charged for children of families having larger incomes.

Fees for children of all parents shall be fixed on a sliding-scale basis. If it becomes necessary for the Superintendent of Public Instruction to adjust the fee schedule, any increase shall be made first in fees charged to those in the higher income brackets. The rate of interest in fees charged for children of families of different income levels need not be uniform as between the different income levels.

The fee schedule shall, so far as reasonably possible, be established on such basis and in accordance with such principles as the Superintendent of Public Instruction may determine to insure proper administration of the child care center program and to establish uniform budgetary and accounting procedures.

SEC. 6. Section 16645.11 of said code is amended to read:

16645.11. The Superintendent of Public Instruction shall apportion state funds to the districts in such amounts as will equal the difference between ninety-four cents ($0.94) and the average hourly fee per child collected as provided for in Section 16645.9 of this code, except that in no event shall the amount apportioned exceed eighty-three cents ($0.83) per hour per child.

SEC. 7. Section 16645.12a of said code is amended to read:

16645.12a. Any school district the governing body of which has entered into a contract with the county superintendent of schools for the establishment of a development center for physically handicapped and mentally retarded minors pursuant to Section 16645.2 shall be deemed for the purpose of Section 16645.12 to be maintaining a child care center.

SEC. 8. Section 16645.23 of said code is amended to read:

16645.23. Any development center may be discontinued at any time at the discretion of the governing board of the district upon the giving of the notice herein prescribed.

Not less than 30 days before the discontinuance of a development center the governing board shall mail to each person having custody of a child in attendance at such development center a notice of the intended discontinuance of the development center and the date the discontinuance will become effective, and shall post a similar notice at the development center.

SEC. 9. Section 16645.26 of said code is amended to read:

16645.26. An Advisory Committee on Development Care Centers for mentally retarded and physically handicapped minors shall be established to aid in setting standards for admission to centers, and to advise district governing boards in the administration and operation of centers. The advisory committee shall consist of one member from the Department of Social Welfare to be appointed by the Director of Social Welfare, one member from the Department of Mental Hygiene to be appointed by the Director of Mental Hygiene, one member from the Department of Public Health to be appointed by the Director of Public Health, one member from the Department of Education to be appointed by the Director of Education, one lay member from the general public and one parent of a handicapped minor to be appointed by the Director of Education, and four members each from a school district or a county superintendent of schools office participating in the program to be appointed by the Director of Education. The member from the Department of Education shall serve as secretary of the committee.

All meetings of the committee shall be open and public and all persons shall be permitted to attend any meetings of the committee.

SEC. 10. Section 16645.28 of said code is amended to read:

16645.28. The governing board of any school district, or any county superintendent of schools, may provide for the transportation of children between their homes and the center attended by them as provided by a school district. The Superintendent of Public Instruction shall allow to each school district or county superintendent of schools an amount equal to the current expense of transporting severely handicapped children, but not to exceed the cost of four hundred seventy-five dollars ($475), for each unit of average weekly paid membership per year resulting from the attendance of such children transported between home and the center.

SEC. 11. Section 16645.29 is added to said code, to read:

16645.29. The Superintendent of Public Instruction shall provide consultant services in connection with the care and development of handicapped children in the development centers for handicapped minors. One such person in the Department of Education shall devote the major part of his time to carrying out the purpose of Section 16645.1.

SEC. 11.5. There is hereby appropriated from the General Fund in the State Treasury to the Department of Education for use during the 1965–1966 fiscal year for the purpose of Article 2 (commencing with Section 16645.1) of Chapter 5 of Division 12 of the Education Code, the sum of three hundred seventy-five thousand dollars ($375,000).

SEC. 12 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 urgently needed programs for physically handicapped and mentally retarded minors provided for by this act may be established as soon as possible, and to permit any state financing provided for the 1965–1966 fiscal year to be made available as early in that fiscal year as possible, it is necessary that this act take effect immediately.

CHAPTER 1236

An act to repeal Section 4 of Chapter 10 of the Statutes of 1963, First Extraordinary Session, and to amend Sections 6441, 6443 and 18270, to amend and renumber Section 6442.1, and to repeal Sections 6442, 6444 and 17305.7, of the Education Code, relating to the public school system, and making an appropriation.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 6441 of the Education Code is amended to read:

6441. The county superintendent of schools, on behalf of any school district under his jurisdiction, may contract subject to the approval of the Superintendent of Public Instruction, for the purpose of procuring television broadcasts or closed-circuit television programs for use in the educational program of the schools in such district.

SEC. 1.5. Section 6442 of said code is repealed.

SEC. 2. Section 6442.1 of said code is amended and renumbered to read:

6442. A school district may provide for or contract for, subject to the approval of the Superintendent of Public Instruction, the procuring of television broadcasts or closed-circuit television programs for use in the educational program of the schools of the district.

SEC. 3. Section 6443 of said code is amended to read:

6443. The Superintendent of Public Instruction shall adopt rules and regulations for the administration of this article. Such rules and regulations shall provide for filing with the Superintendent of Public Instruction, by the production agency, the basic elements of program production costs. The rules and regulations shall make appropriate provision to forestall unnecessary duplication of effort, and to establish reasonable uniformity in the educational television programs developed or provided by use of state funds.

SEC. 4. Section 6444 of said code is repealed.

SEC. 5. Section 17305.7 of said code is repealed.

SEC. 6. Section 18270 of said code is amended to read:

18270. The Superintendent of Public Instruction shall allow to each school district participating in a program for instructional television established pursuant to Section 6441 or 6442, fifty cents ($0.50) multiplied by the number of pupils of the district present in the classroom and instructed by such instructional television programs during the preceding fiscal year. The amount of such allowance to a school district shall not exceed one-half the total cost to the district of providing television broadcasts or closed-circuit television programs pursuant to Section 6441 or 6442. For the purpose of this section, no pupil shall be counted more than once per school year.

The allowances to school districts under this section shall be made from such moneys as may be appropriated therefor by the Legislature.

SEC. 7. Section 4 of Chapter 10 of the Statutes of 1963, First Extraordinary Session, is repealed.

SEC. 8. It is the intention of the Legislature in enacting this act to extend the permissive use of classroom instructional television in schools throughout the state and to encourage the continued improvement in the quality of nonprofit educational television programming.

SEC. 8.5. This act shall be known as the Farr-Quimby Act.

SEC. 9. There is hereby appropriated from the General Fund in the State Treasury to the State School Fund in the 1965–1966 fiscal year, the sum of eight hundred thousand dollars ($800,000) to be expended for purposes of the allowances to school districts provided for by Section 18270 of the Education Code. The allowance and apportionment of such moneys shall be governed by the provisions of subdivision (d) of Section 17301 of the Education Code.

CHAPTER 1237

An act to add Section 9356.7 to the Government Code, relating to retirement of legislators.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 9356.7 is added to the Government Code, to read:

9356.7. Each member of this system who has been elected to a four-year term and who is not returned to office, or who chooses not to run, when the Senate districts are reapportioned pursuant to a legislative or court reapportionment other than a decennial reapportionment, may upon continuing payment of

his contribution during the period of the term for which he was elected receive credit in this system for the full term for which he was elected.

CHAPTER 1238

An act to amend Section 17666.2 of the Education Code, relating to public schools.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 17666.2 of the Education Code is amended to read:

17666.2. (a) Except for a junior college district which qualifies under subdivision (b), for each junior college district he shall multiply the number of units of average daily attendance, during the fiscal year, in grades 13 and 14 computed for the district under Sections 11451 and 11501, subject to the provisions of Section 17611, by six hundred dollars ($600).

(b) For each junior college district which has an average daily attendance of less than 1,001 during the fiscal year, the Superintendent of Public Instruction shall make one of the following computations selected with regard only to the number of certificated employees employed or average daily attendance, whichever provides the lesser amount.

(1) For one which has an average daily attendance of less than 151 and for which at least 12 certificated employees were employed full time, he shall compute one hundred sixty-five thousand dollars ($165,000).

(2) For one which has an average daily attendance of 151 or more and less than 201 and for which at least 15 certificated employees were employed full time, he shall compute two hundred thirteen thousand three hundred thirty-three dollars ($213,333).

(3) For one which has an average daily attendance of 201 or more and less than 301 and for which at least 18 certificated employees were employed full time, he shall compute two hundred sixty-one thousand six hundred sixty-six dollars ($261,666).

(4) For one which has an average daily attendance of 301 or more and less than 401 and for which at least 21 certificated employees were employed full time, he shall compute three hundred ten thousand dollars ($310,000).

(5) For one which has an average daily attendance of 401 or more and less than 501 and for which at least 24 certificated employees were employed full time, he shall compute three hundred fifty-eight thousand three hundred thirty-three dollars ($358,333).

(6) For one which has an average daily attendance of 501 or more and less than 601 and for which at least 27 certificated

employees were employed full time, he shall compute four hundred six thousand six hundred sixty-six dollars ($406,666).

(7) For one which has an average daily attendance of 601 or more and less than 701 and for which at least 30 certificated employees were employed full time, he shall compute four hundred fifty-five thousand dollars ($455,000).

(8) For one which has an average daily attendance of 701 or more and less than 801 and for which at least 33 certificated employees were employed full time, he shall compute five hundred three thousand three hundred thirty-three dollars ($503,333).

(9) For one which has an average daily attendance of 801 or more and less than 901 and for which at least 36 certificated employees were employed full time, he shall compute five hundred fifty-one thousand six hundred sixty-six dollars ($551,666).

(10) For one which has an average daily attendance of 901 or more and less than 1,001 and for which at least 39 certificated employees were employed full time, he shall compute six hundred thousand dollars ($600,000).

(c) A junior college district shall not be eligible for the foundation program computed under subdivision (b), unless it levies during the fiscal year a tax, exclusive of taxes levied under Sections 3356, 16633, 19443, 19619, 20801 and 22101, of not less than thirty-five cents ($0.35).

(d) For purposes of this section, and Sections 17851 and 17905.2, the average daily attendance of a junior college district shall, subject to the provisions of Section 17611, be computed in the manner prescribed by Sections 11451 and 11501 except that there shall be excluded from the computation the attendance of all students who resided in territory which was not a part of any district maintaining a junior college, the attendance of all students deemed nonresidents as provided in Sections 25505 and 25505.5, and there shall be included in the computation the attendance of all students residing in the district who were in attendance at a junior college in another district under an interdistrict attendance agreement entered into pursuant to Section 10801 Notwithstanding the above provisions of this section, the attendance of students deemed nonresidents as provided in Sections 25505 and 25505.5 shall not be excluded from the average daily attendance of junior college districts for the purposes of Section 17851.

The Superintendent of Public Instruction shall exclude from the computation provided by this section the average daily attendance during the fiscal year of adults, as adults are defined in Section 6352, and of inmates of any state institution for adults or of any city, county, or city and county jail, road camp or farm for adults

SEC. 2. The provisions of this act shall be operative with respect to the entire 1965–1966 fiscal year as though the provisions of Section 17666.2 of the Education Code, as amended by this act, had been in effect on July 1, 1965. The Superintendent

of Public Instruction shall have all powers necessary to effect the midfiscal year transition involved, including the power to recompute and adjust allowances, apportionments and disbursements of moneys from the State School Fund for such purposes.

SEC. 3. This act shall remain in effect until the 91st day after adjournment of the 1967 Regular Session of the Legislature.

CHAPTER 1239

An act to add Section 23601.4 to the Education Code, relating to the California State Colleges.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 23601.4 is added to the Education Code, to read:

23601.4. There is hereby established a state college in Contra Costa County. The college shall be included in the California State Colleges.

The state college established by this section shall commence construction only upon resolution of the trustees, approved by the Coordinating Council for Higher Education.

SEC. 2. It is the intention of the Legislature in enacting Sections 1 and 2 of this act to authorize or approve the establishment of a state college in Contra Costa County so as to permit the proceeds of bonds authorized to be issued under the "State Construction Program Bond Act of 1964" (Stats. 1964 (1st Ex. Sess.) Ch. 143), when appropriated pursuant to Section 7 of such act, to be used for the acquisition of a site for such state college.

CHAPTER 1240

An act to amend the heading of Article 1.5 of Chapter 7, Title 1, Part 3 of, and to add Section 2910 to Article 1.5 of Chapter 7, Title 1, Part 3 of, the Penal Code, relating to the disposition of state prisoners and making an appropriation.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Article 1.5 of Chapter 7, Title 1, Part 3 of the Penal Code is amended to read:

Article 1.5. Transfer of Prisoners to Local Institutions.

SEC. 2. Section 2910 is added to Article 1.5 of Chapter 7, Title 1, Part 3 of said code, to read:

2910. (a) The Director of Corrections may enter into an agreement with a city, county, or city and county, to permit transfer of prisoners in the custody of the Director of Corrections to a jail or other adult correctional facility of such city, county, or city and county, if the sheriff or corresponding official having jurisdiction over such facility has consented thereto. Such agreement shall provide for contributions to such city, county, or city and county toward payment of costs incurred with reference to such transferred prisoners.

(b) When an agreement entered into pursuant to subdivision (a) is in effect with respect to a particular local facility, the Director of Corrections may, with consent of the Adult Authority in the case of male prisoners, and with consent of the Board of Trustees of the California Institution for Women in the case of female prisoners, transfer prisoners to such facility.

(c) Prisoners so transferred to a local facility may, with approval of the Director of Corrections, participate in programs of the facility, including work furlough rehabilitation programs. Prisoners so transferred remain in the constructive custody of the director but are subject to the rules and regulations of the facility in which they are confined.

SEC. 3. The sum of two hundred thousand dollars ($200,000) is hereby appropriated from the General Fund for the support of the program of the Department of Corrections provided for in Section 2910 of the Penal Code.

CHAPTER 1241

An act to add Section 23601.8 to the Education Code, relating to the California State Colleges.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 23601.8 is added to the Education Code, to read:

23601.8. There is hereby established a state college in Ventura County. The college shall be included in the California State Colleges.

The state college established by this section shall commence construction only upon resolution of the trustees, approved by the Coordinating Council for Higher Education.

SEC. 2. It is the intention of the Legislature in enacting this act to authorize or approve the establishment of a state college in Ventura County so as to permit the proceeds of bonds authorized to be issued under the "State Construction Program Bond Act of 1964" (Statutes 1964 [First Extraor-

dinary Session] Chapter 143), when appropriated pursuant to Section 7 of such act, to be used for the acquisition of a site for that state college.

CHAPTER 1242

An act to add Article 7.5 (commencing with Section 415) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to the mentally retarded, and making an appropriation.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Article 7.5 (commencing with Section 415) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

Article 7.5. Mentally Retarded Persons

415. As used in this article, "regional centers" means regional diagnostic, counseling, and service centers for mentally retarded persons and their families.

415.1. It is desirable that there be a shift in state responsibility for mentally retarded persons from the time they enter a state hospital to the time when they are diagnosed as needing specialized care.

In order to provide fixed points of referral in the community for the mentally retarded and their families; establish ongoing points of contact with the mentally retarded and their families so that they may have a place of entry for services and return as the need may appear; provide a link between the mentally retarded and sources in the community, including state departments, to the end that the mentally retarded and their families may have access to the facilities best suited to them throughout the life of the retarded person; and offer alternatives to state hospital placement, it is the intent of this article that a network of regional diagnostic, counseling, and service centers for mentally retarded persons and their families, easily accessible to every family, be established throughout the state.

415.2. The State Department of Public Health, within the limitations of funds appropriated, shall contract with appropriate agencies for the establishment of regional centers.

415.3. Regional centers shall be near centers of population where most needed and wherever possible connected to or in close proximity to institutions of higher learning and research.

415.4. The regional centers shall provide and perform or cause to be performed services including, but not limited to, the following:

(a) Diagnosis.

(b) Counseling on a continuing basis. Counseling shall include advice and guidance to any mentally retarded person and his family, to assist them in locating and using suitable community facilities, including, but not limited to: special medical services; nursery and preschool training; public education; recreation; vocational rehabilitation; and suitable residential facilities.

(c) Provide state funds to vendors of service to the retarded, when failure to provide such services would result in state hospitalization.

(d) Maintain a registry and individual case records.

(e) Systematic followup of the mentally retarded and reactivation of cases as indicated.

(f) Assist, where necessary, in state hospital placement of the mentally retarded.

(g) Call public attention to unmet needs in community care and services, defining and interpreting standards of community care and services as used by the regional center, and stimulating the community to develop such services as needed.

(h) Maintain a staff according to standards set by the State Department of Public Health.

415.5. Upon referral by a physician, or other qualified professional person authorized by the regional center, any person suspected of mental retardation shall be eligible for initial intake and for diagnostic and counseling services in the regional centers.

415.6. The State Department of Public Health may receive and expend all funds made available to the department by the federal government, the state, its political subdivisions, and other sources, and, within the limitation of the funds made available, shall act as an agent for the transmittal of such funds for services through the regional centers. The department may use any funds received under Article 2 (commencing with Section 249) of this chapter for the purposes of this article The State Department of Public Health may contract with the Department of Rehabilitation to provide vocational diagnostic and rehabilitative services in regional centers.

416. The parents or guardian of a mentally retarded person may designate the Director of Public Health as guardian of the mentally retarded person on the death of the parents or guardian, if the state has assumed responsibility for providing care to the retarded person, through the regional center. Such guardianship shall be for the purpose of carrying out the recommendations of the regional center and to provide the retarded person with the assurance of continuity of care

416.1. This article does not authorize the care, treatment or supervision or any control over any mentally retarded person without the written consent of his parent or guardian.

416.2. The agency operating a regional center may enter into agreements with parents, guardians, persons responsible for the care of the mentally retarded, or estates of mentally

retarded persons, to use such amounts as they may be able to pay toward the cost of services for such mentally retarded persons. In no event, however, shall there be any charge for diagnosis or counseling.

SEC. 2. The sum of one million five hundred thousand dollars ($1,500,000) is hereby appropriated from the General Fund to the State Department of Public Health for the purposes of Article 7.5 (commencing with Section 415), Chapter 2, Part 1, Division 1 of the Health and Safety Code.

CHAPTER 1243

An act to amend Section 24071 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 14, 1965 Filed with Secretary of State July 15, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 24071 of the Business and Professions Code is amended to read:

24071. The license of one spouse may be transferred to the other spouse when the application for transfer is made prior to the entry of a final decree of divorce, and the license of a decedent, minor ward, incompetent person, conservatee, bankrupt person, person for whose estate a receiver is appointed, or assignor for the benefit of creditors may be transferred by or to the surviving partners of a deceased licensee, the executor, administrator, conservator or guardian of an estate of a licensee, the surviving spouse of a deceased licensee in the event that the deceased licensee leaves no estate to be administered, the trustee of a bankrupt estate of a licensee, a receiver of the estate of a licensee, or an assignee for the benefit of creditors of a licensee with the consent of the assignor, or a license may be transferred between partners where no new partner is being licensed, or a license may be transferred between corporations whose outstanding shares of stock are owned by the same natural persons, or a licensee may transfer upon compliance with Section 24073 any license to a corporation whose entire stock is owned by the licensee, or his spouse, or a license may be transferred from a corporation to a person who owns, or whose spouse owns, the entire stock of the corporation, and the fee for transfer of each license is twenty-seven dollars and fifty cents ($27.50). The regular transfer fee provided in Section 24072 shall be due and payable upon the subsequent transfer of 25 percent of the stock in a corporation to which a license has been transferred by a licensee or his spouse pursuant to this section. In no case shall a fee be charged for the transfer of an importer's license. If the annual fee for a license is less than twenty-seven dollars and fifty cents ($27.50), the

fee to be charged for the transfer thereof in any case shall be in the amount of the fee payable upon an original application as provided under Sections 23320 and 23322 of this division.

CHAPTER 1244

An act to add Division 25 (commencing with Section 38000) to the Health and Safety Code, and to add Section 6514 to the Government Code, relating to mental retardation and the Mental Retardation Program Advisory Board, and making an appropriation therefor.

[Approved by Governor July 14, 1965 Filed with Secretary of State July 15, 1965]

The people of the State of California do enact as follows:

SECTION 1. Division 25 (commencing with Section 38000) is added to the Health and Safety Code, to read:

DIVISION 25. SERVICES FOR THE MENTALLY RETARDED

CHAPTER 1. MENTAL RETARDATION PROGRAM AND STANDARDS ADVISORY BOARD

Article 1. Purpose

38000. The State of California accepts a responsibility for its mentally retarded citizens and an obligation to them which it must discharge. Affecting hundreds of thousands of children and adults directly, and having an important impact on the lives of their families, neighbors, and whole communities, mental retardation presents social, medical, economic, and legal problems of extreme importance.

The complexities of mental retardation require the services of many state departments as well as the community. Frequently there are gaps beyond the present duties and powers of departments in the development of state and community services.

Services should be planned and provided as a part of a continuum. A pattern of facilities and eligibility should be established which is so complete as to meet the needs of each retarded person, regardless of age or degree of handicap, and at each stage of his life's development.

Article 2. Establishment of Board

38050. In order to insure the continuity of services, develop a creative interdepartmental and community approach, and coordinate all efforts of federal, state, local, and voluntary agencies, there is in the Health and Welfare Agency the Mental

Retardation Program Advisory Board, hereinafter referred to as the board.

The board shall consist of 15 members, namely:

(a) The Superintendent of Public Instruction.

(b) The Director of Employment.

(c) The Director of Mental Hygiene.

(d) The Director of Public Health.

(e) The Director of Rehabilitation.

(f) The Director of Social Welfare.

(g) The Director of the Youth Authority.

(h) Two county supervisors appointed by the Governor.

(i) Two persons appointed by the Governor, representing nongovernmental agencies providing services for the mentally retarded.

(j) Two persons appointed by the Governor, representing the general public.

(k) One person appointed by the Speaker of the Assembly, representing consumers of services for the mentally retarded.

(*l*) One person appointed by the Senate Committee on Rules, representing consumers of services for the mentally retarded.

38051. The chairman of the board shall be designated by the Governor from among the members of the board. The first chairman shall serve until January 1, 1967 and thereafter be designated for a one-year period.

38052. The members of the board shall meet at such times as may be determined by resolution of the board, but not less than twice yearly. Special meetings may be called by the chairman. He may appoint subcommittees.

38053. Members of the board designated in subdivisions (h) to (k), inclusive, of Section 38050, shall serve four years. Initial appointments shall be staggered with two such members serving until January 1, 1966; two members serving until January 1, 1967; two members serving until January 1, 1968; and two members serving until January 1, 1969

38054. Any member of the board who is a person designated in subdivisions (a) to (g), inclusive, of Section 38050, may delegate his powers and duties to a representative who shall serve on the board in the place of such member.

Article 3. Advisory Responsibilities of the Board

38100. The board shall advise the Administrator of the Health and Welfare Agency on the initiation, coordination, and implementation of programs and projects for the mentally retarded, including, but not limited to, the following:

(a) Present and proposed programs of service for the mentally retarded of state, local governmental, and voluntary agencies.

(b) The development of a coordinated plan of state and local services for the mentally retarded, and the development and formulation of a master plan for establishing responsibilities for the total array of mental retardation services.

(c) Standards for services in various facilities that are now being operated or which will hereafter be created

(d) Standards and rates of state payment for any services purchased with state funds for mentally retarded persons through the regional diagnostic, counseling service centers as may be defined in Article 7.5 (commencing with Section 415) of Chapter 2, Part 1, Division 1 of the Health and Safety Code.

(e) The development of uniform recordkeeping in all services for the mentally retarded.

(f) The coordination of services and research activities in the field of mental retardation, including the evaluation of services and programs, studies of the prevalence of mental retardation, and the development of experimental programs.

(g) The stimulation of planning for professional training in the state universities and colleges

38101. The board shall, to the extent possible, collaborate and cooperate with any board, commission, or council concerned with programs for handicapped persons.

38102 The board shall prepare and render annually a written report of its activities and its recommendations to the Governor through the Administrator of the Health and Welfare Agency.

38103 The departments of state government shall cooperate with and furnish such information, records, and documents, as the board may request.

38104 All meetings of the board shall be open to the public.

Article 4. Standards and Rates of State Payment for Services

38200. The Administrator of the Health and Welfare Agency shall adopt rules and regulations prescribing standards of service which shall be satisfied and maintained as a condition to the payment of state funds for residential care of the mentally retarded by a regional diagnostic, counseling service center.

The Administrator of the Health and Welfare Agency shall adopt standards for all nonresidential professional services which may be purchased for mentally retarded persons with state funds by a regional diagnostic, counseling service center for the mentally retarded

The Administrator of the Health and Welfare Agency shall provide regional centers with current lists of approved facilities and services Regional centers may not expend state funds for services which are not approved by the Administrator of the Health and Welfare Agency, notwithstanding any other certification, licensing, or approval of the facility or service.

The Administrator of the Health and Welfare Agency shall not adopt standards which are in conflict with those adopted by the State Board of Education with regard to special classes for the mentally retarded in the public schools.

38201. If there is evidence that a vendor of services does not meet the standards prescribed by the Administrator of the Health and Welfare Agency, the regional centers may immediately withdraw payment of state funds to such vendor.

38202. The Administrator of the Health and Welfare Agency shall establish rates of state payment for services purchased by regional centers for mentally retarded persons.

Rates of state payment shall be based on the value of units of service rendered.

Article 5. Coordinator of Mental Retardation Programs

38300. To carry out his responsibilities for mental retardation under this division and other pertinent statutes, the Administrator of the Health and Welfare Agency shall designate a Coordinator of Mental Retardation Programs and such staff as is required.

SEC. 2. Section 6514 is added to the Government Code, to read:

6514. Any state department or agency concerned with the provisions of services or facilities to mentally retarded persons and their families may enter into agreements under this chapter.

SEC. 3. There is appropriated from the General Fund to the Health and Welfare Agency the sum of one hundred thousand dollars ($100,000) to be used for expenses of the Program and Standards Advisory Board and to employ a Coordinator of Mental Retardation Programs and such other staff as is required to enable the Administrator of the Health and Welfare Agency to carry out his responsibilities for mental retardation programs and standards.

CHAPTER 1245

An act to amend Section 21296 of, and to add Sections 20750.11, 20750.41 and 21297.5 to, the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 21296 of the Government Code is amended to read:

21296. The disability retirement pension shall be such an amount as with that portion of his annuity provided by his accumulated normal contributions, will make his disability retirement allowance equal:

(a) Ninety percent of one-sixtieth of his final compensation multiplied by the number of years of service credited to him; or

(b) If the disability retirement allowance computed under subdivision (a) does not exceed one-third of his final compensation, 90 percent of one-sixtieth of his final compensation multiplied by the number of years of service which would be creditable to him were his service to continue until attainment by him of age 60, but in such case the retirement allowance shall not exceed one-third of such final compensation.

This subdivision is not applicable to members who are not entitled, at the time of retirement, to be credited with at least 10 years of state service, nor to members who have become members of the retiring annuities system of the university.

SEC. 2. Section 20750.11 is added to said code, to read:

20750.11. The state's contribution to the Retirement Fund in respect to state miscellaneous members provided by any and all other provisions of this chapter is increased by a sum equal to one-hundredths (0.01) of 1 percent of the compensation paid state miscellaneous members.

SEC. 3. Section 20750.41 is added to said code, to read:

20750.41. The state's contribution to the Retirement Fund in respect to warden members provided by any and all other provisions of this chapter is increased by a sum equal to ten-hundredths (0.10) of 1 percent of the compensation paid warden members.

SEC. 4. Section 21297.5 is added to said code, to read:

21297.5. Every disability retirement pension payable for time commencing on the operative date of this section to a state member, or a local member having the same retirement allowance for nonindustrial disability as a state member who was retired prior to said date, is hereby increased to the amount it would be if the amendment to Section 21296 at the 1965 Regular Session of the Legislature had been in effect on the date of retirement of the member. This provision does not authorize any decrease in any such pension, nor does this section give any such retired member, or his successors in interest, any claim against the state for any increase in any pension paid or payable for time prior to its operative date. Calculation of pensions under this section shall be made on the basis of current interest rate and mortality tables.

SEC. 5. This act shall become operative October 1, 1965.

CHAPTER 1246

An act to add Sections 6418 and 6419 to the Labor Code, relating to motor vehicle pollution control.

[Approved by Governor July 14, 1965 Filed with Secretary of State July 15, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 6418 is added to the Labor Code, to read:

6418. It shall be the duty of the division to determine by August 1, 1966, the maximum allowable standards of emissions of contaminants from unregistered motor vehicles that are used inside factories, manufacturing plants, warehouses, buildings and other enclosed structures, which standards are compatible with the safety of employees.

The standards shall be developed after the division has held public hearings and afforded an opportunity for all interested persons to appear and file statements or be heard. The division shall publish such notice of the hearings as it determines to be reasonably necessary.

The division after notice and hearing may revise the standards, and shall publish the revised standards, from time to time.

SEC. 2. Section 6419 is added to said code, to read:

6419. All motor vehicles exempt from registration under the Vehicle Code that are used inside factories, manufacturing plants, warehouses, buildings and other enclosed structures may be equipped with a certified exhaust purifier device within one year after the certification is made by the Motor Vehicle Pollution Control Board. This section shall not apply to any such motor vehicles that are powered by electricity.

The Division of Industrial Safety shall be responsible for the enforcement of the provisions of this section.

CHAPTER 1247

An act to amend Section 69104 of the Government Code, relating to district courts of appeal.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 69104 of the Government Code is amended to read:

69104. The District Court of Appeal for the Fourth Appellate District consists of two divisions. One division shall hold its regular sessions at San Diego and the other shall hold its regular sessions at San Bernardino.

CHAPTER 1248

An act to add Sections 16641, 16641.5, 16642, 16643 and 16444 to, the Education Code, and to add Chapter 3 (commencing with Section 1645) to Part 3 of Division 2 of the Welfare and Institutions Code, relating to preschool educational programs, and making an appropriation.

[Approved by Governor July 14, 1965 Filed with Secretary of State July 15, 1965]

The people of the State of California do enact as follows:

SECTION 1. Chapter 3 (commencing with Section 1645) is added to Part 3 of Division 2 of the Welfare and Institutions Code, to read:

CHAPTER 3. PRESCHOOL EDUCATIONAL PROGRAMS

1645. The Legislature finds and declares that preschool programs with a strong educational component are of great value to all children in preparing them for success in school, and constitute an essential component of public social services as defined in Section 100.5. The Legislature further finds that such programs are often not available to many children who, because of the low income of their families, are deprived of this valuable educational experience. Therefore it is the intention of the Legislature in enacting this chapter to provide equal educational opportunity to children of low income or disadvantaged families through appropriate arrangements for preschool programs of an educational value to be developed in accordance with a contractual agreement between the State Department of Social Welfare and the State Department of Education. The Legislature believes that the introduction of young children to an atmosphere of learning will improve their performance and increase their motivation and productivity when they enter school. In order to achieve this end all programs established under this chapter shall be centered upon a defined preschool educational program developed, conducted and administered with the maximum feasible participation of the families served by the program.

1646. The State Department of Social Welfare shall enter into a contract with the State Department of Education to provide for a statewide system of preschool programs of an educational value, to be established by any eligible local public or private nonprofit agency which submits an application therefor.

The Department of Social Welfare shall, in cooperation and consultation with the Department of Education, determine the areas of the state in which the approval and establishment of such preschool educational programs is most likely to fulfill the intent of this chapter.

Any application to operate and maintain a preschool educational program pursuant to this chapter may include a provision for the use of facilities owned and maintained by an eligible local nonprofit private agency, when such facilities may be necessary for the provision of a preschool educational program in the area to be served. Children between the ages of three and five years, or until enrolled in the public schools, shall be eligible to participate in these preschool programs, provided that such instruction is deemed to be in the best interests of the child. Special priority shall be given to children from families of low income. Special priority shall also be given to children from families in which English is not the language primarily used in the home in order that they may develop that degree of English facility necessary to profit from school instruction.

All local preschool educational programs operated pursuant to any contract herein authorized shall be available to any child otherwise eligible pursuant to the procedures established by this chapter and by the contract regardless of race, religion or ethnic background; and no such local preschool program shall be used, in whole or in part, for religious worship or instruction. No funds herein provided may be used for the general support of any private or sectarian school system.

1646.1. The contract entered into pursuant to Section 1646 shall provide for a fee to be paid by the parent or other person having charge or custody of any child, or to be reimbursed from state and federal funds, on account of the child. The Department of Education shall, pursuant to the contract, establish a system of fees which may be charged to parents who have the financial ability to pay all, or part of, the cost of the child's preschool educational program.

The Department of Social Welfare shall, pursuant to the contract, pay to the Department of Education a per capita reimbursement for each child certified as eligible for this program and participating in a preschool program established under this chapter. The per capita reimbursement shall not exceed the costs incurred in providing the service, less any parental fees, divided by the total number of children participating in the program.

As used in this section, "costs" include administrative costs which may be incurred by the Department of Education, the Department of Social Welfare, and other local public agencies, necessary for the development and implementation of the public social service herein described and for the designation of those children eligible for participation.

Maximum standards for such costs, per child, shall be established by the Department of Social Welfare, in consultation and cooperation with the Department of Education and with the advice of the advisory committee established pursuant to Section 1647.2 of this code, and such maximum cost standards shall be applied beginning with the 1966–67 fiscal year and each year thereafter.

1647. The State Department of Social Welfare shall receive and administer state and federal funds for this program. Priority in the establishment of programs shall be given to eligible public and nonprofit private agencies in communities with the greatest relative need for such programs.

Notwithstanding any other provision of this code, the Department of Social Welfare shall not provide any per capita reimbursements pursuant to Section 1646.1 on account of any local preschool educational program established pursuant to this chapter which does not meet the minimum educational standards established by the State Board of Education and set forth in the contract entered into with the Department of Education.

The State Department of Social Welfare shall have only such functions, duties and responsibilities with respect to the educational program carried on in preschool centers as is required by law and federal regulations.

1647.1. The Department of Social Welfare and the Department of Education shall cooperate fully with the State Board of Health to assure health services for all children enrolled in a program under this chapter.

1647.2. The Governor shall appoint an advisory committee composed of one representative from the State Board of Health, one representative from the State Board of Education, one representative from the State Board of Social Welfare, the directors of the Department of Education, Department of Social Welfare, and Department of Public Health, and three persons representing professional or civic groups or public or nonprofit private agencies, organizations or groups concerned with preschool educational programs, which shall provide for a continuing evaluation of the effectiveness of such programs and shall report thereon at each general session of the Legislature.

1648. The State Board of Education shall prescribe minimum educational standards which all local programs formed under this chapter shall meet, and it shall be the responsibility of the Department of Education to see that such standards are complied with in all programs established. Such minimum educational standards shall be set forth in the contract entered into pursuant to Section 1646 of this code.

(a) The minimum program of preschool education shall be two hours per day, five days per week, exclusive of time allowed for nap and meals. The rate of qualified adult supervisors to children shall not be less than 1 to 15.

(b) The board shall adopt application forms for the use of eligible public and nonprofit private agencies that desire to establish preschool educational programs. Such completed application forms shall be approved by the Department of Education before any center may receive state financial support.

(c) The board shall provide for the issuance of permits to qualified persons which shall be a prerequisite to their employment in such programs. Such permits shall be issued in ac-

cordance with the provisions of Sections 16625 to 16629, inclusive of the Education Code. The employees of school districts or county superintendents of schools in preschool educational programs shall have the same rights and privileges as are granted to employees of the same agencies in children's centers.

(d) The board shall prescribe such fiscal controls and fund accounting procedures as may be necessary to assure proper accounting for funds received and disbursed in the operation of preschool educational programs by school districts and county superintendents.

1649. The Superintendent of Public Instruction and the Director of Social Welfare shall jointly report to the Legislature on the results of the preschool education programs at the 1967 General Session and each general session thereafter, and shall make recommendations for adjustments in the program.

SEC. 2. Section 16641 is added to the Education Code, to read:

16641. The State Board of Education shall prescribe minimum educational standards for all preschool educational programs formed under Chapter 3 (commencing with Section 1645) of Part 3 of Division 2 of the Welfare and Institutions Code, and it shall be the responsibility of the Department of Education to see that such standards are complied with in all programs established

SEC. 3 Section 16641 5 is added to said code, to read:

16641.5. The State Board of Education shall adopt application forms for the use of eligible public and nonprofit private agencies that desire to establish preschool educational programs pursuant to the provisions of Chapter 3 (commencing with Section 1645) of Part 3 of Division 2 of the Welfare and Institutions Code. Completed application forms shall be approved by the Department of Education before any center may receive state financial support.

SEC. 4. Section 16642 is added to said code, to read

16642. The Superintendent of Public Instruction and the Director of Social Welfare shall jointly report to the Legislature on the results of the preschool education program formed under the provisions of Chapter 3 (commencing with Section 1645) of Part 3 of Division 2 of the Welfare and Institutions Code, at the 1967 General Session and each general session thereafter, and shall make recommendations for adjustments in the program.

SEC. 5 Section 16643 is added to said code, to read:

16643. The governing board of any school district, or the county superintendent of schools with the approval of the county board of education, may establish and maintain preschool educational programs for all children residing within the district or a county superintendent of schools between the ages of three and five, or until enrolled in the public schools if less than five years of age. If a preschool educational program authorized by Chapter 3 (commencing with Section 1645) of

Part 3 of Division 2 of the Welfare and Institutions Code has been established in the district, a preschool educational program established under this section may be operated in conjunction with that program, provided that the minimum educational standards prescribed pursuant to Section 16641 are met.

The governing board of a school district operating and maintaining a preschool educational program pursuant to this section may include in its budget any amount which it deems necessary for the operation of the program.

SEC. 6 Section 16644 is added to said code, to read:

16644. The governing board of a school district or a county superintendent of schools operating and maintaining a preschool educational program may permit the use of and furnish maintenance for buildings, grounds and equipment, and the use of existing administrative personnel, for the purposes of the program. The amount of expense incurred under this section may be paid from the available preschool program funds. The governing board or the county superintendent of schools, as the case may be, shall establish in the general fund of the district, or the county school service fund of the county, the "preschool educational program fund." into which shall be paid all funds received by the district for, or from the operation of, preschool educational programs, and the costs incurred in the maintenance and operation of preschool educational programs shall be paid from such fund. The accounts shall be maintained in accordance with the instructions for program cost accounting contained in the "California School Accounting Manual." No other funds derived from district taxes or derived from the moneys apportioned to the district by the state for the support of the schools thereof, other than moneys especially appropriated for the support of preschool educational programs may be expended for or in connection with a preschool educational program, except that this restriction shall not apply to transportation of preschool pupils as allowed in Section 16801, as that section is proposed to be amended by Assembly Bill 1101 of the 1965 General Session of the Legislature.

The governing board operating a preschool educational program shall include in its budget the amounts deemed necessary for the operation of the program. Any funds received for the operation of a preschool educational program after the date the budget of the agency was adopted may be expended without readvertising or holding a hearing on the agency's budget.

SEC 7. There is hereby appropriated from the General Fund in the State Treasury to the State Department of Social Welfare the sum of two million seventy-five thousand dollars ($2,075,000), or so much thereof as may be necessary, for purposes of providing state funds to be matched with available federal funds to support the preschool educa-

tional programs provided for by Chapter 3 (commencing with Section 1645) of Part 3 of Division 2 of the Welfare and Institutions Code.

CHAPTER 1249

An act to add Section 18021.7 to the Government Code, relating to fire suppression employees of the Division of Forestry, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 18021.7 is added to the Government Code, to read:

18021.7. It is the policy of the state that the normal workweek of permanent employees in fire suppression classes of the Division of Forestry shall not exceed 96 hours a week. Work in excess of the designated normal workweek may be compensated for in cash or compensating time off in accordance with the regulations of the State Personnel Board.

SEC. 2. The sum of seven hundred fifty-four thousand eight hundred thirty-seven dollars ($754,837) is hereby appropriated from the General Fund to the Department of Conservation for the purposes of Section 18021.7 of the Government Code; provided that six hundred nine thousand four hundred ninety-nine dollars ($609,499) shall be used to employ relief fire station personnel and that the duty week shall be adjusted to meet the 96-hour workweek policy throughout the fire suppression system by scheduling personnel in such a manner as not to jeopardize fire suppression services; and, provided further that the balance of the funds appropriated shall be used for meeting related expenses in line with prior agreements with the five cooperating counties and the United States Forest Service.

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 hours presently served by the employees affected by this act are the longest put in by any public fire service organization. It is during the summer months that the greatest demand is put on these employees, and if those presently serving are to have the benefit of this bill during this year it is necessary that this measure go into immediate effect.

CHAPTER 1250

An act to add Section 22155.1 to the Government Code, relating to coverage of employees of the state and University of California under old-age, survivors and disability insurance.

[Approved by Governor July 14, 1965 Filed with Secretary of State July 15, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 22155.1 is added to the Government Code, to read:

22155.1. The board shall execute a modification of the agreement to provide for transfer to the retirement system as defined in Section 22009.1(*l*)(1) created by division of the retirement system defined in Section 22009.1(b) of the position or any member who is included in the retirement system as defined in Section 22009.1(*l*)(2) created by said division, and who requests such transfer pursuant to the Federal Social Security Act and board rules. Each member requesting such transfer shall pay the amount of ten dollars ($10) towards the cost of administration. Such payments shall be made as provided in Section 20780 of this code and shall be credited to the appropriation for support of the board and be available for expenditure in the fiscal year 1965–66.

Section 20788 of this code shall apply with respect to employer contributions required on salaries and wages paid such members after June 30, 1963, and on or before December 31, 1965, as well as salaries and wages paid before July 1, 1963.

CHAPTER 1251

An act to amend Section 75075 of the Government Code, relating to judges' retirement.

[Approved by Governor July 14, 1965 Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 75075 of the Government Code is amended to read:

75075. Any judge hereafter retiring pursuant to the provisions of Section 75025 or Section 75060 may elect to receive the benefits accorded by this article (a) if he retires on the day of attainment of the age of 70 years, or prior thereto, or (b) regardless of age at retirement, if he is a judge on the effective date of this article and (1) retires within five years after said effective date or (2) if not eligible to retire within said five-year period, he retires within two years after he attains eligibility.

Every judge who qualifies under this section shall be deemed to elect to receive the benefits accorded by this article, unless he makes an election to the contrary by filing written notice thereof with the Secretary of State at or prior to retirement.

Any judge whose service would qualify him for any benefits under this article if the total of such service included an additional 30 days, shall be deemed to have credited to him, sufficient service to qualify for the benefit.

CHAPTER 1252

An act to amend Section 890 of the Military and Veterans Code, relating to benefits for veterans' dependents.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 890 of the Military and Veterans Code is amended to read:

890. As used in this article:

(a) "Veterans" means any person who served in the Army, Navy, or Marine Corps of the United States and was killed in action or died as a result of war service in the World War since April 6, 1917, or any member of the Army, Navy, Coast Guard or Marine Corps of the United States, or any of their auxiliaries who was killed in action in World War II on or after December 7, 1941, and prior to January 1, 1947, or who died at any time as a result of war service during such period, or any member of the armed forces of the United States who was killed in action during any period of hostilities in which the United States is engaged, or who died or was totally disabled at any time as a result of active service during any such period or during the induction period.

(b) "Dependent of a veteran" means the natural or adopted child of a veteran, or stepchild of a veteran as defined by the U.S. Veterans Administration for compensation purposes, the unmarried widow of a veteran, or the wife of a totally disabled veteran.

(c) "Induction period" means (1) the period beginning September 16, 1940, and ending December 6, 1941, and the period beginning January 1, 1947, and ending June 26, 1950, and (2) the period beginning on February 1, 1955, and ending on the day before the first day thereafter on which individuals (other than individuals liable for induction by reason of a prior deferment) are no longer liable for induction for training and service into the armed forces under the Universal Military Training and Service Act.

CHAPTER 1253

An act to add Chapter 15 (commencing with Section 7475) to Division 6 of the Education Code, relating to the public school system, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 15 (commencing with Section 7475) is added to Division 6 of the Education Code, to read:

CHAPTER 15. YEAR-AROUND HIGH SCHOOL OPERATION

Article 1. General Provisions

7475. This act shall be known as the Year-around High School Experiment Act of 1965.

7476. It is the intent and purpose of the Legislature in enacting this chapter of the code to authorize the establishment of a two-year experimental program in the year-around operation of a high school maintained by a selected unified school district. This two-year experimental program, though limited in scope, has an essential statewide general purpose in that it shall serve to provide the Legislature and the various state and local governmental agencies involved in administration of the public school system with information and experience concerning the problems involved in providing for year-around operation of public schools throughout the state, and the feasibility thereof. It will also provide valuable information concerning the public response which may be accorded such programs, and the efficacy thereof in accelerating the completion of the secondary course of instruction by the pupils.

The Legislature is especially concerned and aware of the mounting costs of acquisition and construction of school sites and facilities, and is, therefore, desirous of determining whether those fiscal burdens may be reduced by increased utilization of existing plants and facilities.

Article 2. Establishment and Maintenance of the Experimental Program

7480. The Superintendent of Public Instruction may authorize a two-year experiment in the year-around operation of grades 9 through 12, inclusive, of one public high school. The experiment shall commence on September 1, 1965, and terminate on August 31, 1967. The school designated shall be one with a current average daily attendance of no less than 800 in grades 9 through 12, inclusive, to be maintained throughout the period of the experiment.

7481. The Superintendent of Public Instruction, in cooperation with the governing board of the authorized district, shall schedule four quarters to which the operation of the designated high school shall be keyed during each of the two years during which the experiment in year-around operation is conducted. The quarters shall be scheduled in a manner which will permit regular day schools to be maintained during three quarters covering, generally, the autumn, winter, and spring months, for no fewer than 175 days. Such quarters shall be known as regular quarters, and the laws governing compulsory attendance of pupils shall be applicable thereto.

In addition, there shall be scheduled a fourth quarter to extend, generally, through the summer months, to be known as the summer quarter, during which regular schools and classes shall be maintained. Attendance upon the summer quarter shall be voluntary on the part of the pupils; and employment in the summer quarter, of persons in positions requiring certification qualifications and of persons in the classified service of the district, shall be voluntary on the part of such persons, and shall be pursuant to terms and conditions agreed upon between the school district governing board and such persons.

7482. The Superintendent of Public Instruction may prescribe all modifications of curriculum requirements which may be necessary to adapt courses of study to the quarter system in the designated high school.

Article 3. Finance

7485. The authorized school district shall be eligible for additional support from the State School Fund on account of the average daily attendance in regular schools and classes in grades 9 through 12, inclusive, in the summer quarter in each of the two years of the experimental program. The Superintendent of Public Instruction shall prescribe an appropriate procedure under which allowances are to be computed and apportionments are to be made to the district for any one or more of the purposes specified in Sections 17303 and 17303.5 of this code for the average daily attendance in grades 9 through 12, inclusive, in the regular day schools in the summer quarter. The computation of the allowances shall, in connection with such purpose, be based upon a rate upon which such allowance was computed for the purpose for the autumn, winter and spring quarters.

Article 4. Objectives and Results

7490. On or before September 1, 1965, there shall be submitted to the State Department of Education and to the Senate and Assembly interim investigating committees charged with the responsibility of studying the subject of the public school system, a comprehensive report and plan prepared under the direction of the governing board of the authorized school

district outlining in detail the objectives and the expected results to be realized from the experimental program to be established under this chapter. The report and plan shall cover the matters following:

(a) Objectives in scholastic achievement.

(b) Objectives in vocational preparation.

(c) Objectives in connection with plant utilization and budgetary economies to be realized.

(d) The complete curriculum to be provided and the variations in length of courses of study and related changes to be made in adjusting to the quarter system.

(e) Any and all other matters deemed to be of special importance either in connection with conducting the experimental program in the authorized school district, or in connection with future statewide conduct of such programs, or both.

7491. The authorized school district, with the approval of the Superintendent of Public Instruction, shall conduct a testing program in grades 9 through 12 in the authorized school district, which testing program shall be especially comprehensive and directed particularly to ascertaining whether variations in achievement levels are produced as between pupils of the district attending the summer quarter and those who do not. The comprehensive testing program shall be such as will permit an accurate assessment to be made of the following factors:

(a) The scholastic effectiveness of the experiment generally.

(b) The practicability of, and the effects resulting from, variations in course of study length adopted for purposes of the experiment.

(c) The policies of the district with respect to evaluation of the achievement and scholarship of pupils and the granting of diplomas and certificates on the basis thereof.

(d) The teaching methods employed at the high school in all courses of instruction affected by the experiment.

7492. On or before the fifth legislative day of the 1968 Regular Session, the authorized school district through the Superintendent of Public Instruction shall submit to the Legislature a comprehensive report on all phases of the experimental program provided for by this chapter, and shall include therein his recommendations concerning whether the establishment of the year-around system of public school operations throughout the state is feasible.

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 the extensive preparations which will be required to place the experimental program provided for by this bill into operation in September, 1965, can be undertaken as early as possible prior thereto, it is necessary that this act take effect immediately.

CHAPTER 1254

An act to amend Section 264 of, and to add Section 264.2 to, the Agricultural Code, relating to bovine brucellosis.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 264 of the Agricultural Code is amended to read:

264. Where necessary to prevent the spread within this state of bovine brucellosis, the director may provide for the slaughter of animals. When an animal in a brucellosis control area is slaughtered under the provisions of this article, or under regulations of the director made pursuant to this article, the owner shall receive:

(a) The proceeds of the sale of the salvage of the animal.

(b) From the state, one-third of the difference between the appraised value and the proceeds of the sale of the salvage, but in no instance to exceed seventy-five dollars ($75) for any grade animal or one hundred dollars ($100) for any purebred animal. The value of the animal shall be determined by appraisement by a representative of the department or a representative of the Bureau of Animal Industry of the United States Department of Agriculture, and by the owner or his agent. In case of failure to agree on the valuation, the animal shall be appraised by the chief appraiser of the department or his representative. In either event, the value determined shall be final. Within 30 days after the appraisal of the animal, it shall be slaughtered under the supervision of the director.

(c) From the United States, any sum authorized to be paid to him from any appropriation made by the United States to assist in the eradication of brucellosis

SEC. 2. Section 264.2 is added to said code, to read:

264.2. Notwithstanding the provisions of any other section of this article, whenever the director determines that bovine brucellosis cannot be eradicated or effectively controlled in a particular herd by the usual recognized methods, and if the director determines that slaughter of the remaining exposed nonreacting animals in the herd is the best and most practical method of attaining such eradication or control, the director may, after entering into a voluntary agreement with the owner to carry out the purposes and conditions of this article, proceed with branding in the same manner as provided in Section 263.2, and require the slaughter of such animals and the disinfection of the premises involved. No such procedure shall be undertaken unless and until funds are available to indemnify the owner. Such indemnity shall be the difference between the appraised value as determined by appraisement by a representative of the department, or a representative of the United States Department of Agriculture, and by the owner

or his agent, and the proceeds of the sale of the salvage, but shall in no instance exceed two hundred dollars ($200) for any grade animal, or three hundred dollars ($300) for any purebred animal less any sum authorized to be paid to him for indemnity purposes from any appropriation made by the United States to assist in the eradication of brucellosis in cattle in California. In case of failure to agree on the valuation, the animal shall be appraised by the chief appraiser of the department or his representative. In either event, the value determined shall be final. Indemnity provided by this section shall not be paid in any of the following cases.

(a) For any bovine animal reacting to the brucellosis test or showing active brucellosis prior to or at slaughter. In this case, the indemnity rate provided in Section 264 shall apply.

(b) For any bovine animal, unless all exposed cattle, swine, goats, sheep, and horses on the premises are slaughtered.

(c) For any bovine animal, until the premises where said animal has been kept have been cleaned and disinfected by the owner in a manner approved by an agent of the State or Federal Departments of Agriculture

(d) For any steer or grade bull.

(e) For any animal owned by the United States, State of California, or any county, city, town or township, in the state.

(f) When the owner is in violation of any provision of this article or any regulation made by the department relating thereto.

(g) For any animal which has not been slaughtered within 30 days after such animal has been appraised.

(h) For any bovine animal originating in another state or country that has not been in California for at least 90 days.

This section shall remain in effect until October 1, 1969.

CHAPTER 1255

An act to amend Sections 21365.5, 21382, and 21383 of the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 14, 1965 Filed with Secretary of State July 15, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 21365.5 of the Government Code is amended to read:

21365.5. Upon the death of a member who has attained the minimum age for voluntary service retirement applicable to him in his last employment preceding death, and who is credited with five or more years of state service and in circumstances in which the basic death benefit is payable other than solely that of membership in a county retirement system, or a

retirement system maintained by the university, a monthly allowance equal to one-half of and derived from the same source as the unmodified retirement allowance which the member would have been entitled to receive if he had retired for service on the date of his death shall be payable:

(a) To the surviving wife of a male member as long as she lives or until her remarriage; or

(b) To a dependent surviving husband of a female member as long as he lives or until remarriage.

(c) To the children under age 18 collectively if there is no surviving spouse or if the surviving spouse dies or remarries before all children of the deceased member attain age 18, until every child dies or attains age 18; provided, that no child shall receive any allowance after marrying or attaining the age of 18.

Where a member does not have a surviving spouse nor any children under the age of 18 years at the time of death, no allowance shall be payable under this section.

No allowance shall be payable under this section if a special death benefit or a benefit under Section 21337 is payable.

The allowance provided by this section shall be paid in lieu of the basic death benefit but a person or, such person's guardian, qualifying for the allowance may elect before the first payment on account of it to receive such basic death benefit in lieu of the allowance.

Any person who is receiving the allowance under this section on October 1, 1959, shall have the right to elect, not later than ninety (90) days after the date upon which notice of such right is mailed to him by this system, to receive in lieu of further payments of the allowance, a sum equal to the excess of the basic death benefit which was otherwise payable on account of the member's death over the sum of the monthly payments made prior to such election.

If the total of the payments made hereunder is less than the basic death benefit which was otherwise payable on account of the member's death, the amount of the basic death benefit less any payments made pursuant to this section shall be paid in a lump sum as follows:

(a) If the person last entitled to the allowance is the remarried spouse of such member, to such spouse;

(b) Otherwise, to the surviving children of the member, share and share alike, or if there are no such children, to the estate of the person last entitled to the allowance.

The board shall compute the amount by which benefits paid pursuant to this section exceed the benefits which would otherwise be payable and shall charge any such excess against the contributions of the state so that there shall be no increase in contributions of members by reason of benefits paid pursuant to this section. As used in this section, "a surviving wife" means a wife that was married to the member for at least one year prior to his death, a "dependent surviving husband"

means a dependent husband that was married to the member for at least one year prior to the member's death, and "child" includes a posthumously born child of the member.

This section shall not apply to any contracting agency nor to the employees of any contracting agency unless and until the agency elects to be subject to the provisions of this section by amendment to its contract made in the manner prescribed for approval of contracts, except that an election among the employees is not required, or, in the case of contracts made after the time this section takes effect, by express provision in such contract making the contracting agency subject to the provisions of this section.

SEC. 2. Section 21382 of said code is amended to read:

21382. If the death benefit provided by Section 21361 is payable on account of a member's death which occurs under other circumstances than those described in subdivision (e) of Section 21360, or if an allowance under Section 21365.5 is payable, (a) the surviving wife or surviving dependent husband of the member, who has the care of unmarried children, including stepchildren, of the member who are under 18 years of age, or are incapacitated because of disability which began before and has continued without interruption after attainment of such age, or if there is no such spouse, then (b) the guardian of surviving unmarried children, including stepchildren, of the member who are under 18 years of age or so incapacitated, if any, or (c) the surviving wife or surviving dependent husband of the member, who does not qualify under (a) of this subdivision, if any, or if no such children under (b) or such spouse under (c), then (d) each surviving parent of the member, shall be paid regardless of the benefit provided by Section 21361, and of the beneficiary designated by the member under that section, or regardless of the allowance provided under Section 21365.5, the following applicable survivor allowance, under the conditions stated and from contributions of the state:

(1) A widow, or a widower receiving at least one-half of his support from the member at the time of the member's death, and with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has the care of unmarried children, including stepchildren, of the deceased member under 18 years of age or so incapacitated, shall be paid one hundred eighty dollars ($180) if there is one such child, or two hundred fifty dollars ($250) per month if there are two or more such children. If there also are such children who are not in the care of the surviving spouse, the portion of the allowance payable under this paragraph, assuming that these children were in the care of the surviving spouse, which is in excess of ninety dollars ($90) per month, shall be divided equally among all such children and payments made to the spouse and other children, as the case may be.

(2) If there is no such surviving spouse, or if such surviving spouse dies or remarries, and if there are unmarried children, including stepchildren, of the deceased member under 18 years of age, or if there are such children not in the care of such spouse, such children shall be paid an allowance as follows:

(a) If there is only one such child, such child shall be paid ninety dollars ($90) per month;

(b) If there are two such children, such children shall be paid one hundred eighty dollars ($180) per month divided equally between them; and

(c) If there are three or more such children, such children shall be paid two hundred fifty dollars ($250) per month divided equally among them.

(3) A widow who has attained or attains the age of 62 years, or a widower who has attained or attains the age of 65 years, and was receiving at least one-half of his support from the deceased member at the time of the member's death, and, with respect to both widow and widower, who was married to such member prior to the occurrence of the injury or onset of the illness which resulted in death, and has not remarried subsequent to the member's death, shall be paid ninety dollars ($90) per month. No allowance shall be paid under this subdivision, while the surviving spouse is receiving an allowance under subdivision (1) of this section, or while an allowance is being paid under subdivision (2)(c) of this section. The allowance paid under this subdivision shall be seventy dollars ($70) per month while an allowance is being paid under subdivision (2)(b) of this section.

(4) If there is no surviving spouse, or surviving children who qualify for a survivor allowance, or if such surviving spouse dies or remarries, or if such children reach age 18 or die or marry prior thereto, each of the member's dependent mother and father who has attained or attains the age of 62 or 65 years respectively, and who received at least one-half of his support from the member at the time of the member's death, shall be paid ninety dollars ($90) per month.

SEC. 3. Section 21383 of said code is amended to read:

21383. When the survivor is entitled to receive a monthly allowance as a special death benefit provided by Article 5 (commencing with Section 21360) of this chapter and at the same time is entitled to receive a survivor allowance, the survivor allowance payable in any month shall be reduced by the amount of such other allowance or benefit.

CHAPTER 1256

An act to amend Section 69594 of the Government Code, relating to superior courts.

[Approved by Governor July 14, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 69594 of the Government Code is amended to read:

69594. In the County of San Bernardino there shall be nine judges. On or after the first day of January, 1966, there shall be 10 judges

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CHAPTER 1257

An act to amend Section 6363 of the Revenue and Taxation Code, relating to sales and use tax exemptions.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 6363 of the Revenue and Taxation Code is amended to read:

6363. There are exempted from the taxes imposed by this part the gross receipts from the sale of, and the storage, use, or other consumption in this state of, meals and food products for human consumption served to the students of a school by public or private schools, school districts, student organizations, parent-teacher associations, and any blind person (as defined in Section 6905 of the Government Code) operating a restaurant or vending stand in an educational institution under Chapter 11 of Division 7 of Title 1 of the Government Code. The term "food products" as used in this section has the meaning ascribed to it in Section 6359 except that the term includes foods furnished, prepared, or served for consumption at tables, chairs, or counters, or from trays, glasses, dishes, or other tableware provided by the retailer.

CHAPTER 1258

An act to amend Section 1193 of the Code of Civil Procedure, relating to mechanics' liens.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1193 of the Code of Civil Procedure is amended to read:

1193. (a) Except one under direct contract with the owner or one performing actual labor for wages, every person who furnishes labor, service, equipment or material for which a lien otherwise can be claimed under this chapter, must, as a necessary prerequisite to the validity of any claim of lien subsequently filed, cause to be given not later than 15 days prior to the filing of a claim of lien a written notice as prescribed by this section, to the owner or reputed owner and to the original contractor. The notice shall contain a general description of the labor, service, equipment or materials furnished, the name and address of such person furnishing such labor, services, equipment or materials, and the name of the person who contracted for purchase of such labor, services, equipment or materials. If an invoice for such materials contains this information, a copy of such invoice, transmitted in the manner prescribed by this section, shall be sufficient notice. The notice may be sent at any time after any labor, services, equipment or materials are furnished, but in no event later than fifteen (15) days prior to the expiration of the time within which to file a claim of lien.

(b) Any agreement made or entered into by an owner whereby the owner agrees to waive the rights or privileges conferred upon him by this section shall be void and of no effect.

(c) Service of notice required under this section may be given by delivering the same to the person to be notified, personally, or by leaving it at his address or place of business with some person in charge, or by registered or certified mail, postage prepaid, addressed to the person to whom notice is to be given, at his residence or place of business address, or at the address shown by the building permit on file with the authority issuing a building permit for the work. If no building permit has been issued or if the building permit does not contain the address of the person on whom notice was required to be served under this section, then service of such notice may be by certified or registered mail addressed to the job site with the envelope setting forth the name of the owner or reputed owner, if known, or if not known, then merely "Owner," or to the original contractor, if known, or if not known, then to "General Contractor." When service is by registered or certified mail, service is complete at the time of the deposit of the registered or certified mail.

(d) A person required by this section to give notice to the owner and to an original contractor need give only one such notice to the owner and to the original contractor with respect to all materials, service, labor, or materials he furnishes for a work of improvement, unless the same is furnished under contracts with more than one subcontractor, in which event the notice requirements must be met with respect to materials, services, labor, or equipment furnished to each such subcontractor.

If a notice contains a general description required by subdivision (a) of the materials, services, labor, or equipment furnished to the date of the notice, it is not defective because, after such date, the person giving notice furnishes materials, services, labor or equipment not within the scope of such general description.

CHAPTER 1259

An act to amend Section 23101 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 23101 of the Vehicle Code is amended to read:

23101. Any person who, while under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, drives a vehicle and when so driving does any act forbidden by law or neglects any duty imposed by law in the driving of such vehicle, which act or neglect proximately causes bodily injury to any person other than himself is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison for not less than one year nor more than five years or in the county jail for not less than 90 days nor more than one year and by fine of not less than two hundred fifty dollars ($250) nor more than five thousand dollars ($5,000).

CHAPTER 1260

An act to amend Section 170 of the Code of Civil Procedure, relating to disqualification of judges.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 170 of the Code of Civil Procedure is amended to read:

170. No justice or judge shall sit or act as such in any action or proceeding:

1. To which he is a party; or in which he is interested other than as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation;

2. In which he is interested as a holder or owner of any capital stock of a corporation, or of any bond, note or other security issued by a corporation;

3. When he is related to either party, or to an officer of a corporation, which is a party, or to an attorney, counsel, or agent of either party, by consanguinity or affinity within the third degree computed according to the rules of law, or when he is indebted, through money borrowed as a loan, to either party, or to an attorney, counsel or partner of either party, or when he is so indebted to an officer of a corporation or unincorporated association which is a party; provided, however, that if the parties appearing in the action and not then in default, or the petitioner in any probate proceeding, or the executor, or administrator of the estate, or the guardian of the minor or incompetent person, or the commissioner, or the referee, or the attorney for any of the above named, or the party or his attorney in all other or special proceedings, shall sign and file in the action or matter, a stipulation in writing waiving the disqualification mentioned in this subdivision or in subdivisions 2 or 4 hereof, the judge or court may proceed with the trial or hearing and the performance of all other duties connected therewith with the same legal effect as if no such disqualification existed;

4. When, in the action or proceeding, or in any previous action or proceeding involving any of the same issues, he has been attorney or counsel for any party; or when he has given advice to any party upon any matter involved in the action or proceeding; or when he has been retained or employed as attorney or counsel for any party within two years prior to the commencement of the action or proceeding;

5. When it is made to appear probable that, by reason of bias or prejudice of such justice or judge a fair and impartial trial cannot be had before him.

Whenever a judge or justice shall have knowledge of any fact or facts, which, under the provisions of this section, disqualify him to sit or act as such in any action or proceeding pending before him, it shall be his duty to declare the same in open court and cause a memorandum thereof to be entered in the minutes or docket. It shall thereupon be the duty of the clerk, or the judge if there be no clerk, to transmit forthwith a copy of such memorandum to each party, or his attorney, who shall have appeared in such action or proceeding, except such party or parties as shall be present in person or by attorney when the declaration shall be made

In justice courts when, before the trial, either party makes and files an affidavit that he believes that he cannot have a fair and impartial trial before the judge before which the action is pending, by reason of the interest, prejudice or bias of the judge, the court may order the transfer of the action, and the provisions of Section 398 of this code shall apply to such transfer.

Whenever a judge of a court of record who shall be disqualified under the provisions of this section, to sit or act as such in any action or proceeding pending before him, neglects or fails to declare his disqualification in the manner

hereinbefore provided, any party to such action or proceeding who has appeared therein may present to the court and file with the clerk a written statement objecting to the hearing of such matter or the trial of any issue of fact or law in such action or proceeding before such judge, and setting forth the fact or facts constituting the ground of the disqualification of such judge.

Within five days after the presentation and filing of any such statement, the judge alleged therein to be disqualified may file with the clerk his consent in writing that the action or proceeding be tried before another judge, or may file with the clerk his written answer admitting or denying any or all of the allegations contained in such statement and setting forth any additional fact or facts material or relevant to the question of his disqualifications. The clerk shall forthwith transmit a copy of the judge's consent or answer to each party or his attorney who shall have appeared in such action or proceeding. Every such statement and every such answer shall be verified by oath in the manner prescribed by Section 446 of this code for the verification of pleadings. The statement of a party objecting to the judge on the ground of his disqualification, shall be presented at the earliest practicable opportunity, after his appearance and discovery of the facts constituting the ground of the judge's disqualification, and in any event before the commencement of the hearing of any issue of fact in the action or proceeding before such judge.

No judge of a court of record, who shall deny his disqualification, shall hear or pass upon the question of his own disqualification; but in every such case, the question of the judge's disqualification shall be heard and determined by some other judge agreed upon by the parties who shall have appeared in the action or proceeding, or, in the event of their failing to agree, by a judge assigned to act by the Chairman of the Judicial Council, and, if the parties fail to agree upon a judge to determine the question of the disqualification, within five days after the expiration of the time allowed herein for the judge to answer, it shall be the duty of the clerk then to notify the Chairman of the Judicial Council of that fact; and it shall be the duty of the Chairman of the Judicial Council forthwith, upon receipt of notice from the clerk, to assign some other judge, not disqualified, to hear and determine the question.

If such judge admits his disqualification, or files his written consent that the action or proceeding be tried before another judge, or fails to file his answer within the five days herein allowed, or if it shall be determined after hearing that he is disqualified, the action or proceeding shall be heard and determined by another judge or justice not disqualified, who shall be agreed upon by the parties, or, in the event of their failing to agree, assigned by the Chairman of the Judicial Council; provided, however, that when there are two or more judges of the same court, one of whom is disqualified, the action or

proceeding may be transferred to a judge who is not disqualified.

A judge who is disqualified may, notwithstanding his disqualification, request another judge, who has been agreed upon by the parties, to sit and act in his place.

6. In an action or proceeding brought in any court by or against the Reclamation Board of the State of California, or any irrigation, reclamation, levee, swampland or drainage district, or trustee, officer or employee thereof, affecting or relating to any real property, or an easement or right-of-way, levee, embankment, canal, or any work provided for or approved by the Reclamation Board of the State of California, a judge of the superior court of the county, or a judge of the municipal court or justice court of the judicial district, in which such real property, or any part thereof, or such easement or right-of-way, levee, embankment, canal or work, or any part thereof is situated shall be disqualified to sit or act, and such action shall be heard and tried by some other judge assigned to sit therein by the Chairman of the Judicial Council, unless the parties to the action shall sign and file in the action or proceeding a stipulation in writing, waiving the disqualification in this subdivision of this section provided, in which case such judge may proceed with the trial or hearing with the same legal effect as if no such legal disqualification existed. If, however, the parties to the action shall sign and file a stipulation, agreeing upon some other judge to sit or act in place of the judge disqualified under the provisions of this subdivision, the judge agreed upon shall be called by the judge so disqualified to hear and try such action or proceeding; provided, that nothing herein contained shall be construed as preventing the judge of the superior court of such county, or of the municipal court of such judicial district, from issuing a temporary injunction or restraining order, which shall, if granted, remain in force until vacated or modified by the judge designated as herein provided.

7. When, as a judge of a court of record, by reason of permanent or temporary physical impairment, he is unable to properly perceive the evidence or properly conduct the proceedings.

8. Notwithstanding anything contained in subdivision 6 of this section, a judge of the superior court or a judge of the municipal court or justice court of the judicial district, in which any real property is located, shall not be disqualified to hear or determine any matter in which the opposing party shall have failed to appear within the time allowed by law, or as to such of the opposing parties who shall have failed to appear within the time allowed by law, and as to which matter or parties the same shall constitute purely a default hearing; provided, that nothing in this section contained shall be construed as preventing the judge of the superior court of such county, or of the municipal court of such judicial district,

from issuing an order for immediate possession in proceedings in eminent domain.

Nothing in this section contained shall affect a party's right to a change of the place of trial in the cases provided for in Title 4, Part 2 of this code.

CHAPTER 1261

An act to amend Sections 23111 and 23112 of the Vehicle Code, and Section 13002 of the Health and Safety Code, relating to littering the highway.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 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 or highway or adjoining area, public or private, any lighted cigarette, cigar, ashes, or any other flaming or glowing substance. This section shall be known as the Paul Buzzo Act.

SEC. 2. Section 23112 of said code is amended to read:

23112. (a) No person shall throw or deposit, nor shall the registered owner or the driver, if such owner is not then present in the vehicle, aid or abet in the throwing or depositing upon any highway any bottle, can, garbage, glass, nail, offal, paper, wire, any substance likely to injure or damage traffic using the highway, or any noisome, nauseous or offensive matter of any kind.

(b) No person shall place, deposit or dump, or cause to be placed, deposited or dumped, any rocks or dirt in or upon any highway, including any portion of the right-of-way thereof, without the consent of the state or local agency having jurisdiction over the highway.

SEC. 3. Section 13002 of the Health and Safety Code is amended to read:

13002. Every person is guilty of a misdemeanor who throws or discharges from any vehicle any lighted cigarette, cigar, ashes, or other flaming or glowing substance, or any substance or thing which may cause a fire.

CHAPTER 1262

An act to amend Section 28145 of the Government Code, relating to Tuolumne County court reporters.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 28145 of the Government Code is amended to read:

28145. In a county of the 45th 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, four thousand four hundred twenty dollars ($4,420) a year.

(b) The district attorney, sixteen thousand dollars ($16,000) a year, and he shall not engage in the private practice of law.

(c) Each supervisor, seven thousand eight hundred dollars ($7,800) a year for all services performed by him, as supervisor and member of the board of equalization.

Each supervisor shall receive twelve cents ($0.12) a mile for each mile actually and necessarily traveled when traveling within or without the county on county business.

In lieu of mileage, supervisors may use automobiles provided and maintained by the county in connection with the performance of their official duties.

(d) The official reporter of the superior court shall receive as full compensation for taking notes in criminal cases in the superior court, before the grand jury, and for coroner's inquests, a monthly salary of four hundred dollars ($400) payable out of the county treasury at the same time and in the same manner as the salaries of the county officers are paid. He shall receive as compensation for taking notes when required in civil cases a per diem as provided by law, to be paid by the litigants as the court directs, and for transcription of such notes in civil cases, and in criminal cases on appeal from the superior court, such fees as are provided by law. The compensation for transcriptions in criminal cases on appeal from the superior court shall be audited and allowed upon a written order of the court and paid out of the county treasury, and in civil cases shall be paid by the party ordering the transcript, or when ordered by the judge, by either party, or by both or all parties, as the court directs. He shall also be allowed his actual traveling expenses when reporting outside of the county seat.

(e) Grand jurors and jurors in the superior court shall be paid seven dollars ($7) a day for each day's attendance, and twelve cents ($0.12) per mile each way per each day of service. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled

by each juror. The auditor shall draw his warrants for the fees and mileage due the juror, and the treasurer shall pay the warrant.

(f) Witnesses when legally required to attend upon the superior court in criminal cases and upon the juvenile court in juvenile court matters, shall be paid six dollars ($6) a day for each day's actual attendance, and twelve cents ($0.12) for each mile actually traveled. The county clerk shall certify to the auditor the number of days' attendance and the number of miles traveled by each witness. The auditor shall draw his warrant for the fees and mileage due the witness, and the treasurer shall pay the warrant.

The compensation provided by this section shall be payable to incumbent officers.

CHAPTER 1263

An act to add Section 210.5 to the Streets and Highways Code, relating to the location of freeways.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 210.5 is added to the Streets and Highways Code, to read:

210.5. The commission shall employ one or more permanent or temporary presiding officers to preside at such public hearings or meetings of the Division of Highways as the commission, or the chairman thereof, shall designate and shall perform such other duties as the commission, or the chairman thereof, shall require. All of such hearings or meetings should proceed in an orderly but informal fashion to the end that all interested persons will be heard as time will permit and should not be conducted in accordance with formal rules of evidence. The commission, or the chairman thereof, shall require such presiding officer or officers to report to the commission without recommendations regarding statements made and other events occurring at the hearings or meetings over which they have presided.

CHAPTER 1264

An act to add Section 31 to the Vehicle Code, relating to giving false information to a traffic officer

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 31 is added to the Vehicle Code, to read:

31. No person shall give, either orally or in writing, information to a peace officer while in the performance of his duties under the provisions of this code when such person knows that the information is false.

CHAPTER 1265

An act to amend Section 21950 of the Vehicle Code, relating to pedestrians.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 21950 of the Vehicle Code is amended to read:

21950. (a) The driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this chapter.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

CHAPTER 1266

An act to repeal and add Chapters 2 (commencing with Section 29200) and 3 (commencing with Section 29800) of Division 13 of, and to amend Section 31540 of, the Vehicle Code, relating to highway transportation.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2 (commencing with Section 29200 of Division 13 of the Vehicle Code is repealed.

SEC. 2. Chapter 2 (commencing with Section 29200) is added to Division 13 of said code, to read:

CHAPTER 2. LOGS AND POLES

29200. (a) The department shall adopt regulations relating to the safe loading, securement and transporting of logs and poles.

(b) In adopting these regulations the department shall consider the type of vehicle to be used, the construction of loads, and the types of binders, stakes and restraining devices required to securely contain the load.

(c) Violations of any provision of these regulations shall be a misdemeanor.

29201. The provisions of this chapter do not apply to the transportation of poles on a pole dolly by public utility companies or local public agencies engaged in the business of supplying electricity or telephone service, by the Department of Public Works, or by a licensed contractor in the performance of work for a utility, the Department of Public Works, or a local public agency, when such transportation is between storage yards or between a storage yard and job location where such poles are to be used, but in no event shall more than nine poles be transported on any dolly if any such pole exceeds a length of 30 feet. If poles 30 feet or less in length are transported by pole or pipe dolly, not more than 18 poles shall be so transported. Poles shall be adequately secured when being transported on a dolly to prevent shifting or spilling of loads.

SEC. 3. Chapter 3 (commencing with Section 29800) of Division 13 of said code is repealed.

SEC. 4. Chapter 3 (commencing with Section 29800) is added to Division 13 of said code, to read:

CHAPTER 3. LUMBER AND LUMBER PRODUCTS

29800. (a) The department shall adopt regulations relating to the safe loading, securement and transporting of lumber and lumber products including, but not limited to, ties, laths, grapestakes, fenceposts, plywood and shingles.

(b) In adopting these regulations the department shall consider the type of vehicle to be used, the construction of loads and the type of binders, stakes and restraining devices required to contain the load.

(c) Violation of any provision of these regulations shall be a misdemeanor.

SEC. 5. Section 31540 of said code is amended to read:

31540. (a) The department shall adopt and enforce such regulations as it determines are necessary for public safety regarding the transportation of:

(1) Freight van or tank containers which can be removed from the running gear or chassis of a truck or trailer, and

(2) Collapsible containers used to transport liquids on flatbed vehicles.

(b) Violation of any provision of the regulations adopted by the department shall be a misdemeanor.

SEC. 6. The provisions of Sections 1, 2, 3, and 4 of this act shall not become operative until July 1, 1966; except that the Department of the California Highway Patrol may, at any time prior to July 1, 1966, adopt the regulations provided for in Sections 29200 and 29800 of the Vehicle Code, as added by this act, to become effective on or after July 1, 1966.

CHAPTER 1267

An act to amend Section 24667 of, and to add Section 24673.5 to the Revenue and Taxation Code, relating to the taxation of banks, corporations, associations, and Massachusetts trusts.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 24667 of the Revenue and Taxation Code is amended to read:

24667. (a) Under regulations prescribed by the Franchise Tax Board, a person who regularly sells or otherwise disposes of personal property on the installment plan may return as income therefrom in any income year that proportion of the installment payments actually received in that year which the gross profit, realized or to be realized when payment is completed, bears to the total contract price

(b) For purposes of subdivision (a), the total contract price of all sales of personal property on the installment plan includes the amount of carrying charges or interest which is determined with respect to the sales and is added on the books of account of the seller to the established cash selling price of the property. This paragraph shall not apply with respect to sales of personal property under a revolving credit type plan or with respect to sales or other dispositions of property the income from which is, under Section 24668, returned on the basis and in the manner prescribed in subdivision (a).

(c) The amendments in this section shall apply with respect to sales made in income years beginning after December 31, 1963.

SEC. 2. Section 24673.5 is added to the code, to read:

24673.5. (a) If the carrying charges or interest with respect to sales of personal property, the income from which is returned under subdivision (a) of Section 24667, is not included in the total contract price, payments received with respect to the sales shall be treated as applying first against the carrying charges or interest. This section shall not apply with respect to sales or other dispositions of property the income from which is, under Section 24668, returned on the basis and in the manner prescribed in subdivision (a) of Section 24667.

(b) This section shall apply with respect to sales made during income years beginning after December 31, 1963.

CHAPTER 1268

An act to add Section 6511.5 to, the Business and Professions Code, relating to the practice of barbering.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 6511.5 is added to the Business and Professions Code, to read:

6511.5. The board may contract or otherwise arrange for reasonably required physical accommodations and facilities to conduct examinations.

The sum of thirty-six thousand eight hundred dollars ($36,800) is hereby appropriated from the State Board of Barber Examiners Fund to the board for expenditure during the 1965–66 fiscal year to carry out the purposes of this section.

CHAPTER 1269

An act to add Section 27321.5 to the Government Code, relating to recording.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 27321.5 is added to the Government Code, to read:

27321.5. Before acceptance for recording, in addition to the address required on each document for delivery by the recorder, every deed or instrument executed to convey fee title to real property shall have noted across the bottom of the first page thereof the name and address to which future tax statements may be mailed; provided, however, the failure to so note any such name or address shall not affect the notice otherwise imparted by recording. The provisions of this section shall not apply to the State Lands Commission

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CHAPTER 1270

An act to amend Sections 24000 and 24001 of the Government Code, relating to county officers.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. 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 livestock inspector.
(q) A fish and game warden.
(r) A county librarian.
(s) A county health officer.
(t) An administrative officer.
(u) Such other officers as are provided by law.

SEC. 2. Section 24001 of said code is amended to read:

24001. Except as otherwise provided in Sections 27550.1 and 27641.1 of this code or in this section, a person is not eligible to a county or district office, unless at the time of his election or appointment he is of the age of 21 years or over, a citizen of the state, and an elector of the county or district in which the duties of the office are to be exercised. However, if a duly qualified health officer is not available within a county or district, then it shall not be necessary that any person appointed to any such position be a citizen of the state or an elector of the county or district at the time of his appointment.

The assessor, tax collector, or treasurer of a district formed under the Irrigation District Law (commencing at Section 20500 of the Water Code) need not be a resident of the district in which the duties of the office are to be exercised.

The board of supervisors of any county may, if it finds that the best interests of the county will be served, waive the requirement that the administrative officer be an elector of the county.

CHAPTER 1271

An act to amend Sections 193, 221, 245, and 273d of the Penal Code, relating to penalties for crimes against the person.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The $63,000 appropriation in Section 2 of Senate Bill No 318 and the $24,640 appropriation in Section 2.5 of this bill must be deleted, in order to avoid constitutional problems with the bill Both these amounts have been included in the Budget Bill With these deletions, I approve the bill
EDMUND G. BROWN, Governor

The people of the State of California do enact as follows:

SECTION 1. Section 193 of the Penal Code is amended to read:

193. Manslaughter is punishable by imprisonment in the state prison for not exceeding 15 years, except that a violation of subsection 3 of Section 192 of this code is punishable as follows: In the case of a violation of subdivision (a) of said subsection 3 the punishment shall be either by imprisonment in the county jail for not more than one year or in the state prison for not more than five years, and in such case the jury may recommend by their verdict that the punishment shall be by imprisonment in the county jail; in the case of a violation of subdivision (b) of said subsection 3, the punishment shall be by imprisonment in the county jail for not more than one year. In cases where, as authorized in this section, the jury recommends by their verdict that the punishment shall be by imprisonment in the county jail, the court shall not have authority to sentence the defendant to imprisonment in the state prison, but may nevertheless place the defendant on probation as provided in this code.

SEC. 2. Section 221 of said code is amended to read:

221. Every person who is guilty of an assault, with intent to commit any felony, except an assault with intent to commit murder, the punishment for which assault is not prescribed by the preceding section, is punishable by imprisonment in the state prison not exceeding 15 years, or in a county jail not exceeding one year, or by fine not exceeding five hundred dollars ($500), or by both.

SEC. 3. Section 245 of said code is amended to read:

245. (a) Every person 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 is punishable by imprisonment in the state prison not exceeding 10 years, or in a county jail not exceeding one year, or by fine not exceeding five thousand dollars ($5,000), or by both such fine and imprisonment. When a person is convicted of a violation of this section, in a case involving use of a deadly weapon or instrument, and such weapon or instrument is owned by such person, the court may, in its discretion, order that the weapon or instrument be deemed a nuisance and shall

be confiscated and destroyed in the manner provided by Section 12028.

(b) Every person who commits an assault with a deadly weapon or instrument or by any means likely to produce great bodily injury upon the person of a peace officer, and who knows or reasonably should know that such victim is a peace officer engaged in the performance of his duties, when such peace officer is engaged in the performance of his duties shall be punished by imprisonment in the state prison not exceeding 15 years; provided, that if such person has previously been convicted of a felony under the laws of this state or has previously been convicted of an offense under the laws of any other state or of the United States which, if committed in this state, would have been punishable as a felony, he shall be punished by imprisonment in the state prison for five years to life.

As used in this subdivision, "peace officer" refers to any person designated as a peace officer in the first paragraph of Section 817, as well as any inspector or investigator regularly employed as such in the office of a district attorney, any member of the California Highway Patrol, any member of the California State Police, any policeman of the San Francisco Port Authority, each member of an arson investigating unit of an organized fire department, and each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game.

SEC. 4. Section 273d of said code is amended to read:

273d. Any husband who willfully inflicts upon his wife corporal injury resulting in a traumatic condition, and any person who willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition, is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for not more than 10 years or in the county jail for not more than one year.

CHAPTER 1272

An act to add Chapter 18 (commencing with Section 20010) to Division 14 of the Education Code, relating to junior college construction, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 18 (commencing with Section 20010) is added to Division 14 of the Education Code, to read:

CHAPTER 18. JUNIOR COLLEGE CONSTRUCTION ACT

Article 1. Definitions

20010. This act may be cited as the Junior College Construction Act.

20011. The definitions in this article shall govern the construction of this chapter.

20012. "Junior college" means grades 13 and 14 of a two- or four-year junior college.

20013. "Junior college district" means any district authorized to maintain a junior college.

20014. "Department" means the Department of Education.

20015. "Project" means the purpose for which a junior college district has applied for assistance under this chapter. A project may include the acquisition and improvement of junior college sites, the planning, construction, reconstruction, or remodeling of any permanent structure necessary for use as a classroom, laboratory, library, related facilities necessary for the instruction of students or for administration of the educational program, maintenance or utility facilities essential to the operation of the foregoing facilities, and the initial acquisition of equipment. A project shall not include the planning or construction of dormitories, student centers other than cafeterias, stadia, the improvement of site for student or staff parking, or single-purpose auditoriums.

20016. "Contact hours" means the total number of programmed class periods for all students enrolled in 13th and 14th grade courses during a census week.

20017. "Weekly student contact hour" means the actual or estimated contact hours of students enrolled in graded junior college classes scheduled to commence before the hour of 4:30 p.m., except that during the first four years of its existence for all purposes, a district which has not acquired facilities as a successor district, may use the actual or estimated contact hours of students enrolled in graded junior college classes during consecutive hours of the day, not to exceed nine.

The weekly student contact hours of a junior college district, that became effective for all purposes on or after July 1, 1960, which has expended less than 1 percent of its assessed valuation for junior college facilities, or has acquired as a successor district facilities having a value of less than 1 percent of its assessed valuation, shall be reduced by the quotient derived by dividing 1 percent of the assessed valuation of the district, by the average cost of providing junior college facilities for the district.

20018. "The average cost of providing junior college facilities" means the cost, generally applicable, of providing junior college facilities, as determined by the department after consultation with the Department of General Services. It shall

be expressed in units per weekly student contact hour. The department shall establish separate cost figures applicable to junior college facilities in small junior college districts that maintain only one junior college, and for all other junior college facilities.

20019. "Resident student" means a student who resides in the applicant district and whose attendance in a junior college is credited under law to the district of residence. In the event district reorganization occurs with respect to the applicant district in any year during which a projection or estimate of weekly student contact hours is made, the projection or estimate shall be made as if the district reorganization was effective for all years during which the projection or estimate of weekly student contact hours is made.

20020. "Growth in weekly student contact hours" means the increase in estimated units of weekly student contact hours in one year over the estimated weekly student contact hours of the preceding year as approved by the Department of Finance.

20021. "Relative district ability" means the quotient obtained by dividing (1) the assessed valuation of the district in the year preceding the year in which an application is submitted, divided by the estimated weekly student contact hours in the district for the year for which the entitlement is to be computed, by (2) the total of the assessed valuation for all junior college districts in the state for the same year, divided by the total estimated weekly student contact hours in all junior college districts of the state for the year for which the entitlement is to be computed.

20021.5. "Federal funds" means any moneys provided by the federal government pursuant to federal law to a junior college district for any project or any part of a project which the Department of Education has determined are available to the district for expenditure, or will be available to the district for expenditure, for a project, by the date an allocation of state funds is made for the project.

20022. "District entitlement" shall be computed for each junior college district for the 1967–1968 fiscal year based upon estimated growth in weekly student contact hours during that year. The entitlement shall be computed by multiplying one-half of the "average cost of providing junior college facilities" for the district by the "relative district ability," multiplying this product by the "growth in weekly student contact hours" of "resident students" for the district for the fiscal year, and adding to the latter product federal funds, which shall be called the minimum district share, and this minimum district share shall be subtracted from the "cost of providing junior college facilities" for the district. The remainder shall be called the district entitlement.

20023. "District entitlement" shall be computed for each junior college district beginning with the 1968–69 fiscal year based upon the estimated growth in weekly student contact

hours during that year. The entitlement shall be computed by multiplying one-half of the "average cost of providing junior college facilities" for the district by the "relative district ability," multiplying this product by the "growth in weekly student contact hours," of "resident students" for the district for the fiscal year, and adding to the latter product federal funds, which shall be called the minimum district share, and shall be subtracted from the "cost of providing junior college facilities" for the district, which remainder shall be called the district entitlement.

20023.5. "Matching basis" is the ratio of the state share to the district share.

20024. "Cost of providing junior college facilities" shall be the product of "growth in weekly student contact hours" and the "average cost of junior college facilities."

Article 2. Administration

20025. This chapter shall be administered by the Department of Education. The department shall adopt such rules and regulations as it deems necessary to carry out the purposes of this chapter.

20026. The duties of the department in administering this chapter shall include:

(a) Prescribing and furnishing application forms.

(b) Approving applications.

(c) Approving junior college sites included in any project.

(d) Approving furniture and equipment included in any project.

(e) Approving plans and specifications for each project.

(f) Certifying to the Controller the allocation of funds to which a district is eligible.

(g) Determining, for purposes of Section 20021.5 and for computation of the district entitlement the federal funds received by a district. A district entitlement computed for a fiscal year shall be adjusted to correct errors in such determinations which the department has ascertained to have occurred in the computation of the district entitlement for any prior year.

20027. Appeal from a decision or an action of the department in administering the provisions of this chapter may be made by the governing board of the applicant district to to the State Board of Education. Such appeal shall be made through the executive officer of the State Board of Education and shall be placed on the agenda of the State Board of Education in accordance with general agenda practices. The decision of the State Board of Education in such appeals shall be final.

20028. The department shall transmit to each junior college district not later than August 15 of each year a notice of the amount of district entitlement computed for the district for that year pursuant to Section 20022 or 20023 and the amount of district entitlement computed pursuant to Section

20023 for any prior years, the amount of funds allocated to the district pursuant to approved applications, and the amount of funds requested by the district in pending applications.

Article 3. Applications and Approvals

20030. Any junior college district may apply on or before October 1, 1965, or on or before October 1 in any subsequent year, for state assistance not to exceed the amount of entitlement computed for the district pursuant to Sections 20022 and 20023, to undertake one or more projects.

20031. Application for assistance shall be made on forms prescribed and furnished by the department Such application shall include, but not be limited to, the following data and information:

(a) An outline and general description of the project to be undertaken

(b) An estimate of the cost of the project to be undertaken and the anticipated source of funds to complete the project.

(c) A statement justifying the need for the project.

(d) The number of weekly student contact hours, if any, to be housed in the project.

(e) The number of square feet of construction in the project.

(f) The estimated cost per square foot of construction.

(g) A statement concerning the plans of the governing board of the school district to house the growth in weekly student contact hours in the district if the project does not accomplish this end.

(h) The student capacity of existing and funded but not constructed junior college facilities in the district.

(i) The estimated growth in weekly student contact hours, and the basis of the calculation.

20032. The department shall review the applications submitted and shall verify:

(a) The estimate of growth of weekly student contact hours.

(b) The student capacity of facilities reported in the application

(c) The requested state funds in the project.

(d) The extent of local funds required for the project.

(e) The need for the project in terms of capacity and utilization measures.

20033. On or before January 1, 1966, the department shall transmit to the junior college district in writing its action upon applications submitted for funds subject to district entitlement as provided in Section 20022.

If such assistance is approved the funds shall be allocated to the district when the requirements of Section 20044 have been met.

20034. On or before the 1st of December of 1965, and each succeeding year, pertinent data on each application for

state assistance for a project submitted for funds subject to district entitlement as stated in Section 20023, that has been approved by the department shall be transmitted to the Department of Finance. The projects transmitted shall be considered for inclusion in the Governor's Budget for the fiscal year starting on the succeeding July 1.

Article 4. Appropriation and Allocation

20040. The Legislature shall consider the requests for state assistance for junior college projects as contained in the Governor's Budget, and shall determine the extent to which state assistance shall be provided.

20041. In the event that state funds appropriated are insufficient to meet the total of requests for assistance for all projects contained in the Governor's Budget, as modified by the Legislature, the amount of state assistance requested in each project shall be reduced proportionately.

20042. The funds appropriated for a project shall remain available for allocation until the district is qualified to receive an allocation of funds, but not longer than 36 months after the effective date of the appropriation.

20043. Each project for which an appropriation is made shall be financed with both local and state funds. The ratio of state funds to local property tax funds for each project shall be computed under Section 20022 or 20023, whichever is applicable, except that the state's share shall not exceed the accumulated district entitlement. When a project is to be funded from allocations subject to entitlements accumulated over more than one year, the ratio of state to local funds shall be the same as the average of the ratios computed under Sections 20022 and 20023 for each year.

20044. Funds allocated for a project of a district shall be paid to the district, in accordance with a schedule of payments provided by the Department of Education, upon certification of the department to the controller when the department has determined that:

(a) All required approvals of the project have been granted.

(b) The district contribution requirements pursuant to Section 20043 have been met.

(c) The governing board of the district, in respect to district entitlement subject to Section 20022 has, subsequent to the certification of the vote on the State Construction Program Bond Act of 1964, committed expenditures through the granting of a contract or the authorization of an agreement which requires the payment of funds.

(d) The governing board of the district has, in respect to district entitlement subject to Section 20023 subsequent to the effective date of this chapter and subsequent to the approval of the project application, committed the expenditures through the granting of a contract or the authorization of an agreement which requires the payment of funds.

20045. In the event an existing junior college district is included in a newly formed junior college district, any unused funds allocated to the existing district shall be transferred to the newly formed district on the date the newly formed district is effective for all purposes. Whenever the governing board of the existing district and the governing board of the newly formed district agree, such allocated funds may be transferred prior to the date the newly formed district is effective for all purposes.

20046. Upon completion of an approved project, the applicant junior college district shall report to the Department of Education on forms provided by the department the actual expenditures made under the project. The department shall review each report to determine if the provisions of Section 20043 have been met and shall adjust the state funds allocated when necessary.

SEC. 2. The sum of sixty-three thousand dollars ($63,000) from the General Fund is hereby appropriated to the Department of Education for the purpose of carrying out the provisions of this act.

SEC. 2.5. The sum of twenty-four thousand six hundred forty dollars ($24,640) from the General Fund is hereby appropriated to the Department of Finance for the purpose of carrying out the provisions of this act.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

One of the requirements for a junior college district to receive funds under this act is that the governing board of the district must commit itself to the expenditure of funds for the project through the granting of a contract or the authorization of an agreement which requires the payment of funds. Some district governing boards may wish to take this action after the beginning of the next fiscal year, July 1, 1965. It is therefore necessary that the bill become effective immediately in order to allow all projects begun during the next fiscal year to qualify under the bill.

CHAPTER 1273

An act to amend Section 71180.3 of the Government Code, relating to justice courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 71180.3 of the Government Code is amended to read:

71180.3. Any vacancy in the office of judge of a justice court shall, at the option of board of supervisors of the county in which the justice court is situated, be filled by appointment by the board of supervisors, or by election at a special election called by the board of supervisors which shall be conducted in the same manner as any other special election conducted by the county, but no vacancy shall be deemed to exist in any such office before the time fixed in Section 71080 for the selection of the judges of such court and the time fixed by law for their qualification. Any person so appointed or elected shall hold office until his successor is elected and qualifies.

A successor to such appointee shall be elected at the next general state election after the first day of January next succeeding the occurrence of the vacancy, unless the vacancy occurs in a year in which a general state election is held at which a person is elected, in the same manner as he would have been elected had the vacancy not occurred, to fill the office for the ensuing full six-year term and such person actually qualifies and takes office at the commencement of the term for which he was elected. The elected successor shall hold office for the duration of the unexpired term of the person originally creating the vacancy, unless the election at which the successor is elected is the election at which, had the vacancy not occurred, a person would have been elected to the office of judge for a full six-year term, in which case the elected successor shall hold for the full six-year term and until his successor is elected and qualifies.

If the office to which any person so appointed was not previously occupied, he shall hold office until his successor is elected at the general state election next succeeding the occurrence of the vacancy and qualifies. No successor to such appointee shall be elected at any election held within 10 months of the date of the occurrence of the vacancy.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There is at present no means whereby the voters may express their choice to fill any vacancy which may arise in the office of justice court judge. There are presently such vacancies in this state and the fundamental right of the people to select their public officers will be denied to voters of the judicial districts affected unless this act goes into immediate effect.

CHAPTER 1274

An act to add Chapter 4 (commencing with Section 2610), Part 9, Division 2 to, and repeal Article 4 (commencing with Section 2410), Chapter 1, Part 9, Division 2 of, the Labor Code, relating to employee housing, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 2410) of Chapter 1, Part 9, Division 2 of the Labor Code, is repealed.

SEC. 2. Chapter 4 (commencing with Section 2610) is added to Part 9 of Division 2 of said code, to read:

CHAPTER 4. EMPLOYEE HOUSING ACT

Article 1. General Provisions and Definitions

2610. This chapter shall be known as the Employee Housing Act.

2611. Permanent buildings used for human habitation within a permanent labor camp shall comply with the construction and erection provisions of the "State Housing Law", Part 1.5 (commencing with Section 17910), Division 13 of the Health and Safety Code, unless a local ordinance adopted pursuant to Section 17951 of the Health and Safety Code is applicable to the construction or erection of such building. If such a local ordinance is applicable to the construction or erection of permanent buildings used for human habitation within a labor camp, such buildings shall comply with the construction and erection provisions of the ordinance.

2612. The provisions of this chapter are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this chapter if such alternate has been approved by the Division of Housing.

The Division of Housing may approve any such alternate if it finds that the proposed design is satisfactory and that the material, appliance, installation, device, arrangement, method of work offered is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire resistance, durability and safety, for the protection of life and health.

2613. "Department" means the Department of Industrial Relations, acting through the Division of Housing.

2614. "Employee" does not include any of the following:

(a) A person engaged in household domestic service.

(b) A person employed under circumstances in which his wages are incidental to professional training and where the

employer is exempt from taxation under Section 1c or 1½a of Article XIII of the Constitution.

(c) A person employed incidental to training for, or in furtherance of, a religious vocation and where the employer is exempt from taxation under Section 1½ of Article XIII of the Constitution.

2615. "Employee housing" means apartment houses, hotels, motels, dwellings, or "organized camps" as defined in Section 18897 of the Health and Safety Code, where the employment of five or more employees is related to the management, maintenance, or operation of an apartment house, hotel, motel, or organized camp.

2616. "Labor camp" means any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, trailer coach or other housing accommodations, including employee housing, maintained in connection with any work or place where work is being performed, and the premises upon which they are situated or the area set aside and provided for camping of five or more employees by the employer.

2617. "Labor supply camp" means any place, area or piece of land where a person provides a labor camp for five or more employees or prospective employees of another.

2617 5. "Permanent building" means a structure which is not designed or erected to be readily disassembled or moved and which is used or intended to be used for human habitation.

2618. "Permanent labor camp" means any labor camp which is not temporary or seasonal.

2619. "Seasonal labor camp" means any labor camp which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year.

2620. "Sleeping place" means a dwelling, bunkhouse, tent, trailer, or other structure or shelter in which employees are housed in any labor camp.

2621. "Temporary labor camp" means a labor camp which is not operated on the same site annually and which is established for one operation and is then removed.

Article 2. Application and Scope

2625. Except as otherwise provided in this chapter, the provisions of this chapter and rules and regulations promulgated pursuant thereto which relate to labor camps apply in all parts of the state and supersede any ordinance or regulations enacted by any city, county, or city and county applicable to labor camps.

2626. Local use zone requirements, local fire zones, property line, source of water supply and method of sewage disposal requirements are hereby specifically and entirely reserved to the local jurisdictions.

2627. Rules and regulations promulgated pursuant to the provisions of this chapter relating to the erection or construction of buildings or structures within labor camps shall not

apply to existing buildings or structures or to buildings and structures as to which construction is commenced or approved prior to the effective date of the rules and regulations, except by act of the Legislature, but regulations relating to use, maintenance and occupancy shall apply to all labor camps approved for construction and operation before or after the effective date of such rules and regulations.

The provisions of former article 4 (commencing with Section 2410), Chapter 1, Part 9, Division 2 of the Labor Code as they exist on the effective date of this chapter shall continue to govern the erection and construction of buildings and structures within labor camps which have been constructed, or the construction of which has been commenced or been approved, prior to the effective date of this chapter.

2628. The provisions of former Article 4 (commencing with Section 2410), Chapter 1, Part 9, Division 2 of the Labor Code, as they exist on the effective date of this chapter, are continued in effect as rules and regulations of the Department of Industrial Relations, Division of Housing, and shall remain in effect as rules and regulations until amended or repealed pursuant to this chapter.

2629. This chapter does not apply to any employee housing owned, operated, and maintained by any of the following:

(a) The federal government.

(b) The state.

(c) Any agency or political subdivision of the state.

Article 3. Registration

2630. Every owner or operator of a labor camp shall register such labor camp with the Division of Housing annually. Such registration shall be done prior to January 31 of each year, and shall apply to every labor camp whether occupied or not.

Prior to the construction or establishment of any new or additional camp, the owner or operator thereof shall notify the division and register such camp prior to occupancy; except that under emergency conditions such notification and registration may be made no later than five days after occupancy.

Registration shall be on forms supplied by the division and shall contain the following information:

(a) The name and address of the camp owner or operator, or both.

(b) The location of the camp.

(c) The dates and period or periods of intended occupancy.

(d) The number of occupants proposed to be housed.

(e) A complete description of the facilities comprising the camp.

The information required by subdivisions (d) and (e) may be omitted after initial registration if there has been no change therein since the last previous registration.

2631. Every person, or the agent or officer thereof, constructing, operating or maintaining a labor camp shall carry out the provisions of this chapter. At every labor camp a responsible person shall be appointed to maintain the labor camp in compliance with the use, maintenance and occupancy provisions of this chapter.

Article 4. Rules and Regulations

2635. The department shall adopt, amend, repeal, and enforce rules and regulations for the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all labor camps.

2636. Except as provided in Sections 2611 and 2628, the rules and regulations adopted, amended, or repealed from time to time pursuant to this chapter shall be consistent with accepted standards and practices reasonably applicable to permanent, temporary and seasonal labor camps and the utilization of portable or temporary housing or camping facilities. In promulgating rules and regulations, the department shall consider, among other things, geographic, topographic, and climatic conditions.

Article 5. Enforcement

2640. The Division of Housing shall administer and enforce this chapter and all rules and regulations promulgated pursuant thereto. For such purposes, the officers and agents of the division may:

(a) Enter public or private properties to determine whether there exists any labor camp to which this chapter applies.

(b) Enter and inspect all labor camps wheresoever situated, and inspect all accommodations, equipment, or paraphernalia connected therewith.

(c) Enter and inspect the land adjacent to the labor camp to determine whether the sanitary and other requirements of this chapter have been or are being complied with.

2641. For the purpose of securing compliance with this chapter the officers and agents of the Division of Housing shall have the authority of peace officers to make arrests, to serve any process or notice throughout the state and such other authority of peace officers as may become necessary in securing compliance with this chapter.

Article 6. Violations

2645. Any labor camp which does not conform to this chapter is a public nuisance and if not made to conform within five days, or within such longer period of time allowed by the Division of Housing after written notice, shall be abated by

proper action brought in the superior court of the county in which the labor camp or greater portion thereof is situated.

2646. Any person who violates, or causes another person to violate, any provision of this chapter is guilty of a misdemeanor, punishable by a fine of not more than two hundred dollars ($200), or imprisonment for not more than 60 days or both.

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 state is experiencing a shortage of farm labor and there is an urgent need for increased, adequate housing for farm families to assist in overcoming this shortage. The provisions of this bill will facilitate the availability of adequate farm housing, and it is therefore necessary that the provisions of the bill take immediate effect.

CHAPTER 1275

An act to amend Sections 431.6, and 431.7 of, to amend and renumber Section 431.8 of, to add Section 431.8 to, and to repeal Section 431.5 of, the Health and Safety Code, and to amend Sections 1 and 6 of Chapter 1754 of the Statutes of 1961, relating to hospitals.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 431.5 of the Health and Safety Code is repealed.

SEC. 2. Section 431.6 of said code is amended to read:

431.6. The Advisory Hospital Council shall appoint the Hospitals and Related Health Facilities and Services Planning Committee consisting of not more than 24 members. The Advisory Hospital Council shall designate the chairman from among the members who represent the public as consumers of hospital services. The committee shall include one health officer, two practicing physicians, two administrators of nongovernmental hospitals, one administrator of a governmental hospital, one administrator of a nursing and convalescent home, one representative of prepayment or health insurance programs, and not more than two other representatives of health professions, facilities or services. The remaining members of the committee shall be in the majority and represent the public as consumers of hospital services. The chairman, with concurrence of the committee, may appoint subcommittees of the committee and may appoint not to exceed

five consultants for particular areas of committee responsibilities.

The members of the Hospitals and Related Health Facilities and Services Planning Committee and consultants to the committee, while serving on the business of the committee, shall receive no compensation, but shall be entitled to receive actual and necessary travel and sustenance expenses while so serving.

SEC. 3. Section 431.7 of said code is amended to read:

431.7. The Hospitals and Related Health Facilities and Services Planning Committee shall, upon the request of a local, regional or state governmental agency or a local, regional, or state voluntary hospital group, aid such groups in developing regional hospital and related health facilities plans. In carrying out this function the Hospitals and Related Health Facilities and Services Planning Committee shall:

(a) Encourage, assist, and strengthen local voluntary hospitals and related health facilities planning groups.

(b) Correlate regional and local planning programs to overall statewide hospitals and related health facilities planning activities.

(c) Determine the types of statistical data and other information which are needed to accomplish effective planning and assist the Department of Public Health in the collection, analysis, interpretation, and dissemination of these data to interested organizations, agencies and individuals.

(d) Conduct public meetings in which professional groups and consumer groups will be encouraged to participate.

SEC. 4. Section 431.8 is added to said code, to read:

431.8. In order to assure availability of objective and impartial review of determinations and recommendations of hospital and related health facilities planning groups, the Hospitals and Related Health Facilities and Services Planning Committee shall establish a subcommittee consisting of five or more of its members who represent the public as consumers of hospital services to act as an Appeals Board to consider appeals from determinations made by any voluntary hospital and related health facilities planning group in any case in which a determination or recommendation of any such group affects the right of a sponsor of a proposed facility or project to proceed with such facility or project at the location, at the time, or in the manner proposed by the sponsor, or affects the sponsor's right to receive any grant or loan of public funds or any loan wholly or partly guaranteed or insured by any governmental agency or instrumentality for the construction of the facility or project.

If the Hospitals and Related Health Facilities and Services Planning Committee, after public hearing, finds that the determinations of a voluntary hospital and related health facilities planning group are subject to review by an independent panel consisting of bona fide representatives of the general public as consumers of health care services established and functioning under effective procedures which assure the availability

of objective and impartial review of such determinations, then so long as such review arrangement is found to remain in effect, the determinations of the voluntary hospital and related health facilities planning group shall not be subject to review as provided in this section.

No governmental unit, or agency, or instrumentality of a governmental unit at the state, county, municipal or district level shall consider or treat as evidence any determination or recommendation of any such planning group in any proceeding affecting a proposed project or facility unless the sponsor of such proposed project or facility has had an opportunity, within not less than 30 days after written notice of such determination or recommendation, to institute an appeal hereunder, and if such an appeal is taken, until it has been concluded, at which time any such determination or recommendation may be considered only to the extent that it is affirmed, provided that this paragraph shall not apply to any proceeding unless the sponsor has taken all steps available to obtain a postponement of such governmental action during the pendency of such appeal and further provided that this section shall not apply to any sponsor that is a governmental unit or agency.

SEC. 5. Section 431.8 is amended and renumbered to read:

431.9. The Hospitals and Related Health Facilities and Services Planning Committee shall make a report of its activities to the Advisory Hospital Council and to the Legislature not later than the fifth legislative day of the 1969 Regular Session.

SEC. 6. Section 1 of Chapter 1754 of the Statutes of 1961 is amended to read:

Section 1. This act establishes a basis for regional planning to guide communities in developing hospitals of desirable size, location and community service purpose. Through coordinated development of hospitals and related health facilities and services, the people of California can obtain more effective service and can save hundreds of millions of dollars in capital investment during the next decade.

Regional planning for hospitals and related health facilities and services is complex and involves sensitive relationships between professional groups, institutions and government.

The purpose of this act is to encourage regional plans for hospitals and related health facilities and services where this planning is needed most urgently and where there is substantial local interest and support. The legislative intent is to provide appropriations to cover statewide planning coordination, including responsibilities for the provision of statistical data and related information on hospitals and related health facilities and services, which can be reviewed by the Legislature in 1969.

SEC. 7. Section 6 of Chapter 1754 of the Statutes of 1961 is amended to read:

Sec. 6. This act shall remain in effect until the 91st day after the 1969 Regular Session and shall thereafter be of no further effect.

CHAPTER 1276

An act to amend Section 24252 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 24252 of the Vehicle Code is amended to read:

24252. All lighting equipment of a required type installed on a vehicle shall at all times be maintained in good working order. Lamps shall be equipped with bulbs of the correct voltage rating corresponding to the nominal voltage at the lamp socket.

CHAPTER 1277

An act to repeal Chapter 8 (commencing with Section 1131) of Part 3 of Division 2 of the Labor Code, relating to unlawful labor activities.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 (commencing with Section 1131) of Part 3 of Division 2 of the Labor Code is repealed.

CHAPTER 1278

An act to add Section 1604.1 to, the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 15, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 1604.1 is added to the Revenue and Taxation Code, to read:

1604.1. An assessment made pursuant to Sections 501, 503, 531, 531.1 or 1061 of this code is not effective for any purpose, including its review, equalization and adjustment by the Board of Equalization, until the assessee has been notified

thereof personally or by United States mail at his address as contained in the official records of the county assessor. Receipt by the assessee of a tax bill based on said assessment shall suffice as such notice.

Upon application for reduction pursuant to Section 1607 of this code, such assessments shall be subject to review, equalization and adjustment by the county board of equalization.

CHAPTER 1279

An act to amend Section 10602 of the Education Code, relating to the public schools.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 10602 of the Education Code is amended to read:

10602. Continued willful disobedience, habitual profanity or vulgarity, open and persistent defiance of the authority of the school personnel, or assault or battery upon a student, upon school premises or while under the authority of school personnel, or continued abuse of school personnel, assault or battery upon school personnel, or any threat of force or violence directed toward school personnel, at any time or place shall constitute good cause for suspension or expulsion from school; however, no pupil shall be suspended or expelled unless the conduct for which he is to be disciplined is related to school activity or school attendance. Smoking or having tobacco on school premises constitutes good cause for the suspension or expulsion of a pupil except when permitted as provided in this section. The governing board of any school district maintaining a junior college may adopt rules and regulations permitting the smoking and possession of tobacco on the campus of a junior college by pupils of the junior college 18 years of age and over and enrolled in grades above the 12th, if the campus is not shared with a high school.

CHAPTER 1280

An act to amend Sections 66512 and 66515 of the Government Code, relating to the Bay Area Transportation Study Commission.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 66512 of the Government Code is amended to read:

66512. The study commission shall employ by contract a study director who shall have charge of the conduct of the regional transportation study and plan formulation, subject to the direction and policies of the study commission. The study director shall be a prominent and nationally recognized authority in the field of transportation problems.

The study director shall, subject to approval of the study commission, appoint such employees as may be necessary in order to carry out the functions of the study commission. The salary of the study director and of the employees of the study commission shall be established in the contracts or agreements with agencies of the federal and state governments pursuant to which funds are contributed for the bay area regional transportation study.

SEC. 2. Section 66515 of said code is amended to read:

66515. The study commission shall submit a final report to the Governor and to the Legislature by the fifth (5th) legislative day of the 1968 Regular Session.

The existence of the study commission shall terminate on the 90th day after final adjournment of the 1968 Regular Session of the Legislature.

CHAPTER 1281

An act to amend Sections 30775, 30778, and 30779 of the Streets and Highways Code, relating to rapid transit and highway crossings across San Francisco Bay.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 30775 of the Streets and Highways Code is amended to read:

30775 The authority shall issue revenue bonds pursuant to the California Toll Bridge Authority Act (Chapter 1 (commencing at Section 30000) of this division) in an amount sufficient to provide funds, which, together with all moneys theretofore advanced by the authority to the district in aid of the financing of the rapid transit tube and the approaches thereto, shall not exceed an aggregate principal amount of one hundred thirty-three million dollars ($133,000,000) for the construction of the rapid transit tube and the department shall construct the rapid transit tube, it having been determined that prior to November 30, 1963, the voters of the district did approve the issuance of general obligation bonds of the district for the construction of a regional rapid transit system.

SEC. 2 Section 30778 of said code is amended to read:

30778. (a) The annual tolls and revenues of the San Francisco-Oakland Bay Bridge or so much thereof as may be neces-

sary after provision for the payment in full of all annual costs of operation, insurance and other expenses of the San Francisco-Oakland Bay Bridge, and after payment or provision for payment in full of all the costs of revisions, improvements and alterations referred to in and subject to the limitations of Section 30609, and all of the costs of any project involving the San Mateo-Hayward Bridge, shall be pledged and used to finance and pay for the cost of construction of the rapid transit tube, the construction of additional highway crossings across San Francisco Bay as hereinafter provided, and for such other purposes as may be authorized by law, including but not limited to payment of the principal of, and interest and premiums, if any, on, and provision for security of, the revenue bonds of the authority issued pursuant to this article and the California Toll Bridge Authority Act. The costs of the approaches of the rapid transit tube, including but not limited to the portion of all financing costs attributable to such approaches, shall be reimbursed to the authority by the district, in accordance with Section 29081 of the Public Utilities Code, in equal annual installments of two million five hundred thousand dollars ($2,500,000) payable December 31, 1971, and each anniversary thereof until paid in full. The district at its option may anticipate any of such installments in whole or in part. No other payments shall be required of the district for the use of the rapid transit tube.

(b) Bonds for the construction of the rapid transit tube and additional highway crossings across San Francisco Bay may be authorized and issued as a single issue under a single authorization of the authority, provided that provision is made for the segregation of the funds derived from the proceeds of such bonds so as to ensure: (1) first the deposit in appropriate funds of the amount hereinabove provided to be applied to the construction of the rapid transit tube and (2) the deposit of the remaining funds to the construction of the additional highway crossings across San Francisco Bay. Any surplus of the funds segregated for construction of the rapid transit tube, as provided herein, shall upon completion of said tube and provision for payment of all costs thereof, subject to the limitation provided in Section 30775, be available for expenditure for the additional highway crossings across San Francisco Bay. In the event the authority shall be authorized to refund any and all bonds issued for the construction of other toll bridges or toll highway crossings of San Francisco Bay and the rivers and streams tributary thereto in the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma and the City and County of San Francisco, then and in that event the authority is authorized to issue all of the bonds to be issued for the construction of the rapid transit tube, the additional highway crossings over San Francisco Bay and such refunding bonds in a single authorization, and to pledge to the payment of the principal of and interest on all of such bonds and any provisions for the further

security thereof including reserve fund or sinking fund payments or otherwise all of the revenues of all of the bridges of San Francisco Bay and the rivers and streams tributary thereto, including the San Francisco-Oakland Bay Bridge, San Mateo-Hayward Bridge, Dumbarton Bridge, Carquinez Strait Bridges, Benicia-Martinez Bridge and the Richmond-San Rafael Bridge, or any thereof as may be determined by the authority, together with revenues of the additional crossings to be constructed across San Francisco Bay.

SEC. 3. Section 30779 of said code is amended to read:

30779. Other than the improvement of the San Francisco-Oakland Bay Bridge and the improvement of the San Mateo-Hayward Bridge, the commencement of the construction of the rapid transit tube shall precede the commencement of the construction of any additional crossing of San Francisco Bay, financed in whole or in part by the tolls or revenues of the San Francisco-Oakland Bay Bridge.

Revenue bonds to finance the rapid transit tube shall be issued upon such terms that the construction of highway crossings across San Francisco Bay shall not be deferred pending completion of the rapid transit tube.

CHAPTER 1282

An act to add Section 23752 to the Education Code, relating to parking facilities, and making an appropriation therefor.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 23752 is added to the Education Code, to read:

23752. The Trustees of the California State Colleges are 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 college officers, employees, students, or other persons. The trustees may prescribe the terms and conditions of such parking, and of parking on facilities existing on the effective date of this section, including the payment of parking fees in such amounts and under such circumstances as may be determined by the trustees. Varying rates of parking fees may be established for different localities or for different parking facilities. In determining rates of parking fees the trustees shall consider the rates charged in the same locality by other public agencies and by private employers for employee parking, and the rates charged to students by other universities and colleges.

Revenues received by the trustees from any of the hereinabove motor vehicle parking facilities, as well as from all parking facilities existing on the effective date of this section, shall be transmitted to the State Treasurer and shall be deposited by that officer in the State Treasury to the credit of the State College Parking Revenue Fund, which fund is hereby created. All such revenues are hereby appropriated, without regard to fiscal years, to the trustees for the acquisition, construction, operation and maintenance of motor vehicle parking facilities on real property acquired hereunder or on real property otherwise under the jurisdiction of the trustees. Moneys in the State College Parking Revenue Fund may be invested by the State Treasurer, upon approval of the trustees, in those eligible securities listed in Section 16430 of the Government Code. All interest or other earnings received pursuant to such investments shall be collected by the State Treasurer, and shall be deposited in the State Treasury to the credit of the State College Parking Revenue 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.

This section shall be operative on July 1, 1966.

CHAPTER 1283

An act to amend Section 1 of Chapter 1788, Statutes of 1963, relating to the state scenic highway system.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1788, Statutes of 1963, is amended to read:

Section 1. The Legislature hereby finds and declares that:

(a) A program by the state for the development of a state scenic highway system is a vital part of the all encompassing effort which the state must make to protect and enhance California's beauty, amenity, and quality of life.

(b) The development of a master plan for scenic highways by the state, together with the cooperative efforts of local governmental agencies, will not only add to the pleasure of the residents of this state, but will also play an important role in encouraging the growth of the recreation and tourist industries upon which the economy of many areas of this state depend.

(c) The tremendous population increase and growth of California will necessitate the development of existing state highways in scenic areas and the construction of new state highways through scenic areas which should be constructed or developed giving the utmost attention to scenic values.

(d) The plan for scenic highways prepared by the Citizens' Advisory Committee on Scenic Highways, pursuant to Senate Concurrent Resolution No. 4 of the 1962 First Extraordinary Session of the Legislature, provides the basis for a master plan which will serve as a guide for the development of a state scenic highway system.

(e) In order that the program for the development of a state scenic highway system may be effectuated it is necessary that an Advisory Committee on a Master Plan for Scenic Highways should be created, minimum standards for official scenic highways be established, and the highways which are to be developed as official state scenic highways be designated by the Legislature.

(f) The designation by the Legislature of any particular highway as a part of the state scenic highway system does not mean that the highway is now necessarily a scenic highway, but only that the Legislature has determined that such highway can be developed by the state, with the cooperation of local governmental agencies as an official state scenic highway.

CHAPTER 1284

An act to amend Sections 12401 and 12403 of the Insurance Code, relating to title insurers.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 12401 of the Insurance Code is amended to read:

12401. Every title insurer shall adopt, print and make available to the public a schedule of fees and charges for title policies and file in the office of the commissioner the schedule of fees established by the title insurer for regularly issued policies, including endorsements, guarantees and other forms of insurance coverage, together with the forms applicable to such fees.

Such schedule shall show the entire charge to the public for each type of title policy regularly issued by the insurer, either by a statement of the particular charge for each type of policy in given amounts of coverage or by a statement of the charge per unit of the amount of coverage, or a combination of the two, and shall include the charge 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. Such schedule may include a statement that additional charges are made when unusual conditions of title are encountered or when special or unusual risks are insured against and that additional charges are made for special services rendered in connection with the issuance of a title policy. Such schedule

may provide different fees or charges for title policies covering property in different counties or separate schedules may be adopted for title policies covering property in different counties.

SEC. 2. Section 12403 of said code is amended to read:

12403. The schedules provided for in Section 12401 shall be printed in type not smaller than 10-point, shall be dated to show the dates they became effective, and so long as they are effective shall be kept at all times readily available to the public and prominently displayed in a public place in each of the offices of the title insurer, the controlled escrow company and the underwritten title company in the particular county to which they relate. On request, copies of such schedules shall be furnished to the public. All or any part of any schedule may be changed or amended at any time or from time to time. Each change or amendment shall be printed and dated to show the effective date of such change or amendment. No change or amendment shall become effective until at least 30 days after it has been displayed in the offices above mentioned in this section in the same manner as above provided for the display of schedules, and filed in the office of the commissioner on or before the effective date thereof. No change or amendment, increasing fees or charges, shall apply to title policies ordered prior to the effective date of such change or amendment.

Fees for the filing of such schedule of fees, amendments thereto, and the forms of insurance coverage referred to in Section 12401 and this section shall be prescribed by the commissioner in the manner provided by Section 12973.9.

CHAPTER 1285

An act to amend Section 20012 of, and to repeal Section 20015 of, the Vehicle Code, relating to accident reports.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 20012 of the Vehicle Code is amended to read:

20012. All required accident reports, and supplemental reports, shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department of Motor Vehicles and the Department of the California Highway Patrol, except that the Department of the California Highway Patrol or the law enforcement agency to whom the accident was reported shall disclose the contents of the reports, including the names and addresses of persons involved in, or witnesses to, an accident, the registration numbers and descrip-

tions of vehicles involved, and the date, time and location of an accident, signed statements of the drivers involved in the accident and the signed statements of all witnesses, to any person who may have a proper interest therein, including, but not limited to, the driver or drivers involved, or the legal guardian thereof, the parent of a minor driver, the authorized representative of a driver, or to any person injured therein, the owners of vehicles or property damaged thereby, and persons who may incur civil liability, including liability based upon a breach of warranty arising out of the accident.

SEC. 2. Section 20015 of said code is repealed.

CHAPTER 1286

An act to repeal Sections 9051, 9053.1, and 9053.3 of the Public Resources Code, relating to soil conservation.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 9051 of the Public Resources Code is repealed.

SEC. 2. Section 9053.1 of said code is repealed.

SEC. 3. Section 9053.3 of said code is repealed.

SEC. 4. The Soil Conservation Development Fund in the State Treasury is abolished.

CHAPTER 1287

An act to amend Sections 1263 and 1300.1 of the Agricultural Code, relating to marketing of agricultural products.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1263 of the Agricultural Code is amended to read:

1263. No person shall act as a commission merchant, dealer, broker, cash buyer, or agent without having obtained a license as provided in this chapter. Every person, before acting as a commission merchant, dealer, broker, cash buyer, or agent, as herein defined, shall file an application with the director for a license to transact the business of commission merchant, dealer, broker, cash buyer, or agent, and such application shall be accompanied by the license fee herein provided for each specified class of business. Separate applications shall be filed for each class of business.

The application shall in each case state the class or classes of farm products applicant proposes to handle, the full name of the person applying for such license, and if the applicant be a firm, exchange, association or corporation, the full name of each member of the firm, or the names of the officers of the exchange, association or corporation shall be given in the application. Such application shall further state the principal business address of the applicant in the State of California and elsewhere and the name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant. The director shall require the applicant to make a showing of character, responsibility and good faith in seeking to carry on the business stated in the application, and may make investigations, hold hearings, and make determinations respecting such matters.

Should the applicant be a corporation or partnership, it shall likewise satisfy the director of the character, responsibility, and good faith of any or all persons connected with it in a responsible or managing position, such as manager, superintendent, officer, or director of a corporation, or manager, superintendent, or member of a partnership Failure of any such person to satisfy the director of his character, responsibility, or good faith may be considered by the director as adverse to a showing of such qualifications by such corporation or partnership, and shall be good and sufficient grounds for the denial of an application for license or of the renewal thereof.

Previous conviction of a felony, previous bankruptcy, voluntary or involuntary, or previous violation of this chapter shall be considered by the director as adverse to a showing of such character, responsibility, or good faith on the part of any applicant, or on the part of any manager, superintendent, director, or officer of an applicant corporation, or on the part of any superintendent, manager, or member of an applicant partnership. The same considerations are applicable to an individual applicant who has previously been in a responsible or managing position with a corporation or partnership which has suffered revocation or suspension of license by reason of violation of this chapter or by reason of violation of Chapter 9, Division 6, of the Agricultural Code.

Any person adjudged a bankrupt, or any person against whose bondsman or bondsmen a claim or claims have been collected by the director in accordance with the provisions of this chapter or Chapter 9 (commencing at Section 1299.18) of Division 6 of this code, and who has not made full settlement with all producer-creditors, shall not be licensed by the director during the period of three (3) years from the date of such adjudication or collection.

In addition to the general requirements applicable to all classes of applications as in this section set forth, the following requirements shall apply to the class of applications noted:

(a) Commission Merchants. Each application shall include a complete schedule of commissions, together with itemized listing of all charges for all services, and such designated commissions and charges shall not be changed or varied for the license period except by written contract between the parties or by written notice to the director. If changed by a written contract, such charges shall be clearly set forth in detail in said written contract. Any services rendered for which charges are made, if not listed in the schedule on the application, shall be rendered on a strictly cost basis.

(b) Agents. Each application shall include such information as the director may consider proper or necessary, and shall include the name and address of applicant, and the name and address of the commission merchant, dealer, broker, or cash buyer represented or sought to be represented by said agent, and the written endorsement or nomination of such commission merchant, dealer, broker, or cash buyer.

The director shall thereupon issue to such applicant a license entitling the applicant to conduct the business described in the application at the place named in the application for a year from the date thereof or until the same shall have been suspended or revoked for cause; provided, however, that licenses of agents shall expire upon the date of expiration of the license of the principal for whom the agent acts The director may also issue to each agent a card or cards, which shall bear the signature of said agent, separate cards being required for each principal. Any agent shall show said card or cards upon the request of any interested person. Any agent who displays a void or expired license card is guilty of a misdemeanor, punishable as provided in Section 1273 of this chapter.

Fraud or misrepresentation in making any application shall ipso facto work a revocation of any license granted thereunder. All indicia of the possession of a license shall be at all times the property of the State of California and each licensee shall be entitled to the possession thereof only for the duration of said license.

For filing the application herein described, each applicant must pay a fee as follows:

(a) Commission Merchants. Eighty dollars ($80) for each year; provided, that a person licensed as a slaughterer under the provisions of Article 13 (commencing at Section 359) of Chapter 2 of Division 3 of this code shall be entitled to be licensed as a commission merchant without payment of further fees.

(b) Dealers. Eighty dollars ($80) for each year.

(c) Brokers. Eighty dollars ($80) for each year.

(d) Cash Buyers. Eighty dollars ($80) for each year

(e) Agents. Ten dollars ($10) for each license period of the principal.

Should any commission merchant, dealer, broker, or cash buyer fail, refuse, or neglect to apply for the renewal of a

preexisting license on or before the date of the expiration thereof, a penalty of ten dollars ($10) shall apply to and be added to the original fee of eighty dollars ($80), and shall be paid by the applicant before the renewal license may be issued.

Any person who has applied for and obtained a license within the classification of commission merchant, or dealer, or broker, or cash buyer, in the manner and upon payment of the fee herein set forth, may apply for and secure a license in any or all of the remaining such classifications upon payment of a further fee in the amount of twenty-five dollars ($25) for each additional classification for which application is made, and upon further complying with those parts of this chapter regulating the licensing of the other particular classification involved.

Any person who has applied for and obtained a license within the classification of a commission merchant, dealer, broker, or cash buyer, in the manner and upon the payment of the fee herein set forth may apply for and secure a license as processor, under the provisions of Chapter 9 (commencing with Section 1299 18), Division 6, by filing an application accompanied by a fee in the amount of thirty-five dollars ($35) and by further complying with those parts of Chapter 9, Division 6, regulating the licensing of processors. This license shall be known as a "conjunctive processor's license"

All licenses held by any licensee under the provisions of this section shall automatically expire on the expiration date of the original license for which the license fee of eighty dollars ($80) was paid.

SEC. 2. Section 1300.1 of said code is amended to read:

1300.1. No person shall act as a processor or agent without having first obtained a license as provided in this chapter. Every person, before acting as a processor, shall file an application with the director for a license to so act, and such application shall be accompanied by an application fee of ninety dollars ($90).

Such applicant shall further satisfy the director of his or its character, responsibility and good faith in seeking to carry on the business stated in the application.

Should the applicant be a corporation or partnership, it shall likewise satisfy the director of the character, responsibility and good faith of any or all persons connected with it in a responsible or managing position, such as manager, superintendent, officer or director of a corporation, or manager, superintendent, or member of a partnership. Failure of any such person to satisfy the director of his character, responsibility, or good faith may be considered by the director as adverse to a showing of such qualifications by such corporation or partnership, and shall be good and sufficient grounds for the denial of an application for license or of the renewal thereof.

Previous conviction of a felony, previous bankruptcy, voluntary or involuntary, or previous violation of this chapter may be considered by the director as adverse to a showing of such

character, responsibility, or good faith on the part of any applicant, or on the part of any manager, superintendent, director or officer of an applicant corporation, or on the part of any superintendent, manager, or member of an applicant partnership. The same considerations are applicable to an individual applicant who has previously been in a responsible or managing position with a corporation or partnership which has suffered revocation or suspension of license by reason of violation of this chapter or by reason of violation of Chapter 6, Division 6, of the Agricultural Code.

Every person before acting as an agent, shall file an application with the director for a license to so act, and such application shall be accompanied by an application fee of ten dollars ($10).

Processor: Each application shall state:

(a) The full name of the applicant;

(b) If the applicant be a firm, exchange, association or corporation the full name of each member of the firm, or the names of the officers of the exchange, association or corporation;

(c) The principal business address of the applicant in the State of California;

(d) The name or names of the person or persons authorized to receive and accept service of summons for the applicant.

Upon the filing of such application and the payment of such fee the director shall issue to such applicant a license entitling the applicant to conduct the business of processor within the State of California for a year from the date thereof, or until the same shall have been revoked in the manner and upon the grounds hereinafter specified.

Should any processor fail, refuse or neglect to apply for the renewal of a pre-existing license on or before the date of expiration thereof, a penalty of ten dollars ($10) shall apply to and be added to the original fee of ninety dollars ($90), and shall be paid by the applicant before the renewal license may be issued.

Agent: Each application shall include such information as the director may consider proper or necessary, and shall include the name and address of the applicant, the name and address of the processor represented or sought to be represented by said agent, and the written endorsement or nomination of such processor.

Upon the filing of the application and fee as herein provided, the director shall issue to the applicant a license entitling the applicant to conduct the business described in the application. The license of an agent shall expire upon the date of expiration of the license of the processor for whom the agent acts, or until revoked in the manner and upon the grounds hereinafter specified, whichever first occurs. The director may issue to each agent a separate license card for each processor represented by the agent. Any agent who displays a void or expired license card is guilty of a misdemeanor.

Any person licensed as processor under the provisions of this chapter may secure a dealer's, commission merchant's, broker's, or cash buyer's license, under the provisions of Chapter 6 (commencing with Section 1261), Division 6, by filing an application for the desired license or licenses accompanied by an application fee of twenty-five dollars ($25) each for each license for which application is made and upon further complying with those parts of Chapter 6, Division 6, regulating the licensing of the particular classification or classifications involved. The license shall be known as a conjunctive dealer's, commission merchant's, broker's, or cash buyer's license, as the case may be. A processor, in order to prevent loss or economic waste, may resell or redeliver raw products purchased and received from the producer thereof to another processor for the purpose of processing and such act shall not be deemed to be an act requiring licensing under the provisions of Chapter 6 (commencing with Section 1261), Division 6, provided, however, any processor acting in this manner, or the surety on his bond, as required by Section 1300 1a, shall be liable for the full value of the raw product so handled.

CHAPTER 1288

An act to amend Sections 73562, 73563, 74222, and 74223 of the Government Code, relating to municipal courts.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 73562 of the Government Code is amended to read:

73562. There shall be one clerk who shall receive a monthly salary at the rate specified in range 34 of the salary schedule provided in Section 73563.1.

SEC. 2. Section 73563 of said code is amended to read:

73563. The clerk may appoint:

One deputy clerk grade III who shall receive a monthly salary at the rate specified in range 27 of the salary schedule provided in Section 73563.1.

Five deputy clerks grade II who shall receive a monthly salary at the rate specified in range 24 of the salary schedule provided in Section 73563.1.

Nine deputy clerks grade I who shall receive a monthly salary at the rate specified in range 21 of the salary schedule provided in Section 73563.1.

SEC. 3. Section 74222 of said code is amended to read:

74222. There shall be one clerk who shall receive a monthly salary at the rate specified in range 34 of the salary schedule provided in Section 74223.1.

SEC. 4. Section 74223 of said code is amended to read:

74223. The clerk may appoint:

One deputy clerk grade III who shall receive a monthly salary at the rate specified in range 27 of the salary schedule provided in Section 74223.1.

Five deputy clerks grade II who shall receive a monthly salary at the rate specified in range 24 of the salary schedule provided in Section 74223.1.

Eight deputy clerks grade I who shall receive a monthly salary at the rate specified in range 21 of the salary schedule provided in Section 74223.1.

CHAPTER 1289

An act to add Section 1144.5 to, and to amend Section 1145a of, the Agricultural Code, relating to eggs.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1144.5 is added to the Agricultural Code, to read:

1144.5. Egg products shall bear a label which complies with the label requirements as stated in Article 3 (commencing with Section 26490), Chapter 3, Division 21 of the Health and Safety Code. Such labeling shall appear on the main body of the container, except that returnable containers over 30-pound capacity may bear a label in tag form which is affixed to the closure so as to be destroyed upon opening. The use of any word or symbol which implies that such egg products were processed under health department inspection or supervision will be considered false and misleading.

SEC. 2. Section 1145a of said code is amended to read:

1145a. All egg products packed in tin containers holding 30 pounds or less and sold in this state shall be sold only in new containers. Plastic containers or bags may be used provided the plastic is of a type approved by the Department of Public Health for food contact purpose and provided further that the closure is adequate to properly seal the package from contamination of any type.

CHAPTER 1290

An act to amend Section 8118 of the Government Code, relating to the Advisory Commission on Indian Affairs.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 8118 of the Government Code is amended to read:

8118. This act shall be operative until October 1, 1969, and shall thereafter be of no force or effect.

CHAPTER 1291

An act to add Section 236 to the Water Code, relating to river forecasting and flood warning, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 236 is added to the Water Code, to read:

236. The department, either independently or in cooperation with any person or any county, state, federal, or other agency, is authorized to collect hydrologic data necessary for river forecasting, to make forecasts of stream flow, to provide for flood warning, and to provide for communication necessary for the collection and dissemination of such information.

SEC. 2. There is appropriated from the General Fund to the Department of Water Resources, one hundred fifty thousand dollars ($150,000) for expenditure for the purposes of Section 1 of this act. The appropriation made by this act shall be available for expenditure until June 30, 1966.

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 immedate effect. The facts constituting such necessity are:

The recent disastrous and extensive storms and floods in the northern part of this state demonstrated the inadequacy of the present flood forecasting and flood warning network. In order that this situation may be remedied, it is necessary that this act go into immedate effect.

CHAPTER 1292

An act to add Section 6368.1 to the Revenue and Taxation Code, relating to sales and use taxes.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 6368.1 is added to the Revenue and Taxation Code, to read:

6368.1. There are exempted from the taxes imposed by this part, the gross receipts from the sale of and the storage, use, or other consumption in this state of watercraft which are leased, or are sold to persons for the purpose of leasing, to lessees using such watercraft in interstate and foreign commerce involving the transportation of property or persons for hire or for use in commercial deep sea fishing operations outside the territorial waters of this state, and any sales of tangible personal property becoming a component part of such watercraft in the course of constructing, repairing, cleaning, altering, or improving the same, and charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving.

CHAPTER 1293

An act to amend Section 652 of the Harbors and Navigation Code, relating to small boats.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 652 of the Harbors and Navigation Code is amended to read:

652. (a) Motorboats subject to the provisions of this chapter shall be divided into four classes as follows:

Class A. Less than 16 feet in length.

Class 1. Sixteen feet or over and less than 26 feet in length.

Class 2. Twenty-six feet or over and less than 40 feet in length.

Class 3. Forty feet or over.

(b) Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when underway, and during such time no other lights which may be mistaken for those prescribed shall be exhibited:

(1) Every motorboat of classes A and 1 shall carry the following lights:

First. A bright white light aft to show all around the horizon.

Second. A combined lantern in the forepart of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.

(2) Every motorboat of classes 2 and 3 shall carry the following lights:

First. A bright white light in the forepart of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel; namely, from right ahead to two points aft the beam on either side.

Second. A bright white light aft to show all around the horizon and higher than the white light forward.

Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The side light shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(3) Each motorboat of every class when propelled by sail alone shall carry only the combined lantern or separate side lights as appropriate to its class, and in addition, one white light at the stern so constructed that it shall show an unbroken light over an area of the horizon of 12 points of the compass so fixed as to show the light 6 points from right aft on each side of the vessel.

(4) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere.

(5) When propelled by sail and machinery any motorboat shall carry the lights required by this section for a motorboat propelled by machinery only.

(6) The commission may exempt from compliance with the provisions of this subdivision any motorboat of one horsepower or less rented by the owner of a boat livery, if the livery is being operated under a franchise from a city or county on waters where no other vessels are permitted.

(c) Any vessel may carry and exhibit the lights required by the International Regulations for Preventing Collisions at Sea, 1960, Federal Act of September 24, 1963 (33 U.S.C. 1051-1053,

1061-1094) as amended, in lieu of the lights required by subdivision (b) of this section.

(d) Every motorboat of class 1, 2, or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance.

(e) Every motorboat of class 2 or 3 shall be provided with an efficient bell.

(f) Every undocumented vessel shall carry at least one life preserver, or ring buoy, or other device of the sort prescribed by the regulations of the commission for each person on board, so placed as to be readily accessible; provided, that every undocumented vessel carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the commission for each person on board.

(g) Every motorboat shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the commission, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

(h) The provisions of subdivisions (d), (e) and (g) of this section shall not apply to motorboats while competing in any race or, if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

(i) Every motorboat shall have the carburetor or carburetors of every engine therein, except outboard motors, using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the commission.

(j) Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by the regulations of the commission for properly and efficiently ventilating the bilges of the engines and fuel tank compartments so as to remove any explosive or inflammable gases.

(k) The commission may make rules and regulations modifying the equipment requirements contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation laws or with the navigation rules promulgated by the United States Coast Guard.

(*l*) The commission may establish and maintain for the operation of vessels on the waters of this state pilot rules in conformity with the pilot rules contained in the federal navigation laws or the navigation rules promulgated by the United States Coast Guard.

(m) No person shall operate or give permission for the operation of a vessel which is not equipped as required by this section or modification thereof.

CHAPTER 1294

An act to amend Section 31866 of the Streets and Highways Code, relating to parking districts.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 31866 of the Streets and Highways Code is amended to read:

31866. At any time following the formation of a district under this part and the levy of the initial assessment in such district, any parcel of land, whether contiguous or noncontiguous to the district, may be added to such district if the owner of such parcel files with the legislative body a petition for such inclusion and the legislative body grants such petition. The legislative body shall not grant such petition until the petition has been approved by the board of parking place commissioners of the district and until the street superintendent has estimated the amount which such parcel would have been assessed and taxed under all prior assessments and special ad valorem tax levies in the district if said parcel had been a part of said district when formed, and until the owner of such parcel has paid to the city such estimated amount. All such amounts paid to the city 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. If such petition is granted, such parcel shall thereafter be entitled to the same rights as those which apply to other lands in the district and shall be subject to all assessments and special ad valorem taxes thereafter levied in said district under this part.

CHAPTER 1295

An act to add Section 22602 to the Elections Code, relating to municipal elections.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 22602 is added to the Elections Code, to read:

22602. The provisions of Section 10219 of this code, relating to ballot designations, shall apply to municipal elections, whether held in a general law or chartered city.

CHAPTER 1296

An act to add Sections 703.5 and 755.7 to the Insurance Code, relating to insurance.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 703.5 is added to the Insurance Code, to read:

703.5. Any person, including but not limited to persons licensed or certificated under this code or exempted from regulation under this code, who as a part of any business advertises as, or holds himself out as, qualified to advise the public concerning insurance or qualified to administer workmen's compensation for employers and who in connection with or as part of any such business also, with or without consideration, (a) suggests or recommends to an employer, or advises an employer, that the employer purchase aggregate excess or aggregate stop-loss workmen's compensation insurance, or (b) names or suggests to an employer, or advises an employer of, a nonadmitted insurer from whom such aggregate excess or aggregate stop-loss workmen's compensation insurance might be purchased, is guilty of a misdemeanor.

SEC. 2. Section 755.7 is added to said code, to read:

755.7. Any person, including but not limited to any person licensed, certificated under this code or exempted under this code from regulation, who for consideration advises, or agrees to advise, any person concerning insurance, insurance policies, insurance needs or insurance programs of any sort and who agrees to, or does, allow credit against such consideration for such service for any portion of any insurance commission which may accrue, directly or indirectly, to such person who so advises or agrees to advise, is guilty of making an unlawful rebate and guilty of a misdemeanor.

CHAPTER 1297

An act making an appropriation for payment of tuberculosis subsidies to counties and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. The sum of eight hundred ninety-two thousand two hundred ninety-two dollars ($892,292) is appropriated from the General Fund to the State Department of Public

Health for maintenance of tuberculosis sanitoria, in augmentation of Item 419 of the Budget Act of 1963 and Item 382 of the Budget Act of 1964.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Due to the increase in tuberculosis cases requiring hospitalization, and to the fact that patients in recent years have developed immunities to the normal drugs used for treatment of tuberculosis and thus have required longer periods of hospital treatment, the estimates of the amounts needed by counties to maintain tuberculosis sanitoria have fallen short of the amounts actually needed, and the funds appropriated for such purpose have not been adequate. This act will make up the deficiency. In order that tuberculosis sanitoria may continue to operate and to provide services urgently needed by patients, it is essential that this act go into effect immediately.

CHAPTER 1298

An act to amend Section 262 of the Streets and Highways Code, relating to scenic highways.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 262 of the Streets and Highways Code is amended to read:

262. Whenever the department determines that the corridor protection program for any state highway in the state scenic highway system established by this article has been implemented by local governmental agencies and a plan and program has been developed by the department for bringing such highway up to the standards for official scenic highways established by the department, including the concept of the "complete highway," as described in Section 261, the department shall designate the highway as an official state scenic highway and shall so indicate the highway in any publications of the department or in any maps which are issued by the department to the public.

The department shall cause appropriate signs to be placed and maintained along the portions of the state scenic highway system which the department has designated as official state scenic highways that indicate that the highways are official state scenic highways.

If at any time the department, with the advice of the Advisory Committee on a Master Plan for Scenic Highways,

determines that the corridor protection program of local governmental agencies with respect to any highway which has been designated as an official state scenic highway no longer adequately carries out responsibility of the local governmental agencies for the protection of the scenic corridor, it may revoke the designation of the highway as an official state scenic highway and remove the signs which so indicate the highway.

CHAPTER 1299

An act to amend Sections 16310, 16310.5, 16474, 16480.1, and 16480.4 of the Government Code, relating to state funds.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 16310 of the Government Code is amended to read:

16310. When the General Fund in the Treasury is or will be exhausted, the Controller shall notify the Governor and the Pooled Money Investment Board. The Governor may order the Controller to direct the transfer of all or any part of the money not needed in other funds or accounts to the General Fund from such funds or accounts, as determined by the Pooled Money Investment Board including the Surplus Money Investment Fund or the Pooled Money Investment Account,. All money so transferred shall be returned to the funds or accounts 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. 2. Section 16310.5 of said code is amended to read:

16310.5. When the Controller pursuant to Section 16310 directs the transfer of money from a fund or account which is subject to investment, other than the Division of Architecture Revolving Fund, there shall be returned to that fund or account, in addition to the amount transferred. and as soon as there is sufficient money in the General Fund, interest on the amount transferred computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the funds or accounts from which the transfer was made.

SEC. 3. Section 16474 of said code is amended to read:

16474. The money in the Surplus Money Investment Fund, shall be invested and reinvested by the State Treasurer in any securities described in Section 16430 of this code or in time bank deposits as provided in Chapter 4 of this part or in loans to the General Fund as provided in Section 16310 of this code and the interest from any such investments including any such

time deposits shall be returned to the Surplus Money Investment Fund. Such securities may be sold by the State Treasurer or exchanged by him for other securities of the kind authorized to be purchased hereunder, if, in his discretion, such sale or exchange appears to be in the best interests of the state.

SEC. 4. Section 16480.1 of said code is amended to read:

16480.1. There is hereby created a Pooled Money Investment Board, which shall consist of the Controller, Treasurer and Director of Finance. The Pooled Money Investment Board shall meet at least once in every three months and shall designate at least once a month the amount of money available under this article for investment in securities authorized by Article 1 of this chapter, or in bank accounts, or in loans to the General Fund and the type of investment or deposit.

For the purpose of this article, a written determination signed by a majority of the members of the Pooled Money Investment Board shall be deemed to be the determination of the board. Notwithstanding the provisions of Sections 7.5 and 7.6 of this code, the members of the board shall personally make the determinations under this article, and may not authorize a deputy to act for them.

All meetings of the board shall be open and public, and all persons shall be permitted to attend any meetings of the board. All records of the board shall be open to inspection by the public during regular office hours.

SEC. 5. Section 16480.4 of said code is amended to read:

16480.4. Amounts available for investment under this article may be invested and reinvested by the State Treasurer in any securities described in Section 16430 of this code or in loans to the General Fund as provided in Section 16310 of this code. Such securities may be sold by the State Treasurer or exchanged by him for other securities of the kind authorized to be purchased hereunder, if, in his discretion, such sale or exchange appears to be in the best interests of the state.

CHAPTER 1300

An act to amend Sections 7501 and 10379 of the Health and Safety Code, relating to the destruction of records.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 7501 of the Health and Safety Code is amended to read:

7501. A cemetery authority shall not remove or permit the removal of any interred remains, unless a permit for the removal has been issued by the local registrar of the district in which the premises are located, and delivered to the cemetery

authority. Any person entitled by law to remove any remains may apply to the local registrar for a permit to remove them. The local registrar shall issue a permit, which in all cases shall specify the name of the cemetery where the remains shall be interred, and shall retain a copy. After one year the local registrar may destroy any original or duplicate permit retained by him pursuant to this section.

SEC. 2. Section 10379 of said code is amended to read:

10379. The person in charge of the place of interment, or the funeral director or person acting as funeral director if no person is in charge, shall sign the permit, endorse upon it the date of interment or cremation, and within 10 days, return the permit so endorsed to the local registrar of the district in which the interment took place. After one year the local registrar may destroy any original or duplicate permit retained by him pursuant to this section.

SEC. 3. Section 7501 of said code, as enacted by Senate Bill No. 965, is amended to read:

7501. A cemetery authority shall not remove or permit the removal of any interred remains, unless a permit for the removal has been issued by the local registrar of the district in which the premises are located, and delivered to the cemetery authority. Any person entitled by law to remove any remains may apply to the local registrar for a permit to remove them. The local registrar shall issue a permit, which in all cases shall specify the name of a cemetery where the remains shall be interred, and shall retain a copy, except that if cremated remains are to be buried at sea as provided in Section 7117 of this code, the permit shall so specify and indicate the county where the fact of burial at sea shall be reported. After one year the local registrar may destroy any original or duplicate permit retained by him pursuant to this section.

SEC. 4. Section 3 of this act becomes operative only if Senate Bill No. 965 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as said bill takes effect, at which time Section 7501 of the Health and Safety Code, as amended by Section 1 of this act is repealed.

CHAPTER 1301

An act to add Section 17264 to the Education Code, relating to financial support of school districts, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 17264 is added to the Education Code, to read:

17264. If, for any reason, the tax required by Section 17263.1 to be levied and collected during a fiscal year to offset

decreases in state equalization aid and supplemental support is not so levied and collected during the fiscal year, the same shall be levied and collected during the next succeeding fiscal year. The county superintendent of schools and the county auditor shall make the certifications of the amount to be raised by such tax in the manner prescribed by Section 17263.1, and the board of supervisors shall, in such succeeding fiscal year, at the time other taxes are levied, levy a tax on all the assessed valuation of the county sufficient to provide the total of the amounts certified, and the same shall be paid to the affected school districts as otherwise required by Section 17263.1.

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:

In one or more counties in which were required to be levied and collected, in the 1964–65 fiscal year, the taxes required to offset reductions in state equalization aid and supplemental support arising because of upward modification of assessed valuations for State School Fund formula purposes, there was a failure to make the levy and collection because of administrative error or omission. In order that the authorization to levy and collect such taxes in the next succeeding fiscal year afforded by this act will be available for purposes of the local taxing procedures by August of 1965, it is essential that this act take effect immediately.

CHAPTER 1302

An act to add Section 10247.5 to the Business and Professions Code, relating to real property loans.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 10247.5 is added to the Business and Professions Code, to read:

10247.5. In addition to any other remedies that may exist for violations of this article, any licensee who negotiates a loan wherein the licensee represents that he is not the lender, collects a fee therefore and is in fact the lender, and if by reason thereof said loan is usurious, he shall be liable for damages in the full amount of the commission and expenses charged to the borrower. The Attorney General upon application of the borrower may initiate actions to collect these unlawful charges and all funds collected shall be deposited to the Real Estate Education, Research and Recovery Fund. Prior to the commencement of any action by the Attorney General, the borrower shall have the absolute right to withdraw the application.

CHAPTER 1303

An act to add Sections 10661 and 10903 to the Fish and Game Code, relating to the Bodega Marine Life Refuge.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 10661 is added to the Fish and Game Code, to read:

10661. In the Bodega Marine Life Refuge, licensees of the Regents of the University of California and all officers, employees, and students of such university may take, for scientific purposes, any invertebrate or specimen of marine plant life without a permit from the department.

SEC. 2. Section 10903 is added to said code, to read:

10903. The following constitutes a marine life refuge and shall be designated the Bodega Marine Life Refuge:

That portion of District 10 consisting of that certain parcel of land bounded by the line of Mean High Tide of the Pacific Ocean lying between the northern boundary extended northwesterly and the southern boundary extended southwesterly of the lands of the Regents of the University of California according to the final order of condemnation in Case No. 47,617 in the Superior Court of the State of California in and for the County of Sonoma, recorded in Book 1930, at pages 656 and 659, inclusive, Official Records, Sonoma County, California, and extending into and including the state waters of the State of California for a distance of a thousand feet into the Pacific Ocean from the line of Mean High Tide.

CHAPTER 1304

An act authorizing the conveyance of Arroyo Burro Beach State Park and Goleta Beach State Park to the County of Santa Barbara upon certain conditions.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. The Director of Parks and Recreation is hereby authorized to convey to the County of Santa Barbara and to its successors, all of the right, title and interest of the State of California in and to the surface, and those portions of the subsurface, down to and including 200 feet below the surface thereof, of the Goleta Beach State Park and the Arroyo Burro Beach State Park, but not including any lands held by the state by virtue of its sovereignty, to be forever held by the

County of Santa Barbara and by its successors, in trust, for the uses and purposes and upon the express conditions following:

(a) Said lands hereby conveyed shall be used by said county, and by its successors, solely for public park, public recreation and public beach purposes, and said county or its successors shall not at any time grant, convey, give or alien said lands or any part thereof to any individual, firm, or corporation for any purposes whatever. But the county or its successors may grant concessions, franchises and leases upon the said property for purposes consistent with the use thereof for public park, public recreation and public beach purposes.

(b) If the county or its successors attempt to convey the said lands or any part thereof to any individual, firm or corporation or if the county or its successors no longer use the said property for public park, public recreation and public beach purposes, then the title to the said property shall revert to the State of California.

(c) There is excepted and reserved to the State of California all deposits of minerals, including oil, gas and other hydrocarbons in said lands, and to the State of California, or persons or corporations authorized by the State of California the right to prospect for, mine, and remove such deposits from said land, provided that all such prospecting, mining, and removal shall be made from outside the boundaries of the said land and, provided further, that such prospecting for mining or removal of minerals and hydrocarbons shall be subject to the provisions of Public Resources Code Section 6871 2 and to other applicable state and local law prohibiting or regulating such activities.

SEC. 2 Goleta Beach State Park and Arroyo Burro Beach State Park for approximately 16 years have been and now are operated and managed by the County of Santa Barbara under contract for and on behalf of the state, and the Legislature hereby finds that the said parks can be better managed and the public better served by unifying the ownership and management in the County of Santa Barbara. The county originally acquired and owned the said parks and in 1953 deeded the said parks to the State of California in lieu of matching funds for the purchase by the state of El Capitan Beach State Park.

SEC. 3. The lands hereby conveyed to the County of Santa Barbara are described as follows:

Arroyo Burro Beach State Park

The real property in the City of Santa Barbara, County of Santa Barbara, State of California, described as follows:

Parcel One:
Beginning at the southwest corner of the C. J. Medzikhovsky tract as shown on a map of a survey made by F. F. Flournoy and filed in Book 12, page 2 of Maps, records of said County,

being a point in the City Limits line of the City of Santa Barbara as established by Ordinance No. 1066 of said City of Santa Barbara; thence north 15°07'20" east, along the westerly boundary of said Medzikhovsky Tract and said City Limits line, 528.00 feet to the northwest corner of said Medzikhovsky Tract and City Monument No. 2 of said City Limits line; thence continuing north 15°07'20" east 78.76 feet to a spike in the center of Cliff Drive, as now traveled and used; thence following the center line of Cliff Drive, as now traveled and used the following courses and distances: North 88°01' west 91.10 feet to the beginning of a curve to the left with a radius of 150 feet and delta of 60°50' westerly along the arc of said curve 159.26 feet to the end thereof; south 31°09' west, 115.12 feet to the beginning of a curve to the right with a radius of 85 feet and a delta of 99°21' westerly along the arc of said curve 147.39 feet to the end thereof and north 49°30' west 167.46 feet to a point; thence leaving said center line of Cliff Drive, as now traveled and used, south 15°07'20" west 416.67 feet, more or less, to the line of mean high tide of the Pacific Ocean; thence along said mean high tide line south 71°25' east 500.91 feet, more or less, to a point which bears south 15°07'20" west from the southwest corner of the C. J. Medzikhovsky Tract, herein above referred to; thence north 15°07'20" east 57.72 feet, more or less, to the point of beginning.

Parcel Two:

Beginning at the southwesterly corner of the C. J. Medzikhovsky Tract as shown on a map of a survey made by F. F. Flournoy and filed in Book 12, page 2 of Maps, records of said County, being a point in the City Limits line of the City of Santa Barbara as established by Ordinance No. 1066 of said City of Santa Barbara; thence north 15°07'20" east, along the westerly boundary of said Medzikovsky Tract and said City Limits line, 528.0 feet to the northwest corner of said Medzikhovsky Tract and City Monument No. 2 of said City Limits line; thence continuing north 15°07'20" east 78.76 feet to a spike in the center of Cliff Drive, as now traveled and used; thence following the center line of Cliff Drive, as now traveled and used the following courses and distances: north 88°01' west 91.10 feet to the beginning of a curve to the left with a radius of 150 feet and a delta of 60°50'; westerly along the arc of said curve 159.26 feet to the end thereof; south 31°09' west 115.12 feet to the beginning of a curve to the right with a radius of 85 feet and a delta of 99°21'; westerly along the arc of said curve 147.39 feet to the end thereof; and north 49°30' west 167.46 feet to the true point of beginning of the tract of land herein described; thence leaving said center line of said present traveled Cliff Drive south 15°07'20" west 416.67 feet, more or less, to the line of mean high tide of the Pacific Ocean; thence north 71°25' west along said line of mean high tide 100 feet, more or less, to its intersection with a line drawn parallel with and distant northwesterly 100 feet, measured at

right angles, from the southeasterly line of the parcel of land herein described; thence north 15°07'20" east parallel with said southeasterly line of said parcel to a point in the center line of said present traveled Cliff Drive; thence southeasterly along said center line to the true point of beginning.

Goleta Beach State Park

The real property in the County of Santa Barbara, State of California, described as follows:

Beginning at the southwesterly end of the 34th course of the tract of land described in that certain final judgment and decree in condemnation rendered May 29, 1944, in that certain civil action had in United States District Court, Southern District of California, Central Division, entitled "United States of America, pltf. vs. 458.92 acres of land, more or less, in Santa Barbara County, California, et al., dfts.," Case No. 2301 M. Civil, a certified copy of which decree was recorded June 6, 1944, in Book 601 at page 341 of Official Records, in the office of the County Recorder of said County, said course being therein described as having a bearing of "north 57°01' east" and a length of "252.60 ft."; thence along the northerly line of the tract of land so described in said final judgment and decree in condemnation, above referred to, the following courses and distances: north 57°01' east 252.60 feet; north 2°47' east 156.60 feet; north 42°25' east 114.07 feet; north 59°40'15" east 169.84 feet; north 59°40'15" east 77.72 feet; north 76°31'15" east 219.61 feet; south 85°04'45" east 391.30 feet; south 87°59'45" east 250.65 feet; north 74°21'15" east 379.10 feet; north 87°33'15" east 200.90 feet; south 66°38'15" east 398.44 feet; north 79°53'15" east 260 feet; south 73°14'45" east 175.55 feet; north 75°38'15" east 250 feet; and south 32°38'45" east 211.44 feet to the most easterly corner of said tract so described in said judgment and decree; thence along the southerly line of said last mentioned tract the following courses and distances: south 83°46'15" west 350 feet; south 87°02'15" west 730 feet; south 84°28'15" west 470.18 feet; south 78°28'15" west 533 feet and south 73°43'15" west 921.30 feet to the southeasterly end of the 31st course of the tract of land described as Parcel 2 in deed to the Regents of the University of California, dated May 13, 1949, and recorded June 6, 1949, as File No. 6893 in Book 857 at page 53 of Official Records, records of said County; thence along said "31st course", north 40°28'55" west 199.64 feet to the point of beginning.

CHAPTER 1305

An act to add Sections 260 and 11578 to the Water Code, relating to acquisition and disposal of property.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 260 is added to the Water Code, to read:

260. In any lease, easement, or right of entry agreement entered into whereby the department leases real property or obtains a grant of easement, right-of-way, or right of entry in real property for the purpose of exploration for, or construction, operation, or maintenance of, water projects, or for other investigations or data collection, the department may agree to indemnify and hold harmless the lessor or grantor and may agree to repair or pay for any damage caused by reason of the uses authorized by such lease, easement, right-of-way, or right of entry. Insurance may be purchased by the Department of General Services, upon request of the department, to protect the department against loss or expense arising out of such a lease, easement, right-of-way, or right of entry.

SEC. 2. Section 11578 is added to said code, to read:

11578. In any lease, easement, or right of entry agreement entered into whereby the department leases real property or obtains a grant of easement, right-of-way, or right of entry in real property for the purpose of exploration for, or construction, operation, or maintenance of, water projects, or for other investigations or data collection, the department may agree to indemnify and hold harmless the lessor or grantor and may agree to repair or pay for any damage caused by reason of the uses authorized by such lease, easement, right-of-way or right of entry. Insurance may be purchased by the Department of General Services, upon request of the department, to protect the department against loss or expense arising out of such a lease, easement, right-of-way, or right of entry.

CHAPTER 1306

An act relating to Columbia Historic State Park.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Parks and Recreation may transfer and convey to Tuolumne County Water District No. 2, subject to the conditions specified in Section 2, all right, title and interest of the state to the following described property:

All that property, both real and personal, located in Tuolumne County, State of California, which constitutes the waterworks now being operated by the state and serving the Columbia Historic State Park and property adjacent thereto, including but not limited to all water rights now owned by the state, to take and use water from property commonly known as Matelot Springs, and other existing appliances or appurtenances necessary and presently used in the operation of said waterworks as determined by the Department of Parks and Recreation.

All that property, both real and personal, located in Tuolumne County, State of California, which constitutes the works and facilities for the collection, treatment and disposal of sewage and waste waters now being operated by the state and serving the Columbia Historic State Park and property adjacent thereto, including any other existing appliances or appurtenances necessary and presently used in the operation of said sewer system as determined by the Department of Parks and Recreation.

SEC. 2. The transfer and conveyance of the waterworks and sewer systems described in Section 1 shall be made by the Department of Parks and Recreation upon such terms and conditions as the Director of Parks and Recreation shall determine is in the best interests of the state.

The conveyance of any real property involved in the transfer of said waterworks and sewer system shall be made upon the express condition that the property conveyed be used solely for the maintenance and operation by the grantee of a waterworks and sewer system and should such property or any portion thereof be used for any other purpose, then in that event such portion of property hereby conveyed shall immediately revert unto the grantor herein, its successors or assigns.

CHAPTER 1307

An act to amend Section 20504 of the Education Code, relating to school districts.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 20504 of the Education Code is amended to read:

20504. Except in districts where no district tax is levied and in elementary districts employing but one teacher, the publication budget for the ensuing school year to which it is intended to apply, showing the functions and objects of expenditure, cash balances, and all the appropriations from the

state as required to be tabulated in Sections 20601–20602 of this code for the ensuing and last preceding fiscal year, and the district tax requirement for the school year to which the publication budget is intended to apply and for the last preceding school year, including a summary of the district tax requirements for the ensuing fiscal year to be derived by levies on the secured roll as shown on the budget form prescribed for this purpose by the Superintendent of Public Instruction, shall be published by the county superintendent of schools at least once in a newspaper of general circulation published within the district, or if there is no such newspaper, then in any newspaper of general circulation in the district, prior to its adoption. The cost of the publication shall be a proper and legal charge against the school district or districts for which the publication is made, and shall not exceed the rate fixed by the board of supervisors for official advertising. Publication shall be made during the last week in July of each year, and shall contain a notice that a public hearing will be held before the governing board of the school district, in a schoolhouse in the district, or in some other place conveniently accessible to the residents of the district, during the first week of August, at which any taxpayer in the district may appear and object to the proposed budget or any item of the budget. The hearing may be concluded on such publication budget when there are no requests on file for further hearing. The budget shall not be finally adopted by the governing board of the district until after the public hearing has been held. In the case of a school district or districts in which the average daily attendance of all said districts combined is in excess of 200,000, governed by the same governing board, the public hearing during the first week of August need not be held if there has been at least one public meeting on the publication budget prior to the first week of August, at which public meeting any changes proposed to be made in the publication budget for the final budget shall have been presented.

CHAPTER 1308

An act to amend Section 5101.6 of the Streets and Highways Code, relating to improvement acts.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 5101.6 of the Streets and Highways Code is amended to read:

5101.6. Following the levy of an assessment pursuant to this division to pay, in whole or in part, the costs and expenses of works, system or facilities authorized by subdivision (a) of Section 5101.5 upon a district benefited thereby, and annually

on or before June 30th, the legislative body may prepare and approve an estimate of the expenditures required during the ensuing fiscal year for the maintenance, operation, repair and improvement of such works, system or facilities and shall deduct from such estimate the amount of revenues, if any, which the legislative body estimates will accrue during such year from the operation of such works, system or facilities and will be available to pay costs of such maintenance, operation, repair and improvement.

The legislative body may levy and collect in any year upon and against all of the taxable land and improvements within such district a special ad valorem assessment sufficient to raise a sum of money not exceeding the net amount thus determined but the rate of assessment in any one year shall not exceed twenty-five cents ($0.25) on each one hundred dollars ($100) assessed value as shown on the assessment roll used by the city for city taxation.

The special ad valorem assessment shall be levied, collected and enforced at the same times, in the same manner, by the same officers, and with the same interest and penalties, as in the case of general taxes levied by the city. The proceeds of the assessment shall be placed in a separate fund of the city and shall be expended only for the maintenance, operation, repair or improvement of such works, system or facilities.

CHAPTER 1309

An act to add Section 172h to the Penal Code, relating to sale of intoxicating liquor near universities.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 172h is added to the Penal Code, to read:

172h. The provisions of Sections 172, 172a, 172b, 172d and 172g of this code shall not be applied to prohibit the sale or the exposing or offering for sale of any intoxicating liquor in, or the issuance of an alcoholic beverage license for, any premises because a university has constructed and occupied since January 1, 1960, or in the future constructs, dormitories for its students which has resulted or results in the premises being prohibited by the foregoing sections from selling, exposing or offering such liquor for sale because the premises are or become thereby within the area prescribed by these sections.

CHAPTER 1310

An act to amend Section 172e of the Penal Code, relating to alcoholic beverages.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 172e of the Penal Code is amended to read:

172e. The provisions of Sections 172, 172a, 172b, 172d, and 172g of this code shall not apply to the sale or the exposing or offering for sale of alcoholic beverages by an on-sale licensee under the Alcoholic Beverage Control Act within premises licensed as a bona fide public eating place as provided in the Constitution and as defined in the Alcoholic Beverage Control Act (commencing at Section 23000, Business and Professions Code), or by the holder of a caterer's permit under the provisions of Section 23399 of the Business and Professions Code in connection with the serving of bona fide meals as defined in Section 23038 of the Business and Professions Code, and the provisions of such sections shall not be construed so as to preclude the Department of Alcoholic Beverage Control from issuing licenses for bona fide public eating places within the areas prescribed by the sections.

CHAPTER 1311

An act to add Chapter 6 (commencing with Section 2950) to Division 4 of the Welfare and Institutions Code, and to add Chapter 10 (commencing with Section 18900) to Part 6 of Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682 of the 1965 Regular Session, relating to food stamps, and making an appropriation.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The $20,300 appropriation in Sec. f, Chapter 10 Food Stamps in Assembly Bill No. 759 must be deleted. This amount is included in the Budget Bill. With this deletion, I approve the bill.

EDMUND G. BROWN, Governor

The people of the State of California do enact as follows:

SECTION 1. Chapter 6 (commencing with Section 2950) is added to Division 4 of the Welfare and Institutions Code, to read:

CHAPTER 6. FOOD STAMPS

2950. The object of this chapter is to enable public assistance recipients and other low-income families to purchase food stamps under the federal Food Stamp Act of 1964.

2951. As used in this chapter:

(a) "Eligible household" means any household containing one or more public assistance recipients or any other household whose average monthly income over the next 12 months is not expected to exceed the cost of the family's maintenance as determined by the standard of assistance for a recipient of public assistance

(b) "Public assistance" means aid to families with dependent children, aid to the aged, aid to the blind, aid to the potentially self-supporting blind, aid to the needy disabled, and county indigent aid, all as provided for in the code.

(c) "Department" means the State Department of Social Welfare.

(d) "County agency" means the county agency established to carry out the local administrative responsibilities of the public assistance programs.

2952. The county agency, upon adoption by the board of supervisors of a resolution indicating the approval of the board, shall carry out the local administrative responsibilities of this chapter, subject to the supervision of the department and to rules and regulations adopted by the department.

2953. The department may enter into and execute in behalf of the state all necessary agreements in connection with this chapter as may be required by the United States government.

2954. The department shall adopt such rules and regulations as are necessary for carrying out the provisions of this chapter and not inconsistent therewith In adopting such rules and regulations, the department shall establish a schedule of charges to be made for food stamps, graduated on the basis of the incomes of eligible households. The department shall also provide for the manner in which county agencies shall sell food stamps to eligible households.

2955. Application to purchase food stamps shall be made to the county agency, and that agency, in accordance with the regulations of the department, shall determine the eligibility of the applicant to purchase the stamps.

2956. Federal funds available to meet the administrative costs incurred by the counties under this chapter shall be allocated to the counties in the manner set forth in Section 433 of this code.

2957. In the determination of eligibility for the purchase of food stamps, there shall be no discrimination against any household by reason of race, color, religious creed, national origin, or political belief.

2958. Public assistance grants shall not be reduced as a consequence of the purchase by recipients of food stamps under this chapter.

2959 The provisions of Section 118 of this code, relating to disclosure of information regarding public assistance recipients, shall apply to information obtained under this chapter.

SEC. 2. Chapter 10 (commencing with Section 18900) is added to Part 6 of Division 9 of the Welfare and Institutions

Code as proposed by Assembly Bill No. 1682 of the 1965 Regular Session, to read:

CHAPTER 10. FOOD STAMPS

18900. The object of this chapter is to enable recipients of aid under Part 3 and Part 5 of this division and other low income families to purchase food stamps under the federal Food Stamp Act of 1964.

18901. As used in this chapter:

"Eligible household" means any household containing one or more public assistance recipients or any other household whose average monthly income over the next 12 months is not expected to exceed the cost of the family's maintenance as determined by the standard of assistance for a recipient of public assistance.

18902. The county agency, upon adoption by the board of supervisors of a resolution indicating the approval of the board, shall carry out the local administrative responsibilities of this chapter, subject to the supervision of the department and to rules and regulations adopted by the department.

18903. The department may enter into and execute in behalf of the state all necessary agreements in connection with this chapter as may be required by the United States government.

18904. The department shall adopt such rules and regulations as are necessary for carrying out the provisions of this chapter and not inconsistent therewith. In adopting such rules and regulations, the department shall establish a schedule of charges to be made for food stamps, graduated on the basis of the incomes of eligible households. The department shall also provide for the manner in which county agencies shall sell food stamps to eligible households.

18905. Application to purchase food stamps shall be made to the county agency, and that agency, in accordance with the regulations of the department, shall determine the eligibility of the applicant to purchase the stamps.

18906. Federal funds available to meet the administrative costs incurred by the counties under this chapter shall be allocated to the counties in the manner set forth in Section 15150 of this code.

18907. In the determination of eligibility for the purchase of food stamps, there shall be no discrimination against any household by reason of race, color, religious creed, national origin, or political belief.

18908. Public assistance and county aid grants shall not be reduced as a consequence of the purchase by recipients of food stamps under this chapter.

18909. The provisions of Section 10850 of this code, relating to disclosure of information regarding public assistance recipients, shall apply to information obtained under this chapter.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 1682 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No. 1682 takes effect; at which time Chapter 6 (commencing with Section 2950) of Division 4 of the Welfare and Institutions Code as added by Section 1 of this act is repealed.

SEC. 4. There is appropriated from the General Fund to the State Department of Social Welfare the sum of twenty thousand three hundred dollars ($20,300) to be used for the administration of this act.

CHAPTER 1312

An act to amend Section 26709 of the Vehicle Code, relating to vehicle equipment.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 26709 of the Vehicle Code is amended to read:

26709. (a) Every motor vehicle of a type subject to registration shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle.

Every motor vehicle, other than a motorcycle, manufactured and first registered after January 1, 1966, and subject to registration under this code, shall be equipped with not less than two mirrors, including one affixed to the left-hand side of the motor vehicle, which shall meet the requirements of this section.

(b) Every motor vehicle, of a type subject to registration, while towing a trailer or semitrailer and the towed vehicle or load thereon obscures the driver's view to the rear, shall be equipped with mirrors on both the left- and right-hand sides of the vehicle so located as to reflect to the driver a view of the highway through each mirror for a distance of at least 200 feet to the rear of such vehicle

(c) Every bus or trolley coach, of a type subject to registration, shall be equipped with a mirror affixed to the right-hand side of the bus or trolley coach which shall be so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the right-hand side of the bus or trolley coach.

CHAPTER 1313

An act to amend Sections 375, 24405, 24600, 24601, 24602, 24604, 24607, 24610, 25100, 25107, 25950, 25951, 26100, and 26101 of the Vehicle Code, relating to lighting equipment on vehicles.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 375 of the Vehicle Code is amended to read:

375. "Lighting equipment" is any of the following lamps or devices:

(a) Any headlamp, auxiliary driving, passing, or fog lamp, taillamp, stoplamp, license plate lamp, clearance lamp, side-marker lamp, signal lamp or device, cornering lamp, diffused nonglaring lamp, red or amber warning lamp, and flashing red schoolbus lamp.

(b) Any operating unit or canceling mechanism for turn signal lamps or for the simultaneous flashing of turn signal lamps as vehicular hazard signals, and any flasher mechanism for turn signals, red schoolbus lamps, warning lamps, and the simultaneous flashing of turn signal lamps as vehicular hazard signals.

(c) Any equipment regulating the light emitted from any lamp or device or the light sources therein.

(d) Any reflector, including red reflectors for use on bicycles and reflectors used for required warning devices.

SEC. 1.5. Section 375 of said code is amended to read:

375. "Lighting equipment" is any of the following lamps or devices:

(a) Any headlamp, auxiliary driving, passing, or fog lamp, tail lamp, stoplamp, license plate lamp, clearance lamp, side-marker lamp, signal lamp or device, cornering lamp, running lamp, diffused nonglaring lamp, red or amber warning lamp, and flashing red schoolbus lamp.

(b) Any operating unit or canceling mechanism for turn signal lamps or for the simultaneous flashing of turn signal lamps as vehicular hazard signals, and any flasher mechanism for turn signals, red schoolbus lamps, warning lamps, and the simultaneous flashing of turn signal lamps as vehicular hazard signals.

(c) Any equipment regulating the light emitted from any lamp or device or the light sources therein

(d) Any reflector, including red reflectors for use on bicycles and reflectors used for required warning devices

SEC. 2. Section 24405 of said code is amended to read:

24405. Not more than four lamps with a beam intensity greater than 300 candlepower each may be lighted on the front of a vehicle at any one time, except that not to exceed six

such lamps on the front of an authorized emergency vehicle may be lighted at any one time. This section does not apply to turn signal lamps or cornering lamps. For the purpose of this section each pair of a dual headlamp system shall be considered as one lamp.

SEC. 3. Section 24600 of said code is amended to read:

24600. Every motor vehicle and every vehicle which is being drawn at the end of a train of vehicles during darkness shall be equipped with one or more lighted taillamps exhibiting red light plainly visible from a distance of 500 feet to the rear except that a vehicle or the vehicle at the end of a train of vehicles which is subject to Section 22406 and every new vehicle other than a motorcycle first registered after January 1, 1958, shall be equipped with not less than two such lighted taillamps which shall be mounted at the left and right side respectively on the rear of the vehicle. Whenever any vehicle is equipped with two taillamps, as required or permitted by this section, both of such lamps shall be lighted during darkness, except that such lamps may flash as a part of a turn signal lamp.

SEC. 4. Section 24601 of said code is amended to read:

24601. Either the taillamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear license plate during darkness and render it clearly legible from a distance of 50 feet to the rear. When the rear license plate is illuminated by a lamp other than a required taillamp, the two lamps shall be turned on or off only by the same control switch at all times.

SEC. 5. Section 24602 of said code is amended to read:

24602. Every red taillamp upon a vehicle or the vehicle at the end of a train of vehicles which is subject to Section 22406 shall be equipped with red lenses not less than $2\frac{3}{4}$ inches in diameter or $6\frac{1}{2}$ square inches in area.

The voltage at any tail, stop, license plate or clearance lamp socket of the vehicle or train of vehicles shall not be less than 85 percent of the design voltage of the bulb. Voltage tests shall be conducted with the engine operating.

SEC. 6. Section 24604 of said code is amended to read:

24604. Whenever the load upon any vehicle extends, or whenever any integral part of any vehicle projects, to the rear four feet or more beyond the bed or body of the vehicle, there shall be displayed at the extreme end of the load or projecting part of the vehicle during darkness, in addition to the required taillamp, two red lights with a bulb rated not in excess of six candlepower plainly visible from a distance of at least 500 feet to the sides and rear. At any other time there shall be displayed at the extreme end of the load or projecting part of the vehicle a red flag or cloth not less than 16 inches square.

SEC. 7. Section 24607 of said code is amended to read:

24607. (a) Every vehicle of a type subject to registration under this code not otherwise required under the provisions

of this code to be equipped with rear red reflectors shall at all times carry on the rear, either as a part of the taillamps or separately, at least one red reflector and every vehicle, other than a motorcycle, manufactured and first registered after January 1, 1965, shall be equipped with not less than two such reflectors mounted at the left and right side respectively on the rear of the vehicle.

(b) Reflectors shall be mounted on the vehicle at a height not less than 16 inches nor more than 60 inches and shall be of such size and characteristics and so maintained as to be readily visible at night from all distances within 300 feet to 50 feet from the vehicle when directly in front of lawful upper beams of headlamps.

(c) Any reflector installed upon a vehicle as a part of its original equipment prior to January 1, 1941, need not be of a type approved by the department if it meets the requirements of subdivision (b) of this section.

SEC. 8. Section 24610 of said code is amended to read:

24610. A reflector placed on vehicles under Section 24609 which is of the button or other multiple-unit type shall contain not less than seven units with a total of not less than three square inches of reflecting surface. The red reflectors required may be separate units or a part of the red taillamps, but in either event the reflector and taillamps shall comply with all of the requirements of Sections 24600, 24602, and 24609, and any reflector constituting an integral part of a taillamp shall comply with all photometric requirements applicable to a separate reflector.

SEC. 9. Section 25100 of said code is amended to read:

25100. (a) Except as provided in subdivisions (b) and (d), every vehicle 80 inches or more in overall width shall be equipped during darkness as follows:

(1) At least one amber clearance lamp at each side on the front and at least one red clearance lamp at each side on the rear.

(2) At least one amber side-marker lamp on each side near the front and at least one red side-marker lamp on each side near the rear.

(3) At least one amber side-marker lamp on each side at or near the center on trailers and semitrailers 30 feet or more in length and which are manufactured and first registered after January 1, 1962.

(b) The following vehicles when 80 inches or more in overall width and not equipped as provided in subdivision (a) shall be equipped during darkness as follows:

(1) Truck tractors shall be equipped with at least one amber clearance lamp at each side on the front of the cab or sleeper and may be equipped with amber side-marker lamps on each side.

(2) Pole or pipe dollies, or logging dollies shall be equipped with at least one combination clearance and side-marker lamp on each side showing red to the front, side and rear.

(3) Vehicles, except truck tractors, which are 80 inches or more in width over a distance not exceeding three feet from front to rear shall be equipped with at least one amber combination clearance lamp and side-marker lamp on each side visible from the front, side, and rear if the projection is near the front of the vehicle and at least one such red lamp if the projection is near the rear of the vehicle.

(4) Towing motor vehicles engaged in driveaway-towaway operations shall be equipped with at least one amber clearance lamp at each side on the front and at least one amber side-marker lamp on each side near the front.

(5) Towed motor vehicles engaged in driveaway-towaway operations shall be equipped with at least one amber side-marker lamp on each side of intermediate vehicles, and the rearmost vehicle shall be equipped with at least one red side-marker lamp on each side and at least one red clearance lamp at each side on the rear.

(c) Loads extending beyond the side of a vehicle where the overall width of vehicle and load is 80 inches or more shall be equipped with an amber combination clearance and side-marker lamp on the side at the front and a red combination clearance and side-marker lamp on the side at the rear. In lieu of the foregoing requirement, projecting loads not exceeding three feet from front to rear at the extreme width shall be equipped with at least one amber combination clearance and side-marker lamp on the side visible from the front, side, and rear if the projection is near the front of the vehicle and at least one such red lamp if the projection is near the rear of the vehicle.

(d) Clearance and side-marker lamps are not required on auxiliary dollies or on passenger vehicles other than a housecar.

(e) Clearance lamps shall be visible from all distances between 500 feet and 50 feet to the front or rear of the vehicle, and side-marker lamps shall be visible from all distances between 500 feet and 50 feet to the side of the vehicle. Clearance lamps shall, so far as is practicable, be mounted to indicate the extreme width and height of the vehicle except that front clearance lamps on flatbed trucks shall be mounted on the front of the bed if it extends beyond the side of the cab. Side-marker lamps shall be mounted so the lenses project to the outer extremity of vehicle or load. Clearance lamps may be combined with side-marker lamps provided the combination lamp meets the requirements for both types of lamp and is mounted as specified for side-marker lamps.

SEC. 10. Section 25107 of said code is amended to read:

25107. Any motor vehicle may be equipped with not more than two cornering lamps designed and of sufficient intensity for the purpose of revealing objects only in the direction of turn while the vehicle is turning or while the turn signal lamps are operating to signal an intention to turn. The lamps shall be designed so that no glaring light is projected into the eyes of an approaching driver.

SEC. 11. Section 25950 of said code is amended to read:

25950. Unless provided otherwise, the color of lamps and reflectors upon a vehicle shall be as follows:

(a) All lamps and reflectors visible from in front of a vehicle shall be white or amber, except that rear side-marker lamps may show red to the front.

(b) All lamps and reflectors visible from the rear of a vehicle shall be red, except that front side-marker lamps may show amber to the rear.

This section applies to the color of a lamp whether lighted or unlighted, and to any reflector exhibiting or reflecting perceptible light of 0.05 candlepower or more per footcandle of incident illumination, except that taillamps, stoplamps, and turn signal lamps visible to the rear may be white when unlighted.

SEC. 12. Section 25951 of said code is amended to read:

25951. Any lighted lamp or device upon a motor vehicle other than headlamps, spotlamps, signal lamps, or auxiliary driving lamps, warning lamps which projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the beam will strike the level of the roadway at a distance of more than 75 feet from the vehicle.

SEC. 13. Section 26100 of said code is amended to read:

26100. No person shall sell or offer for sale for use upon or as part of the equipment of a vehicle, nor shall any person use upon a vehicle any signal device, lighting equipment, or other device requiring approval by this code unless of a type which has been submitted to and approved by the department. This section does not apply to a taillamp or stoplamp in use on or prior to December 1, 1935.

SEC. 14. Section 26101 of said code is amended to read:

26101. No person shall sell or offer for sale for use upon or as part of the equipment of a vehicle, nor shall any person use upon a vehicle any device which is intended to modify the original design or performance of any signal device, lighting equipment, or other device requiring approval by this code unless of a type which has been submitted to and approved by the department. This section does not apply to a taillamp or stoplamp in use on or prior to December 1, 1935.

SEC. 15. Section 1.5 of this act shall become operative only if Assembly Bill No. 296 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No. 296 takes effect; at which time Section 375 of the Vehicle Code as amended by Section 1 of this act is repealed.

CHAPTER 1314

An act to add Section 1506 to the Elections Code, relating to the use of public buildings.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 15, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1506 is added to the Elections Code, to read:

1506. The governing body having jurisdiction over school buildings or other public buildings may authorize the use of such buildings for polling places on any election day, and may also authorize the use of such buildings, without cost, for the storage of voting machines and other vote tabulating devices.

CHAPTER 1315

An act to add Section 12522 to the Vehicle Code, relating to schoolbus drivers.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 12522 is added to the Vehicle Code, to read:

12522. (a) Every person who operates a schoolbus in the transportation of school pupils shall, in addition to any other requirement for a schoolbus driver's certificate, qualify by an examination on first aid practices deemed necessary for schoolbus operators as determined and prescribed by the Department of Public Health after consultation with the Departments of Education, Motor Vehicles, and California Highway Patrol. The local school authority employing the applicant shall provide a course of instruction concerning necessary first aid practices.

(b) The California Highway Patrol shall conduct the first aid examination as part of the examination of applicants for a schoolbus driver's certificate and shall certify to the Department of Motor Vehicles that the applicant has satisfactorily demonstrated his qualifications in first aid practices, knowledge of schoolbus laws and regulations, and ability to operate a schoolbus. The first aid certifications shall be valid for the term of the schoolbus driver's certificate.

(c) The first aid examination may be waived if the applicant holds a first aid certificate issued by the American Red Cross or United States Bureau of Mines that will remain valid throughout the term of the schoolbus driver's certificate.

CHAPTER 1316

An act to add Section 7028 to the Education Code, relating to vocational rehabilitation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 7028 is added to the Education Code, to read:

7028. For the purpose of implementing any program to combat poverty and to reduce dependency, the department may, when requested by another public agency and pursuant to a contract with such public agency, utilize funds to provide rehabilitation services to disadvantaged persons other than those who otherwise meet the eligibility requirements for vocational rehabilitation.

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:

Funds are being made available under federal antipoverty legislation for a variety of programs under which the active cooperation of state and local governmental agencies will be required. In order that the Department of Rehabilitation may participate in such undertakings, and may make the necessary preparations therefor as soon as possible with reference to the forthcoming fiscal year, it is necessary that the enabling legislation embodied in this act take effect immediately.

CHAPTER 1317

An act to add Section 12610 to the Health and Safety Code, relating to the State Fire Marshal.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 12610 is added to the Health and Safety Code, to read:

12610. Notwithstanding any of the provisions of Section 12513, the State Fire Marshal may issue a permit for the transportation of fireworks anywhere within the state when such permit has been approved by the local authority having jurisdiction at the place where the shipment originates within the state. Fireworks in any quantity which are being transported in compliance with the provisions of Division 14 (com-

mencing with Section 31600) of the Vehicle Code shall not require a transportation permit from the State Fire Marshal.

It is the legislative intention in enacting this section, with particular reference to the issuance of a permit by the State Fire Marshal for the transportation of fireworks, that such permit shall be in lieu of any permit required by local authority for the transportation of fireworks, except when such transportation is confined wholly within the geographic boundaries of such local political authority.

CHAPTER 1318

An act to amend Section 25305 of the Government Code, relating to county automobiles.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 25305 of the Government Code is amended to read:

25305. When in its judgment the public interest requires, the board may purchase automobiles for the use of county officers and county employees whose duties require frequent trips on county business. By ordinance the board shall adopt rules and regulations governing the use of the automobiles and the imposition of proper penalties upon any person driving, operating, or using the automobiles contrary to the rules and regulations of the board. The board may purchase necessary automobiles and assign them to county boards and commissions or members thereof whose duties require frequent and adequate transportation in and about the county on county business.

The use of automobiles provided by the county pursuant to this section is in lieu of any other mileage allowed by law. The board may allow officers and employees using county automobiles their actual and necessary expenses when traveling on county business.

CHAPTER 1319

An act to amend Section 17041.5 of the Revenue and Taxation Code, relating to income taxes.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 17041.5 of the Revenue and Taxation Code is amended to read:

17041.5. Notwithstanding any statute, ordinance, regulation, rule or decision to the contrary, no city, county, city and county, governmental subdivision, district, public and quasi-public corporation, municipal corporation, whether incorporated or not or whether chartered or not, shall levy or collect or cause to be levied or collected any tax upon the income, or any part thereof, of any person, resident or nonresident.

This section shall not be construed so as to prohibit the levy or collection of any otherwise authorized license tax upon a business measured by or according to gross receipts.

CHAPTER 1320

An act to add Section 22828.5 to the Government Code, relating to state employees' health benefits.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 22828.5 is added to the Government Code, to read:

22828.5. Funds, other than the General Fund, shall be charged a fair share of the state's contribution for annuitants in accordance with the provisions of Article 2 (commencing with Section 11270) of Chapter 3 of Part 1 of Division 3 of Title 2 of this code.

CHAPTER 1321

An act to amend Section 72602 of the Government Code, relating to the courts.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 72602 of the Government Code is amended to read:

72602. Each of the Los Angeles County municipal courts established in judicial districts shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Whittier Municipal Court District	3
San Antonio Municipal Court District	3
East Los Angeles Municipal Court District	3
Inglewood Municipal Court District	2
South Bay Municipal Court District	3

Compton Municipal Court District	3
Downey Municipal Court District	2
Los Angeles Municipal Court District	49
Santa Anita Municipal Court District	1
Alhambra Municipal Court District	2
Los Cerritos Municipal Court District	2
Long Beach Municipal Court District	5
Beverly Hills Municipal Court District	2
Santa Monica Municipal Court District	2
Burbank Municipal Court District	2
Glendale Municipal Court District	2
Pasadena Municipal Court District	4
El Monte Municipal Court District	3
Pomona Municipal Court District	2
South Gate Municipal Court District	1
Citrus Judicial District	4
Antelope Municipal Court District	1
Culver Municipal Court District	1

CHAPTER 1322

An act to amend Section 7608 of the Public Utilities Code, relating to railroad equipment.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 7608 of the Public Utilities Code is amended to read:

7608. Every railroad company, or the receiver or receivers of any railroad, operating trains within this state, shall provide a first aid kit containing written instructions for the use of its contents, on each train or light engine, however propelled, for first aid to persons who may be injured in the course of the operation of the train.

The contents of every first aid kit shall be prescribed or approved by the Public Utilities Commission.

The employee of the railroad in charge of the train or engine, however propelled, shall report to the office designated by the company whenever any first aid kit has been opened for use.

Any railroad company, or the receiver or receivers, or employee of a railroad company, who fails to comply with this section is liable to a penalty of not less than five dollars ($5) nor more than twenty-five dollars ($25), and each day's violation shall constitute a separate offense, except that the railroad company, or receiver or receivers, shall be allowed not to exceed three days without penalty to replace any item after the use of the item has been reported by the employees in charge of the train or engine, however propelled.

CHAPTER 1323

An act to add Sections 1300.3 and 1300.5 to the Welfare and Institutions Code, relating to the Interstate Compact on Juveniles.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1300.3 is added to the Welfare and Institutions Code, to read:

1300.3. The Out-of-state Confinement Amendment to the Interstate Compact on Juveniles is hereby enacted into law and entered into by this state with all other states legally joining therein in the law substantially as follows:

(a) Whenever the duly constituted judicial or administrative authorities in a sending state shall determine that confinement of a probationer or reconfinement of a parolee is necessary or desirable, said officials may direct that the confinement or reconfinement be in an appropriate institution for delinquent juveniles within the territory of the receiving state, such receiving state to act in that regard solely as agent for the sending state.

(b) Escapees and absconders who would otherwise be returned pursuant to Article V of the compact may be confined or reconfined in the receiving state pursuant to this amendment. In any such case the information and allegations required to be made and furnished in a requisition pursuant to such article shall be made and furnished, but in place of the demand pursuant to Article V, the sending state shall request confinement or reconfinement in the receiving state. Whenever applicable, detention orders as provided in Article V may be employed pursuant to this paragraph preliminary to disposition of the escapee or absconder.

(c) The confinement or reconfinement of a parolee, probationer, escapee, or absconder pursuant to this amendment shall require the concurrence of the appropriate judicial or administrative authorities of the receiving state.

(d) As used in this amendment: (1) "sending state" means sending state as that term is used in Article VII of the compact or the state from which a delinquent juvenile has escaped or absconded within the meaning of Article V of the compact; (2) "receiving state" means any state, other than the sending state, in which a parolee, probationer, escapee, or absconder may be found, provided that said state is a party to this amendment.

(e) Every state which adopts this amendment shall designate at least one of its institutions for delinquent juveniles as a "compact institution" and shall confine persons therein as provided in paragraph (a) hereof unless the sending and receiving state in question shall make specific contractual ar-

rangements to the contrary. All states party to this amendment shall have access to "compact institutions" at all reasonable hours for the purpose of inspecting the facilities thereof and for the purpose of visiting such of said state's delinquents as may be confined in the institution.

(f) Persons confined in "compact institutions" pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed from said "compact institution" for transfer to an appropriate institution within the sending state, for return to probation or parole, for discharge, or for any purpose permitted by the laws of the sending state.

(g) All persons who may be confined in a "compact institution" pursuant to the provisions of this amendment shall be treated in a reasonable and humane manner. The fact of confinement or reconfinement in a receiving state shall not deprive any person so confined or reconfined of any rights which said person would have had if confined or reconfined in an appropriate institution of the sending state; nor shall any agreement to submit to confinement or reconfinement pursuant to the terms of this amendment be construed as a waiver of any rights which the delinquent would have had if he had been confined or reconfined in any appropriate institution of the sending state except that the hearing or hearings, if any, to which a parolee, probationer, escapee, or absconder may be entitled (prior to confinement or reconfinement) by the laws of the sending state may be had before the appropriate judicial or administrative officers of the receiving state. In this event, said judicial and administrative officers shall act as agents of the sending state after consultation with appropriate officers of the sending state.

(h) Any receiving state incurring costs or other expenses under this amendment shall be reimbursed in the amount of such costs or other expenses by the sending state unless the states concerned shall specifically otherwise agree. Any two or more states party to this amendment may enter into supplementary agreements determining a different allocation of costs as among themselves.

(i) This amendment shall take initial effect when entered into by any two or more states party to the compact and shall be effective as to those states which have specifically enacted this amendment. Rules and regulations necessary to effectuate the terms of this amendment may be promulgated by the appropriate officers of those states which have enacted this amendment.

SEC. 2. Section 1300 5 is added to said code, to read:

1300 5. In addition to any institution in which the authorities of this state may otherwise confine or order the confinement of a delinquent juvenile, such authorities may, pursuant to the Out-of-state Confinement Amendment to the Interstate Compact on Juveniles, confine or order the con-

finement of a delinquent juvenile in a compact institution within another party state.

SEC. 3. This act shall become operative on January 1, 1966.

CHAPTER 1324

An act to amend Section 1203.4a of the Penal Code, relating to traffic violators.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 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. (a) 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 subdivision applies to convictions which occurred before as well as those occurring after, the effective date of this section.

(b) Subdivision (a) of this section shall not apply to any misdemeanor falling within the provisions of Section 42001 of the Vehicle Code or to a violation of any ordinance relating to the parking of vehicles.

CHAPTER 1325

An act to amend Section 10238 of the Business and Professions Code, to amend Section 5500 of, and to add Section 5501.5 to, the Financial Code, relating to savings and loan associations.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 10238 of the Business and Professions Code is amended to read:

10238. In lieu of the bond required by Section 10237.8 a real property securities dealer may file a cash bond in the sum of five thousand dollars ($5,000), evidence of deposit in banks authorized to do business in this state and insured by the Federal Deposit Insurance Corporation, investment certificates or share accounts in the amount of five thousand dollars ($5,000) issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation, or bonds issued by the United States or the State of California in the principal amount of five thousand seven hundred fifty dollars ($5,750) with the State Treasurer. Such bond shall be subject to all conditions set forth in Sections 10237.8 and 10237.9.

SEC. 2. Section 5500 of the Financial Code is amended to read:

5500. Domestic associations may be incorporated with shares or stock or both and with all the rights, powers and privileges and subject to all the restrictions and liabilities set forth in this division. Domestic associations shall also have all the powers and privileges provided by the General Corporation Law of this state as to other corporations except such powers and privileges as are expressly denied to such associations in this division. Provisions of this division and of their respective articles of incorporation granting rights, powers, or privileges to domestic associations shall be liberally construed, and such associations shall have rights, powers and privileges reasonably incidental to or implied from such as are expressly granted, except that nothing herein contained shall be construed as granting to associations the right, power or privilege of acting as an insurance company, insurance agent, or insurance broker. If any provision of the General Corporation Law is inconsistent with any provision of this division, the provision of this division prevails.

SEC. 3. Section 5501.5 is added to said code, to read:

5501.5. Notwithstanding any other provision of this code and without limitation upon any rights, powers and privileges which it may otherwise have, a domestic association may do all of the following:

(a) Act as escrow holder in connection with the sale, transfer, encumbering or leasing of real property;

(b) Make collections upon and otherwise service promissory notes and loans, whether for itself or for others;

(c) Disburse funds for itself or for others in connection with loans, escrows or other transactions.

CHAPTER 1326

An act to repeal Section 34011 of, and to add Sections 34011, 34011.1, 34011.2, and 34011.3 to, the Vehicle Code, relating to the transportation of flammable liquids.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 34011 of the Vehicle Code is repealed.

SEC. 2. Section 34011 is added to said code, to read:

34011. No person shall drive, move, or leave standing any tank vehicle upon any highway, on or after January 1, 1966, unless all cargo tanks on such vehicles have been registered with the State Fire Marshal and the appropriate fees have been paid.

SEC. 3. Section 34011.1 is added to said code, to read:

34011.1. The original and renewal fee for registration of a cargo tank issued pursuant to this division shall be as set forth in the following table, in accordance with the volumetric capacity.

Total capacity gallons	Fee
More than 120 to 500	$5.00
More than 500	$20.00

The fee shall be used by the State Fire Marshal to administer and enforce this division when appropriated for such purpose by the Legislature.

Beginning January 1, 1966, the original and annual renewal registration fee shall be for two consecutive years beginning on January 1 of each numerically even calendar year and extending through December 31 of the next succeeding year, or for the remaining portion thereof. When more than 12 months of the registration period has expired, the registration fee shall be reduced by 50 percent.

SEC. 4. Section 34011.2 is added to said code, to read:

34011.2. Application for original or annual renewal registration of a cargo tank of a type required to be registered under this code shall be made by the owner or his representative to the State Fire Marshal upon the appropriate form furnished by the State Fire Marshal. Application for renewal

registration shall be made 60 days prior to the expiration of the current registration.

SEC. 5. Section 34011.3 is added to said code, to read:

34011.3. The State Fire Marshal shall adopt regulations establishing procedures for the transfer of ownership, the issuing of duplicate registrations, and the change of address of the owner. A fee of two dollars ($2) shall be paid for transfer of ownership or for the issuing of duplicate registrations.

CHAPTER 1327

An act directing the Department of Education to seek funds to establish a revolving fund for the preparation, printing, and distribution of apprenticeship instructional material.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. The Department of Education is hereby directed to seek federal funds in order to establish a revolving fund for the preparation, printing, and distribution of apprenticeship instructional materials, which revolving fund shall be maintained from the sales of instructional materials relative to apprenticeship training.

CHAPTER 1328

An act to amend Section 16755 of the Business and Professions Code, relating to restraint of trade.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 16755 of the Business and Professions Code is amended to read:

16755. (a) Any violation of this chapter is a conspiracy against trade, and any person who engages in any such conspiracy or takes part therein, or aids or advises in its commission, or who as principal, manager, director, agent, servant or employee, or in any other capacity, knowingly carries out any of the stipulations, purposes, prices, rates, or furnishes any information to assist in carrying out such purposes, or orders thereunder or in pursuance thereof, is punishable by a fine of not less than five hundred dollars ($500) nor more than fifty thousand dollars ($50,000) or by imprisonment for not more than one year, or by both such fine and imprisonment.

(b) Any action pursuant to this section may be commenced at any time within three years after the commission of the last act comprising a part of any violation.

(c) Subject to the provisions of Section 13521 of the Penal Code, all moneys received by any court in payment of any fine imposed pursuant to this section shall, as soon as practicable after the receipt thereof, be deposited with the county treasurer of the county in which such court is situated. Amounts so deposited shall be paid as soon as practicable as follows: 75 percent to the State Treasurer by warrant of the county auditor drawn upon the requisition of the clerk or judge of said court to be deposited in the State Treasury on order of the State Controller; and 25 percent to the treasurer of the county in which the prosecution is conducted.

CHAPTER 1329

An act to add Article 2.5 (commencing with Section 280) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to medical tests for newborn children.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Article 2.5 (commencing with Section 280) is added to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, to read:

Article 2.5. Medical Tests for Newborn Children

280. It is the policy of the State of California to make every effort to detect, as early as possible, phenylketonuria and other preventable heritable disorders leading to mental retardation or physical defects.

The State Department of Public Health shall have the responsibility of designating tests and regulations to be used in executing this policy. Such tests shall be in accordance with accepted medical practices and shall be administered to each child born in California at such time as the department has established appropriate regulations and testing methods.

The department shall inform all hospitals or physicians, or both, of required regulations and tests and may alter or withdraw any such requirements whenever sound medical practice so indicates.

The department shall report to the Governor and the Legislature semiannually as to the progress and effect of testing programs. The first such report shall be delivered by January 30th, 1966.

The provisions of this section shall not apply if a parent or guardian of the newborn child objects to a test on the ground that the test conflicts with his religious beliefs or practices.

SEC. 2. This act shall remain in effect until the 91st day after the adjournment of the 1967 Regular Session of the Legislature and shall thereafter be of no force or effect.

CHAPTER 1330

An act to amend Sections 342 and 390 of the Streets and Highways Code, relating to state highway routes.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 342 of the Streets and Highways Code is amended to read:

342. Route 42 is from:

(a) Route 1 west of Inglewood to Route 605.

(b) Route 39 near La Habra to Route 91 in Santa Ana Canyon.

SEC. 2. Section 390 of said code is amended to read:

390. Route 90 is from Route 1 northwest of the Los Angeles International Airport to the junction of Routes 39 and 42 near La Habra.

CHAPTER 1331

An act to add Section 654.1 to the Harbors and Navigation Code, relating to sanitation on vessels.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 654.1 is added to the Harbors and Navigation Code, to read:

654.1. Boating facilities constructed with funds derived from the state shall be required as a condition for the receipt of such funds to provide shoreside facilities for purposes of emptying waste matter holding tanks from vessels in accordance with needs and standards as established by the Small Craft Harbors Commission.

CHAPTER 1332

An act to add Sections 160, 7551.1 and 7554 to, and to amend Section 18206 of, the Education Code, relating to special instructional programs, and making an appropriation therefor.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 160 is added to the Education Code, to read:

160. The Superintendent of Public Instruction shall recommend, and the State Board of Education shall adopt by September 1, 1967, general guidelines for use by school districts and county superintendents of schools in the development of curriculum and the adoption of courses of study for the special instruction of mentally retarded minors enrolled in public schools as defined by Sections 6902 and 6903 of this code. The Superintendent of Public Instruction is authorized to employ on a part-time basis curriculum specialists to assist in the development of such guidelines.

SEC. 1.3. Section 7551.1 is added to said code, to read:

7551.1. The governing board of any school district with more than 8,000 pupils in average daily attendance shall prescribe and enforce in the schools a course of study for mentally retarded pupils as defined by Sections 6902 and 6903 of this code.

SEC. 1.5. Section 7554 is added to said code, to read:

7554. Each county board of education shall prescribe and enforce a county course of study for mentally retarded pupils as defined in Sections 6902 and 6903 of this code. Such county course of study shall be used in special education programs for mentally retarded pupils conducted by the county superintendent of schools and in school districts with an average daily attendance of 8,000 or less.

The county superintendent of schools of a county with more than 10,000 pupils in average daily attendance shall employ at least one full-time certificated person to coordinate activities involved in the preparation, adoption, revision, use and enforcement of a course of study for mentally retarded pupils in special schools and classes conducted by the county superintendent and by school districts in which the county course of study is required to be used. The minimum professional requirement for employment in such position shall be the holding of a regular teaching credential with authorization to teach the mentally retarded.

A county board of education of a county with 10,000 or less pupils in average daily attendance or the governing board of any school district with an average daily attendance of more than 8,000 may cooperate with a county superintendent of

schools of 10,000 or more pupils in average daily attendance in the development of a course of study for mentally retarded pupils educated by them.

SEC. 2. Section 18206 of said code is amended to read:

18206. No allowance shall be made under Article 12 (commencing with Section 18152), or under this article for the education of mentally retarded minors in special schools and classes which do not comply with standards established by the State Board of Education; and beginning with the 1967–68 school year such allowances shall not be made to any school district or county superintendent of schools not in compliance with the provisions of Sections 7551.1 and 7554 relating to the adoption and enforcement of a course of study for mentally retarded minors.

SEC. 3. It is the intent of the Legislature in enacting the requirements of this act for general curriculum guidelines in special schools and classes for special children to encourage the State Board of Education to cooperate with the several private professional and lay groups and organizations especially interested in special programs of this nature, in the preparation and adoption of appropriate courses of study. The Legislature does not herein intend to mandate strict methods of operation and instruction, but desires that the general outlines of instruction and the subjects offered to such children in the public schools be reasonably uniform in quality throughout the state.

SEC. 4. There is hereby appropriated from the General Fund in the State Treasury to the State Department of Education the sum of fifty thousand dollars ($50,000), or so much thereof as may be necessary, to be expended for purposes of Section 160 of the Education Code.

CHAPTER 1333

An act to amend Section 1133 of the Education Code, relating to recall elections.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 1133 of the Education Code is amended to read:

1133. No recall petition shall be circulated or filed for verification of signatures against any governing board member until he has held his office for at least six months or during the six-month period immediately prior to the time at which the regular election would be held for his office.

CHAPTER 1334

An act to add Section 987b to the Penal Code, relating to defense of persons unable to afford counsel in criminal cases, and making an appropriation.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 987b is added to the Penal Code, to read:

987b. (a) From any state moneys made available to it for such purpose, the Department of Finance shall, pursuant to this section, pay to the counties an amount not to exceed 10 percent of the amounts annually budgeted by the counties in providing counsel in accordance with the law, whether by public defender or by assigned counsel or both, for persons charged with violation of state criminal law who desire, but are unable to afford, counsel.

(b) Application for payment shall be made in such manner and at such times as prescribed by the Department of Finance and the department may adopt rules necessary or appropriate to carry out the purposes of this section.

SEC. 2. There is hereby appropriated to the Department of Finance, from the General Fund, for the purposes of Section 987b of the Penal Code, the sum of five hundred thousand dollars ($500,000).

CHAPTER 1335

An act to amend Section 3271 of the Unemployment Insurance Code, relating to unemployment compensation disability insurance.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 3271 of the Unemployment Insurance Code is amended to read:

3271. Until January 1, 1968, the director shall approve any amendment to a voluntary plan adjusting the provisions thereof as to periods after the effective date of the amendment as to which he finds that the plan as amended will conform to the standards set forth in Section 3254 and that either of the following exist:

(a) A majority of the employees covered by the plan have consented in writing to the amendment.

(b) All of the employees covered by the plan who are adversely affected by the amendment have consented in writing to the amendment.

(c) The insurer of such plan, if any, has certified to the director that notice of the amendment either separately or as a part of a new certificate or statement of coverage, has, at least 10 days prior to the effective date of the proposed amendment, been delivered to the employer for distribution to his employees within 10 days thereafter and has further certified that such notice specifically included notification to the employees covered by the plan of their right to withdraw from the plan.

Nothing contained in this section is intended to deny or limit the right of the director to make regulations supplementary thereto, nor on the general subject of requirements for amendments of voluntary plans subsequent to January 1, 1968.

CHAPTER 1336

An act to amend Sections 8901 and 11553 of, and to add Sections 8955.2 and 8955.3 to, the Education Code, relating to exceptional children, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 8901 of the Education Code is amended to read:

8901. The county superintendent of schools shall establish and maintain programs for physically handicapped minors who come within the provisions of Section 6801 or 6802, including cerebral palsied, orthopedically handicapped, visually handicapped, or aurally handicapped, and who reside in the county and in elementary or unified school districts which have an average daily attendance of less than 8,000 in the elementary schools of the districts or in unified or high school districts which have an average daily attendance of less than 8,000 in the high schools of the districts, whenever such districts have not provided nor entered into contract with other districts to provide such programs.

Such program shall, with the approval of the county board of education, be provided in one or more of the following ways:

(a) In special schools or classes of elementary and secondary grade.

(b) By the employment of emergency teachers to provide special instruction in the regular schools of the districts of the county.

(c) By the maintenance of special classes of secondary grade.

(d) By the employment of home instructors to give individual instruction in the home or at the bedside in institutions, and by the employment of instructors to provide remedial instruction for physically handicapped minors in regular, special

day, and special training schools or classes which he may be authorized to conduct, and by the employment of instructors to provide individual instruction for minors with speech disorders or defects who are at least three years of age for the purpose of remedying such speech disorders or defects.

(e) By cooperation with the Department of Rehabilitation in the provision of individual instruction and coordination services.

(f) By contract with the county superintendent of schools of another county or with the governing board of any school district.

Such schools and classes shall be established at centrally located places, and the county superintendent of schools shall provide transportation to the pupils attending them. In an instance where it would be impractical because of the transportation distances existing to bring a sufficient number of physically handicapped minors within the meaning of Section 6801 or 6802 together in one place to form a school or special class, the county superintendent of schools, upon the annual approval of the Superintendent of Public Instruction, may defer compliance with the provisions of this section for the year in question.

Any elementary or unified school district which has an average daily attendance of less than 8,000 in the elementary schools of the district and any unified or high school district which has an average daily attendance of less than 8,000 in the high schools of the district, with the approval of the county superintendent of schools, may establish and maintain programs for the physically handicapped who come within the provisions of Section 6801 or 6802.

The county superintendent of schools required to provide for the education of physically handicapped minors residing in the county who come within the provisions of Sections 6801 or 6802 may, with the approval of the Superintendent of Public Instruction, enter into agreements with an elementary, unified, or high school district for the latter to provide for the education of such physically handicapped minors.

SEC. 2. Section 8955.2 is added to said code, to read:

8955.2. The county superintendent of schools shall, with the approval of the county board of education, certify to the county auditor and the county board of supervisors, on or before July 15th of each year, the amount of money required to be raised by a county tax for the education of physically handicapped minors who come within the provisions of Section 6801 or 6802 and for the rental of property and the purchase of equipment by the county superintendent of schools for the schools or classes for such minors.

The tax shall be at a rate sufficient to provide amounts allocated on a per-pupil basis by the county superintendent of schools for the rental of property, purchase of equipment, and capital outlay, plus an amount computed under one of the subdivisions following, whichever may be applicable:

(a) In the case of an elementary school district or unified school district, where pupils from within the district are attending the schools and classes maintained by the county superintendent of schools in grades kindergarten through eight, inclusive, an amount determined by: (1) multiplying sixty cents ($0.60) by each one hundred dollars ($100) of the assessed valuation of the district; (2) dividing the product so derived by the average daily attendance of pupils within the district included in the foundation program computed for the district for pupils in grades kindergarten through eight, inclusive; and (3) multiplying the quotient so derived by each unit of average daily attendance of pupils attending the special schools and classes maintained by the county superintendent of schools.

(b) In the case of a high school district or unified school district, where pupils from within the district are attending the schools and classes maintained by the county superintendent of schools in grades 9 through 12, inclusive, an amount determined by: (1) multiplying fifty cents ($0.50) by each one hundred dollars ($100) of the assessed valuation of the district; (2) dividing the product so derived by the average daily attendance of pupils within the district included in the foundation program computed for the district for pupils in grades 9 through 12, inclusive; and (3) multiplying the quotient so derived by each unit of average daily attendance of pupils attending the special schools and classes maintained by the county superintendent of schools

The board of supervisors shall, at the time of levying other county taxes, levy a tax in each school district for whom the county superintendent of schools maintains schools or classes pursuant to Sections 8901 to 8903, inclusive, for the education of physically handicapped minors who come within the provisions of Section 6801 or 6802 upon the taxable property in such district sufficient to produce such amounts. The amount received from this tax shall be deposited in the county school service fund.

The tax required to be levied and collected under the preceding provisions of this section shall be deemed a minimum tax, and may be exceeded upon agreement between the governing board of the school district involved and the county superintendent of schools. The tax shall be levied and collected on a current basis during the fiscal year on the basis of estimates of average daily attendance levels, assessed valuation levels, and the other factors involved. Excess amounts collected in any year may be applied to reduction of the tax in succeeding fiscal years, and the amount to be raised by the tax in any fiscal year may be increased by the amount of deficiency in the tax collected in prior fiscal years.

The Superintendent of Public Instruction shall adopt such rules and regulations as he may deem necessary to the implementation of this section.

SEC. 3. Section 8955 3 is added to said code, to read:

8955.3. The Superintendent of Public Instruction shall reduce the allowances to county school service funds to be made in a fiscal year under Sections 18355 and 18358 by the amounts computed under subdivisions (a) and (b) of Section 8955.2 for the fiscal year.

SEC 4. Section 11553 of said code is amended to read:

11553. The average daily attendance of mentally retarded minors given instruction by a county superintendent of schools shall be computed by dividing the total days of attendance of such pupils during the fiscal year by 175 and the average daily attendance so computed shall be credited to the county school service fund; provided, however, that the average daily attendance of mentally retarded minors coming within the provisions of Section 6903 for the purpose of computation of transportation allowances under Section 18060, subdivision (b), shall be computed by dividing the total number of days of attendance of such pupils during the fiscal year, including the days of attendance at an authorized summer session, by 175 plus the number of days during the summer session such classes are actually taught

SEC. 5. It is the intent and purpose of the Legislature by this act to provide for the reimbursement to the county school service fund of each county an amount equal to the transportation costs of pupils coming within the provisions of Section 6903 who are in attendance at summer sessions at such schools or classes maintained by the county superintendent of schools.

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 programs which will be provided pursuant to this bill are needed for the school year which will commence in September. In order to have the necessary arrangements made to put the programs into effect at that time it is necessary this act take effect immediately.

CHAPTER 1337

An act to amend Section 1 of, and to repeal Section 12 of, Chapter 1650 of the Statutes of 1963, relating to school libraries, and making an appropriation.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1650 of the Statutes of 1963 is amended to read:

Section 1. It is essential to the provision of quality education that an adequate, effective library service be furnished by the schools. In order that the school libraries may keep pace with new developments in education, meet the increasing demands for general as well as technical information and for new services that modern educational techniques require, it is necessary to compile a description of existing services, and the extent to which they are available and to evaluate their adequacy against available standards. It is the purpose of this act to provide for such a study over a three-year period.

SEC. 2. Section 12 of said act is repealed.

SEC. 3. There is hereby appropriated from the General Fund in augmentation of Item ___ of the Budget Act of 1965 the sum of eighteen thousand dollars ($18,000) to the Department of Education for allocation by it to the purposes of Chapter 1650, Statutes of 1963, as amended.

CHAPTER 1338

An act to amend Sections 7154 and 8806 of the Education Code, relating to libraries.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 7154 of the Education Code is amended to read:

7154. The governing board of a school district shall, on or before August 31st, in each year, report to the State Department of Education on the condition of school libraries, for the year ending June 30th preceding. The report shall, in addition to other matters deemed expedient by the governing board or the librarians, contain such statistical and other information as is deemed desirable by the State Department of Education. For this purpose the State Department of Education may send to the several districts instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

SEC. 2. Section 8806 of said code is amended to read:

8806. Whenever the county superintendent of schools assumes responsibility for the establishment of a library or the performance of library services pursuant to this article (commencing at Section 8801), the county superintendent shall, on or before August 31st, in each year, report to the State Department of Education on the condition of the libraries under his supervision, for the year ending June 30th preceding. The reports of the superintendent shall, in addition to other matters deemed expedient by the librarian and the superintendent, contain such statistical and other information as is deemed desirable by the State Department of

Education. For this purpose the State Department of Education may send to the several county superintendents or librarians, as the case may be, instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

CHAPTER 1339

An act to amend Section 22790 of the Government Code, relating to coverage under the Meyers-Geddes State Employees' Medical and Hospital Care Act.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 22790 of the Government Code is amended to read:

22790. The board may contract with carriers for basic health benefit plans and for major medical or other comprehensive benefit plans for employees and annuitants who are also covered under basic plans or approve basic health benefit plans offered by employee organizations, provided that the carriers have operated successfully in the prepaid hospital and medical care field prior to the contracting for or approval thereof. Such plans shall include hospital benefits, surgical benefits, in-hospital medical benefits, outpatient benefits, obstetrical benefits, and may include other benefits including, but not limited to, benefits offered by a bona fide church, sect, denomination or organization whose principles include healing entirely by prayer or spiritual means. The board shall approve any basic health benefit plan in existence on January 1, 1962, which meets the requirements of this part and the minimum standards and other rules and requirements prescribed by the board, and for which payroll deductions were authorized under Section 1156 of this code.

CHAPTER 1340

An act to amend Sections 21451, 21454, 31820 and 31822 of the Government Code, relating to subrogation rights of public retirement systems.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 31820 of the Government Code is amended to read:

31820. If benefits are payable under this chapter because of an injury to, or the death of, a member of the retirement

association, and such injury or death is the proximate consequence of the act of any person other than his employer, the board on behalf of the retirement association may recover from such person an amount which is the lesser of the following:

(1) An amount which is equal to one-half of the actuarial equivalent of the benefits for which the association is liable because of such injury or death; or

(2) An amount which is equal to one-half of the remaining balance of the amount recovered after allowance of that amount which the employer or its insurance carrier have paid or become obligated to pay. The right shall be determined under the subrogation provisions of any workmen's compensation law.

SEC. 2. Section 31822 of said code is amended to read:

31822. Any amount recovered by any of the parties shall be applied, first, to the amounts which the employer or its insurance carrier have paid or become obligated to pay, and second, to the amounts to which the retirement association is entitled under the provisions of Section 31820 hereof.

SEC. 3. Section 21451 of said code is amended to read:

21451. If benefits are payable under this part because of an injury to or the death of a member and such injury or death is the proximate consequence of the act of a person other than his employer (the state or the employing contracting agency), the board may on behalf of this system recover from such person an amount which is the lesser of the following:

(1) An amount which is equal to one-half of the actuarial equivalent of the benefits for which this system is liable because of such injury or death; or

(2) An amount which is equal to one-half of the remaining balance of the amount recovered after allowance of that amount which the employer or its insurance carrier have paid or become obligated to pay.

SEC. 4. Section 21454 of said code is amended to read:

21454. Any amount recovered by way of subrogation by the employer, workmen's compensation insurer or this system shall be applied first to the amounts which the employer or its insurer has paid or become obligated to pay. The balance of the amount recovered as specified in Section 21451 shall be paid to, or retained by, this system.

CHAPTER 1341

An act to amend Section 11525 of, and to add Section 11525.1 to, the Business and Professions Code, and to amend Section 65850 of, and to add Sections 65850.1 and 65907 to, the Government Code, relating to judicial review of subdivision map and zoning decisions.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 11525 of the Business and Professions Code is amended to read:

11525. Control of the design and improvement of subdivisions is vested in the governing bodies of cities and of counties. Every county and city shall adopt an ordinance regulating and controlling the design and improvement of subdivisions.

SEC. 2. Section 11525.1 is added to said code, to read:

11525.1. Any action or proceeding to attack, review, set aside, void or annul the decision of a governing body concerning a subdivision, or of any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced within 180 days after the date of such decision. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court, criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings excepted.

SEC. 3. Section 65850 of the Government Code is amended to read:

65850. The legislative body of a city or a county may, by ordinance, create either a board of zoning adjustment or the office of zoning administrator.

If so designated, and when so operating, acts and determinations of such board of zoning adjustment or such zoning administrator shall be directly reviewable by the legislative body, which may affirm, reverse or modify any such act or determination as it deems just and equitable. The procedure for such review shall be as provided by ordinance of the legislative body.

SEC. 4. Section 65850.1 is added to said code, to read:

65850.1. Any action or proceeding to attack, review, set aside, void or annul the decision of an administrative agency concerning any decision of matters listed in Section 65853, or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition at-

tached thereto, shall not be maintained by any person unless such action or proceeding is commenced within 180 days after the date of such decision. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court, criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings excepted.

SEC. 5. Section 65907 is added to said code, to read:

Any action or proceeding to attack, review, set aside, void or annul any decision of matters listed in Sections 65901 and 65903, or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced within 180 days after the date of such decision. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations. Any such proceeding shall take precedence over all matters of the calendar of the court, criminal, probate, eminent domain and forcible entry and unlawful detainer proceedings excepted.

SEC. 6. Section 5 of this act shall become operative only if Senate Bill No. 716 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Senate Bill No. 716 takes effect; at which time Sections 65850 and 65850.1 of the Government Code as set forth in Sections 3 and 4 of this act are repealed

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CHAPTER 1342

An act to add Section 535.5 to, and to amend Section 1752.5 of, the Welfare and Institutions Code, relating to prevention of delinquency.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 535.5 is added to the Welfare and Institutions Code, to read:

535.5. The board of supervisors may by ordinance provide for the establishment, support, and maintenance of a delinquency prevention commission, composed of not fewer than seven citizens, to coordinate on a countywide basis the work of those governmental and nongovernmental organizations engaged in activities designed to prevent juvenile delinquency. If the board so elects, it may designate the juvenile justice

commission, or any other committee or council appointed pursuant to Section 535 or 536 of this code, to serve in such capacity.

The commission may receive funds from governmental and nongovernmental sources to hire an executive secretary and necessary staff and to defray needed administrative expenses The board of supervisors may direct any county department to provide necessary staff service to the commission. The commission may expend its funds on specific projects designed to accomplish its objectives.

Members of the delinquency prevention commission shall be appointed by the board of supervisors to serve a term of four years, and they shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. Upon a vacancy occurring in the membership in the commission and upon the expiration in the term of office of any member, a successor shall be appointed by the board of supervisors When a vacancy occurs for any reason other than the expiration of a term of office, the appointee to fill such vacancy shall hold office for the unexpired term of his predecessor.

SEC. 2. Section 1752.5 of said code is amended to read:

1752.5. The director may establish or assist in the establishment of any public council or committee having as its object the prevention or decrease of delinquency among youths; and the director may cooperate with or participate in the work of such councils or any existing councils or committees or county delinquency prevention commissions.

To assist the director in carrying out the legislative intent of this section, he shall appoint a California Delinquency Prevention Commission of not less than five persons nor more than nine persons, one of whom shall be appointed by the Speaker of the Assembly and one of whom shall be appointed by the Senate Committee on Rules. Members of this commission will serve at the pleasure of the director without salary, but shall be reimbursed for their traveling expenses necessarily incurred in the performance of their duties.

From any moneys made available to him for that purpose, the Director of the Youth Authority shall make allocations to county delinquency prevention commissions for administrative expenses not to exceed one thousand dollars ($1,000) per year for each commission. Additional allocations may be made to county delinquency prevention commissions on a matching basis for the development of delinquency prevention projects or programs administered and operated by local governmental or nongovernmental organizations under the general supervision of the county delinquency prevention commission. These projects or programs, in order to qualify for allocations, must have prior approval from the California Delinquency Prevention Commission and must meet minimum standards of performance established by the Director of the Youth Authority. A copy of the minimum standards of performance shall be transmitted by the Director of the Youth Authority to the

chairman of the county delinquency prevention commission at the time the allocation is made.

Application for funds under this section shall be made to the Youth Authority in the manner and form prescribed by the Youth Authority. The Youth Authority shall prescribe the time and manner of payments of assistance, if granted.

SEC. 3. The provisions of this act shall become operative July 1, 1966.

CHAPTER 1343

An act to add Section 21663 to the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 21663 is added to the Vehicle Code, to read:

21663. No person shall operate or move a motor vehicle upon a sidewalk except as may be necessary to enter or leave adjacent property.

CHAPTER 1344

An act to amend Section 3285 of the Health and Safety Code, relating to communicable diseases.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 3285 of the Health and Safety Code is amended to read:

3285. Each health officer is hereby directed to use every available means to ascertain the existence of, and immediately to investigate, all reported or suspected cases of tuberculosis in the infectious stages within his jurisdiction and to ascertain the sources of such infections. In carrying out such investigations, each health officer is hereby invested with full powers of inspection, examination and quarantine or isolation of all persons known to be infected with tuberculosis in an infectious stage and is hereby directed:

(a) To make such examinations as are deemed necessary of persons reasonably suspected of having tuberculosis in an infectious stage and to isolate or isolate and quarantine such persons, whenever deemed necessary for the protection of the public health.

(b) Follow local rules and regulations regarding examinations, quarantine, or isolation, and all general and special

rules, regulations, and orders of the state department in carrying out such examination, quarantine or isolation.

(c) Whenever the health officer shall determine on reasonable grounds that an examination of any person is necessary for the preservation and protection of the public health, he shall make an examination order in writing, setting forth the name of the person to be examined, the time and place of the examination, and such other terms and conditions as may be necessary to protect the public health. Nothing contained in this subdivision shall be construed to prevent any person whom the health officer determines should have an examination for infectious tuberculosis from having such an examination made by a physician of his own choice who is licensed to practice medicine under the provisions of Chapter 5 (commencing with Section 2000), Division 2 of the Business and Professions Code under such terms and conditions as the health officer shall determine on reasonable grounds to be necessary to protect the public health.

(d) Whenever the health officer shall determine that quarantine or isolation in a particular case is necessary for the preservation and protection of the public health, he shall make an isolation or quarantine order in writing, setting forth the name of the person to be isolated, the period of time during which the order shall remain effective, the place of isolation or quarantine, and such other terms and conditions as may be necessary to protect the public health.

(e) Upon the making of an examination, isolation, or quarantine order as provided in this section, a copy of such order shall be served upon the person named in such order.

(f) Upon the receipt of information that any examination, quarantine, or isolation order, made and served as herein provided, has been violated, the health officer shall advise the district attorney of the county in which such violation has occurred, in writing, and shall submit to such district attorney the information in his possession relating to the subject matter of such examination, isolation, or quarantine order, and of such violation or violations thereof.

(g) Any and all orders authorized under this section shall be made by the health officer and his authority to make such orders shall be delegated only pursuant to Section 7 of this code. The health officer shall not make any orders incorporating by reference any other rules or regulations.

(h) No health officer shall make any isolation or quarantine order unless and until said health officer has determined that all other available alternatives have been exhausted whereby the public health may be protected.

CHAPTER 1345

An act to amend Section 6408 of the Corporations Code, relating to the service of process upon foreign corporations doing business in California.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 6408 of the Corporations Code is amended to read:

6408. (a) Any foreign corporation which transacts intrastate business in this state and which does not hold a valid certificate from the Secretary of State and is not exempt from the requirement of holding such a certificate by the provisions of Section 6403.2 of this code may be subject to a penalty of twenty dollars ($20) for each day that such unauthorized intrastate business is transacted; and such foreign corporation, by transacting unauthorized business in this state, shall be deemed to consent to the jurisdiction of the courts of California in any civil action arising in this state wherein such corporation is named a party defendant and shall be deemed to have designated the Secretary of State as the agent upon whom process directed to the corporation may be served within this state.

(b) The penalty established by subdivision (a) of this section shall be assessed according to the number of days it is found that the corporation has been willfully doing unauthorized business in this state. Prosecution under this section may be brought, and the money penalty recovered thereby shall be paid, in the manner provided by Section 6800 for a prosecution brought under that section.

(c) Service on a corporation pursuant to this section may be made by personal delivery to the Secretary of State, or to an assistant or deputy secretary of state, of one copy of the process, together with a written statement signed by the party to the action seeking such service, or by his attorney, setting forth an address to which such process shall be sent by the Secretary of State.

Upon receipt of the process and his fee therefor, the Secretary of State shall forthwith forward the copy of the process, together with a statement indicating the date upon which the process was served upon the Secretary of State, by registered or certified mail, charges prepaid, with request for return receipt, to the corporation at the address specified in said written statement.

The corporation shall appear within 30 days after delivery of the process to the Secretary of State. The Secretary of State shall keep a record of all such process served upon him and shall record therein the time of service and his action in respect thereto. The certificate of the Secretary of State, under his

official seal, certifying to the receipt of the process and the forwarding of such process to the corporation, shall be competent and prima facie evidence of the matters stated therein.

CHAPTER 1346

An act to add Section 19452 to the Government Code, relating to the state civil service.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 19452 is added to the Government Code, to read:

19452. The board shall devise plans for and cooperate with appointing powers and other supervising officials in the administration of training programs for employees whose positions have been or are about to be eliminated by automation or technological changes to prepare and qualify such employees for other positions in the state civil service.

CHAPTER 1347

An act to add Section 943.2 to the Streets and Highways Code, relating to county highways.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 943.2 is added to the Streets and Highways Code, to read:

943.2. Whenever property which is devoted to or held for some other public use for which the power of eminent domain might be exercised is to be taken for county highway purposes, the county may, with the consent of the person or agency in charge of such other public use, condemn, in the name of the people of the county, real property to be exchanged with such person or agency for the real property so to be taken for county highway purposes. This section does not limit the authorization to the county to acquire, other than by condemnation, property for such purposes.

CHAPTER 1348

An act to amend Section 4690 of, and to add Section 4693 to, the Corporations Code, relating to dissolution of corporations.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 4690 of the Corporations Code is amended to read:

4690. The Attorney General may bring an action against any corporation or purported corporation, in the name of the people of this state upon his own information, or upon complaint of a private party, to procure a judgment dissolving the corporation and annulling, vacating, or forfeiting its corporate existence upon any of the following grounds:

(a) The corporation has seriously offended against any provision of the statutes regulating corporations.

(b) The corporation fraudulently has abused or usurped corporate privileges or powers.

(c) The corporation has violated any provision of law by any act or default which under the law is a ground of forfeiture of corporate existence.

(d) The corporation has failed to pay to the Franchise Tax Board for a period of five years any tax imposed upon it by the Bank and Corporation Tax Law.

SEC. 2. Section 4693 is added to said code, to read:

4693. In any action initiated pursuant to Section 4690, service of process and notice to the corporation, its officers, directors and stockholders shall be accomplished by written notice to the president or secretary of the corporation at the address indicated in the corporation's last tax return filed pursuant to the Bank and Corporation Tax Law. The Attorney General shall also publish a notice to the stockholders of the corporation in a newspaper of general circulation in the county where the principal office for the transaction of the business of the corporation is located, as set forth in the articles of incorporation filed with the Secretary of State.

CHAPTER 1349

An act to amend Section 26104 of, and to add Sections 25706.5 and 25805.5 to, the Corporations Code, relating to the licensing of securities brokers and agents and investment counsel.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 25706.5 is added to the Corporations Code, to read:

25706.5. Notwithstanding the provisions of Section 25706, if the only ground or grounds for denial of a broker's or agent's certificate falls under subdivision (b) or (c) of Section 25706, and if the commissioner finds that the applicant would meet the requirements of said subdivisions (b) and (c) if such requirements were applied only with respect to the sale by the applicant of a certain described security or category of securities, then the commissioner may, in his discretion, issue to the applicant a broker's or agent's certificate, as the case may be, conditioned upon his activities as a broker or agent thereunder being limited to the described security or category of securities set forth in such condition.

SEC. 2. Section 25805.5 is added to said code, to read:

25805.5. Notwithstanding the provisions of Section 25805, if the only ground for denial of an investment counsel's certificate falls under subdivision (a) of Section 25805, and if the commissioner finds that the applicant would meet the requirements of said subdivision (a) if such requirements were applied only with respect to the advising by the applicant of others as to the value or advisability of investing in or purchasing a certain described security or category of securities, then the commissioner may, in his discretion, issue to the applicant an investment counsel's certificate conditioned upon his activities thereunder being limited to the described security or category of securities set forth in such condition.

SEC. 3. Section 26104 of said code is amended to read:

26104. Every officer, agent, or employee of any company and every other person, who does any of the following acts is guilty of a public offense punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding five years or in a county jail not exceeding one year, or by both such fine and imprisonment:

(a) Knowingly authorizes, directs, or aids in the issue or sale of, or issues or executes, or sells, or causes or assists in causing to be issued, executed, or sold, any security, in nonconformity with a permit of the commissioner then in effect authorizing such issue, or contrary to the provisions of this division, or of the Constitution of this state.

(b) In any application to the commissioner, or in any proceeding before him, or in any examination, audit, or investigation made by him or his authority, knowingly makes any false statement or representation, or, with knowledge of its falsity, files or causes to be filed in the office of the commissioner any false statement or representation concerning the company or the property which it then holds or proposes to acquire, or concerning its officers or its financial condition or other affairs, or concerning its proposed plan of business, or, with knowledge of the falsity of any such statement or representation, issues, executes, or sells, or causes to be issued, executed, or sold, any security.

(c) Directly or indirectly, knowingly applies, or causes or assists in causing to be applied, the proceeds, or any part

thereof, from the sale of any security to any purpose contrary to the provisions of the permit authorizing the issue of the security, or to any purpose specified in the permit in excess of any amount limited in the permit to be used for that purpose.

(d) With knowledge that any security has been issued or executed in violation of any provision of this division, sells, or offers the security for sale.

(e) Issues, circulates, or publishes, or causes to be issued, circulated, or published, any advertisement, pamphlet, prospectus, or circular concerning any security containing any statement that is false or misleading, or otherwise likely to deceive a reader thereof, with knowledge that it contains such false, misleading, or deceptive statement.

(f) In any respect willfully violates or fails to comply with any provision of this division, or willfully violates or fails, omits, or neglects to obey, observe, or comply with any order, permit, decision, demand, or requirement, or any part or provision thereof, of the commissioner under this division.

(g) With one or more other persons, conspires to violate any permit or order issued by the commissioner or any provision of this division.

(h) Violates any condition set forth in any conditional certificate issued to a broker, agent or investment counsel pursuant to Section 25706.5 or 25805 5.

SEC. 4. Section 26104 of the Corporations Code is amended to read:

26104. Every officer, agent, or employee of any company and every other person, who does any of the following acts is guilty of a public offense punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding 10 years or in a county jail not exceeding one year, or by both such fine and imprisonment:

(a) Knowingly authorizes, directs, or aids in the issue or sale of, or issues or executes, or sells, or causes or assists in causing to be issued, executed, or sold, any security, in nonconformity with a permit of the commissioner then in effect authorizing such issue, or contrary to the provisions of this division, or of the Constitution of this state.

(b) In any application to the commissioner, or in any proceeding before him, or in any examination, audit, or investigation made by him or his authority, knowingly makes any false statement or representation, or, with knowledge of its falsity, files or causes to be filed in the office of the commissioner any false statement or representation concerning the company or the property which it then holds or proposes to acquire, or concerning its officers or its financial condition or other affairs, or concerning its proposed plan of business, or, with knowledge of the falsity of any such statement or representation, issues, executes, or sells, or causes to be issued, executed, or sold, any security.

(c) Directly or indirectly, knowingly applies, or causes or assists in causing to be applied, the proceeds, or any part thereof, from the sale of any security to any purpose contrary to the provisions of the permit authorizing the issue of the security, or to any purpose specified in the permit in excess of any amount limited in the permit to be used for that purpose.

(d) With knowledge that any security has been issued or executed in violation of any provision of this division, sells, or offers the security for sale.

(e) Issues, circulates, or publishes, or causes to be issued, circulated, or published, any advertisement, pamphlet, prospectus, or circular concerning any security containing any statement that is false or misleading, or otherwise likely to deceive a reader thereof, with knowledge that it contains such false, misleading, or deceptive statement.

(f) In any respect willfully violates or fails to comply with any provision of this division, or willfully violates or fails, omits, or neglects to obey, observe, or comply with any order, permit, decision, demand, or requirement, or any part or provision thereof, of the commissioner under this division.

(g) With one or more other persons, conspires to violate any permit or order issued by the commissioner or any provision of this division.

(h) Violates any condition set forth in any conditional certificate issued to a broker, agent or investment counsel pursuant to Section 25706.5 or 25805.5.

SEC. 5. Section 4 of this act shall become operative only if Senate Bill No. 310 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Senate Bill No. 310 takes effect; at which time Section 26104 of the Corporations Code as amended by Section 3 of this act is repealed.

CHAPTER 1350

An act to amend Section 1415 of the Code of Civil Procedure, relating to unclaimed property.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1415 of the Code of Civil Procedure is amended to read:

1415. Whenever any money or other personal property of a value of one thousand dollars ($1,000) or less has heretofore been, or is hereafter, deposited in the State Treasury and the same is subject to being declared escheated to the state or being declared vested in the state as abandoned property, or otherwise, under any laws of this state, in lieu of the procedure

provided for elsewhere in this chapter, the Controller may, from time to time, prepare a return listing such property and give notice thereof in the manner hereinafter provided. Such return shall list each item and show (1) the amount of the property, if money, or a description thereof if other than money; (2) the name of the owner or claimant and his last known address, if known; (3) the name and address of the person delivering the property to the State Treasury, if known but where the property is received from an estate, only the name of the decedent together with the name of the county and the number of the proceeding need be given; (4) the facts and circumstances by virtue of which it is claimed the property has escheated or vested in the state; and (5) such other information as the Controller may desire to include to assist in identifying each item.

When such return has been completed, the Controller shall prepare, date, and attach thereto a notice that the property listed in the return has escheated or vested in the state. Copies of such return and notice shall then be displayed and be open to public inspection during business hours in at least three offices of the Controller, one in the City of Sacramento, one in the City and County of San Francisco, and one in the City of Los Angeles.

The Controller shall then cause notice to be given by publication in one newspaper of general circulation published in the City of Sacramento, and also by publication in one newspaper of general circulation published in the City and County of San Francisco, and also by publication in one newspaper of general circulation published in the City of Los Angeles, at least once each calendar week for four consecutive weeks, that said return and notice that the property listed in the return has escheated or vested in the state has been prepared and is on display and open to public inspection during business hours, giving the addresses and room numbers of the locations where the same may be inspected.

Such publication shall be made within 90 days after attaching the notice to the return. Notice by such publication shall be deemed completed 120 days after attaching the notice to the return.

Within five years after such notice by publication is completed, any person entitled to such property may claim it in the manner provided in Chapter 3 of this title. All persons who fail to make such claim within the time limited are forever barred; saving, however, to infants and persons of unsound mind, the right to appear and claim such property at any time within the time limited, or within one year after their respective disabilities cease.

CHAPTER 1351

An act providing for a study of a comprehensive master plan for control of water pollution in the San Francisco Bay and Sacramento-San Joaquin Delta areas, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 22, 1965.]

The people of the State of California do enact as follows:

SECTION 1. As used in this act, the term San Francisco Bay-delta area includes San Francisco, San Pablo, and Suisun Bays, and their watersheds, the Sacramento-San Joaquin Delta, and all channels lying therein.

SEC. 2. The Legislature hereby declares that the people of the State of California have a primary interest in the correction and prevention of irreparable damage to or unreasonable impairment of the uses of the waters of the San Francisco Bay-delta area caused by drainage and waste water discharges, and by other activities that may contribute to the contamination and pollution of such waters.

SEC. 3. To protect the quality of the San Francisco Bay-delta area waters for the present and future beneficial uses thereof, the State Water Quality Control Board, in cooperation with the San Francisco Bay, Central Coastal, North Coastal, and Central Valley Regional Water Pollution Control Boards, and the Departments of Public Health, Fish and Game, and Water Resources, is authorized and directed to make a comprehensive study of the effects of waste and drainage water discharges into the waters of the San Francisco Bay-delta area and to develop the basic features of a comprehensive plan for the control of water pollution, including a system for the collection, reclamation, treatment, and disposal of waste and drainage water discharges in and to the waters of the San Francisco Bay-delta area in the most effective and economic manner. In development of such comprehensive plan the board shall study any adjacent coastal waters which might be affected by any plans under investigation as well as those drainage areas which, although physically outside the San Francisco Bay-delta area, are found to be so near proposed facilities as to logically warrant inclusion in the comprehensive system. The board shall also study any discharges of drainage and waste waters originating outside the San Francisco Bay-delta area which may adversely affect the quality of the waters of the area and shall provide for the mitigation of such adverse effects insofar as possible.

In conducting the investigation and study, the State Water Quality Control Board shall consider, among other matters, and without limitation as to the generality thereof, the physical and economic effects of existing and proposed water development projects of federal, state and local agencies, and of

authorized and prospective drainage projects of whatever nature upon the waters of the San Francisco Bay-delta area, the feasibility of reclaiming drainage waters from such projects, the future population growth and economic development in the area and in areas tributary thereto, the effects of existing and proposed projects for the filling and reclamation of waterfront lands upon the waste assimilative capacity of the waters of the San Francisco Bay-delta area, the possibilities of reclamation and reuse of waste waters and drainage water from such projects, and the feasibility of flow augmentation through managed releases from upstream reservoirs as an aid to quality maintenance.

The intention of the Legislature is that the State Water Quality Control Board shall conduct the study so as to determine the need for and the feasibility of a comprehensive multiple purpose waste collection and disposal system serving the entire San Francisco Bay-delta area, as well as other measures for maintenance of the quality of the waters of such area at proper levels for the beneficial uses to be made thereof, including, but not necessarily limited to, municipal, industrial and agricultural water supplies, fish and wildlife, recreation and navigation. It is the further intention of the Legislature that the comprehensive plan for control of water pollution shall be consistent with any master land use and development plans prepared for the San Francisco Bay-delta area by the proposed San Francisco Bay Conservation and Development Commission.

SEC. 4. The State Water Quality Control Board may contract with such state, federal or local public agencies or private agencies or entities, as it deems necessary for the rendition and affording of such management and technical services, facilities, studies, and reports as will best assist it to carry out the purposes of this act.

SEC. 5. The State Water Quality Control Board, in conducting the San Francisco Bay-delta area study, is directed to call on the advice, counsel, and guidance, and participation of appropriate local, state, and federal agencies. The board shall, to the fullest practicable extent, cooperate and coordinate its work with all agencies undertaking planning and technical investigations pertinent to this study. The State Water Quality Control Board is directed to coordinate its study and, in order to avoid duplication of work, shall make maximum use of data and information available from state agencies, federal agencies, including but not limited to the U.S. Public Health Service and the U.S. Corps of Engineers, the planning programs of the Association of Bay Area Governments, the cities and counties of the San Francisco Bay-delta area, and other public and private agencies within the San Francisco Bay-delta area and the Central Valley and the studies by the proposed San Francisco Bay Conservation and Development Commission.

The board is further directed to encourage agencies of local government to undertake studies of local waste disposal problems which can be integrated into the master plan. For the purpose of assisting the board in the establishment and execution of the San Francisco Bay-delta area study provided for in Section 3, there is hereby established a steering committee which is composed of the following members or their designated alternates:

(a) The Chairman of the State Water Quality Control Board, who shall serve as chairman.

(b) The Chairman of the California Water Commission.

(c) The Chairman of the San Francisco Bay Conservation and Development Commission.

(d) A member of the State Reclamation Board designated by the board.

(e) The Chairman of the San Francisco Bay Regional Water Pollution Control Board.

(f) The Chairman of the Central Coastal Regional Water Pollution Control Board.

(g) The Chairman of the North Coastal Regional Water Pollution Control Board.

(h) The Chairman of the Central Valley Regional Water Pollution Control Board.

(i) The Chairman of the Association of Bay Area Governments.

(j) The Director of Water Resources.

(k) The Director of Public Health.

(*l*) The Director of Fish and Game.

(m) The Director of Parks and Recreation

(n) The Administrator of the Resources Agency.

(o) The Administrator of the Health and Welfare Agency

The Chairman of the Senate Factfinding Committee on Water Resources and the Chairman of the Assembly Interim Committee on Water shall meet with the committee and participate in its activities to the extent that such participation is not incompatible with their respective positions as Members of the Legislature.

For the purposes of this act the Members of the Legislature shall be considered a joint committee of the two houses of the Legislature and constitute an investigating committee on the subject of this act; and, as such, shall have the powers and duties imposed on such a committee by the Joint Rules of the Senate and Assembly and, in accordance with those rules, shall be allowed, out of the Contingent Funds of the Senate and the Assembly, their expenses incurred for mileage and other purposes in the exercise or performance of such powers or duties.

To assist the State Water Quality Control Board in coordinating its study program with the activities of other agencies, there is hereby established a technical coordinating committee which is composed of the following members or their designated alternates:

(a) The executive officer of the State Water Quality Control Board, who shall serve as chairman.

(b) The executive officers of the San Francisco Bay, Central Coastal, North Coastal, and Central Valley Regional Water Pollution Control Boards.

(c) The Executive Director of the San Francisco Bay Conservation and Development Commission.

(d) The Executive Director of the Association of Bay Area Governments.

(e) One representative each from the Departments of Water Resources, Public Health, Fish and Game, Conservation, and Parks and Recreation.

(f) The Director of the Water Resources Center of the University of California.

(g) The Chief Engineer of the State Reclamation Board.

(h) One representative of municipalities, one representative of county government, one representative of water or sanitation districts, and one representative of private industry from within the San Francisco Bay-delta area, appointed by the Governor.

(i) The United States Department of Health, Education, and Welfare, the United States Soil Conservation Service, the United States Corps of Engineers, the United States Fish and Wildlife Service, the United States Bureau of Reclamation, and the United States Geological Survey shall each be invited to appoint a representative to attend and participate in meetings of the technical coordinating committee. Such federal representatives shall have all the privileges of membership and shall be considered members of the committee.

SEC. 6. The Departments of Water Resources, Public Health, Fish and Game, and Conservation shall provide, under service agreement, such staff assistance as the State Water Quality Control Board may require to properly administer the San Francisco Bay-delta area study.

SEC. 7. The State Water Quality Control Board shall appoint consultants in the fields of water quality, pollution control, waste disposal and water supply, and regional planning. The consultants shall advise and recommend to the board concerning the following matters:

(a) The identification of waste disposal studies now underway and the review of data being collected that relates to water.

(b) Preparation of a detailed plan for conduct of the study.

(c) The selection and contacting of those agencies, public and private, which are to participate in the study.

(d) The direction, management and supervision of conduct of the study and preparation of the reports on the study by the participating agencies.

(e) The submission of the required reports to the board.

SEC. 8. On or before the fifth legislative day of 1966 Regular (Budget) Session, the State Water Quality Control Board shall submit to the Legislature a preliminary report

setting forth the detailed scope of the San Francisco Bay-delta area study, including the alternatives to be investigated, the work program to accomplish the study, and the estimated cost thereof.

SEC. 9. On or before the fifth legislative day of the 1967 Regular Session, the State Water Quality Control Board shall submit to the Legislature a progress report indicating the status of the investigation to date.

SEC. 10. The State Water Quality Control Board shall submit a report on the San Francisco Bay-delta area study to the Legislature on or before the fifth legislative day of 1969 Regular (Budget) Session. The report shall include, but is not necessarily limited to, the following:

(a) Recommendations for regional waste collection, treatment and disposal system and other means of maintaining proper quality levels for the water concerned, which will provide guidelines for the systematic development of a comprehensive pollution control program.

(b) Overall cost estimates for the construction and operation of the recommended plan.

(c) Recommendations for the form of governmental entity or authority which would be best able to further develop and implement a comprehensive water pollution control plan and program.

(d) Recommendations as to the equitable apportionment of cost of development, construction and operation among the various beneficiaries of the plan.

(e) Recommendations as to the schedule for staged development of the various phases of the comprehensive plan.

(f) Delineation of the major subject areas, with estimates of cost, for additional studies which are considered essential to the further development of a regional, comprehensive water pollution control plan in the San Francisco Bay-delta area.

SEC. 11. Before completion of the reports required by Sections 8 and 9 of this act, the State Water Quality Control Board and the California Water Commission shall jointly hold at least three public hearings in both the areas of the receiving waters and the sources of drainage discharge. In formulating its final recommendations for these reports, the State Water Quality Control Board shall give full consideration to the views of the California Water Commission and the recommendations of said commission shall be transmitted to the Legislature as a part of said reports

SEC. 12. This act shall be known and may be cited as the Water Pollution Control Law of 1965.

SEC. 13. There is hereby appropriated for the purposes of this act one hundred seventy thousand dollars ($170,000), of which one hundred thousand dollars ($100,000) is from the General Fund and seventy thousand dollars ($70,000) is from any funds allocated to California pursuant to Public Law 660, 84th Congress.

SEC. 14. This act is an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The waters of the San Francisco Bay-delta area are in danger of serious contamination from present and proposed discharges of drainage and other waste waters. It is essential to the public health, safety and welfare that a study of means of protecting the quality of said waters be undertaken without delay.

CHAPTER 1352

An act to amend Section 25260 of the Vehicle Code, relating to warning lights.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 25260 of the Vehicle Code is amended to read:

25260. Public utility vehicles, and vehicles of duly authorized representatives of a public utility, actually engaged in the construction, removal, maintenance or inspection of public utility facilities, including the cutting or trimming of trees immediately adjacent thereto, may display flashing amber warning lights to the front, sides or rear when necessarily parked on a highway or when moving at a speed slower than the normal flow of traffic.

CHAPTER 1353

An act to amend Section 36 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes 1949), relating to the establishment, government, operation and financing of a zone in Pleasanton or Murray Townships.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 36 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275, Statutes 1949) is amended to read:

Sec. 36. Notwithstanding any other provisions of this act, the following shall apply with respect to the establishment, government, operation and financing of any zone lying wholly or in part in Pleasanton or Murray Townships:

1. The board of supervisors shall have no authority to proceed with the establishment of any zone lying wholly or in part in Pleasanton or Murray Townships without first obtaining the approval thereof by a vote of a majority of the qualified electors voting at a regular or special election on said proposition; said election shall in all particulars be held, as nearly as practicable, in conformity with the general election laws of the state, and the cost thereof shall be reimbursed to the district if a zone is established.

2. Any zone established by the board of supervisors under the provisions of this act lying wholly or in part in Pleasanton or Murray Townships, shall be governed and controlled by a board of seven (7) directors elected by the qualified electors residing within the boundaries of said zone. The first members of said board shall be elected at the election called by the board of supervisors upon the proposition for establishment of said zone.

The term of directors shall be four years from and after their election commencing with the election of three directors in 1960 and four directors in 1962. Elections for directors shall be consolidated with the direct primary election in each even-numbered year and shall be called by proclamation of the board of supervisors of the county, issued in the manner specified in Section 1005 of the Elections Code. Terms of office shall commence July 1st of the year in which elected.

The term of office of the two directors whose present terms expire in 1961 are hereby extended to 1962, at which time said two offices shall be filled by election together with the two offices whose terms expire in 1962 under the provisions of this section as it read as amended by Chapter 20 of the Statutes of 1957.

Vacancies in the membership of a board shall be filled for the unexpired term by appointment by a majority of the remaining members of the board. Every voter resident within the zone for the period requisite to enable him to vote at the direct primary is entitled to vote at zone elections. Polling places and election officers shall be the same as provided for in the direct primary elections.

The name of the candidate shall be printed on the ballot when a nominating petition and declaration of acceptance have been filed with the county clerk. Each nominating petition shall be signed by not less than 5 nor more than 20 persons each of whom meets the qualifications hereinafter set forth. Each nominating petition and declaration of acceptance shall be in substantially the following respective forms:

NOMINATING PETITION AND DECLARATION OF ACCEPTANCE

State of California }
County of Alameda } ss

I (or we) the undersigned certify that I join in a petition for the nomination of _____ for the office of Director of

Ward ___ (or at large) of Zone 7 of the Alameda County Flood Control and Water Conservation District to be voted for at the election on the _ day of _____, 19___. I am a qualified elector, residing in the zone. I am not at this time a signer of any other petition nominating any other candidate for the office, or in case there are several places to be filled in the same office I have not signed more petitions than there are places to be filled in the office.

(Signed) _____

State of California)
County of Alameda)ss

_____ being first duly sworn deposes and says: That he is one of the persons who signed the foregoing petition and that the signatures are the signatures of the persons whose names they purport to be.

State of California)
County of Alameda)ss

I hereby accept the nomination as a candidate for the office of Board of Directors of Ward ___ (or, at large) of Zone 7 of the Alameda County Flood Control and Water Conservation District to be voted for at the primary election to be held _____, 19___, and if nominated I will not withdraw and will qualify for the office if elected.

(Signed) _____

The nominating petition may be upon one or more sheets of paper.

Each petition shall contain the name of only one candidate.

Each signer shall be a qualified elector, residing in the zone, and shall not at the time of the signing have his name signed to any other petition for any other candidate for the same office, nor in case there are several places to be filled in the same office, signed to more petitions for that office than there are places to be filled for that office.

Each nominating petition shall be verified under oath of one of the signers that the signatures are the signatures of the persons whose names they purport to be.

A nominating petition shall be presented to the county clerk not more than 90 nor less than 60 days before the election.

If, on the 60th day prior to the day fixed for the zone election, only one person has been nominated for each office of member of the board of directors or no one has been nominated for one or more of such offices, and if on the 50th day prior to the day fixed for the election a petition signed by 5 percent of the qualified electors in the zone, requesting that the election be held, has not been presented to the board of directors of the zone, said board of directors shall by resolution entered in their minutes order that an election shall not be held, and

shall immediately request that the board of supervisors of the county appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a zone election.

In such instances notices shall be posted in three public places in the zone at least 10 days before the date fixed for the election, which notices shall state that no election is to be held and that the board of supervisors will appoint, or has appointed, a member or members of the board of directors to serve for the ensuing term.

When a petition is presented for filing the county clerk shall forthwith examine it and ascertain whether or not it conforms to this section.

If found not sufficient it shall be returned to the person who presented it.

The county clerk shall cause the ballots to be printed and they shall contain the names of the candidates whose petitions have been filed as provided in this section.

The directors shall be elected at large and, except as provided herein, the election of said directors shall be conducted in substantially the same manner as provided by state law for direct primary elections.

The directors must be residents of the proposed zone and qualified electors and owners of real property therein.

The board of directors may authorize each director to receive compensation not exceeding twenty-five dollars ($25) for each meeting of the board attended by him, not exceeding two (2) meetings in any calendar month, and his actual and necessary expenses incurred in performance of official duties under this act, payable from the funds of said zone.

3 The board of directors of any zone in which directors have been elected as provided in this act shall have the power to make and enforce all needful rules and regulations for the administration and government of the zone and the zone board may in its discretion appoint a chairman, a secretary and such other officers, agents and employees for the zone board or zone as in its judgment may be deemed necessary, prescribe their duties and fix their compensation. Such officers, agents and employees shall be appointed under and pursuant to the civil service rules and regulations of the County of Alameda; provided, however, that the chairman and secretary of the board, and experts, consultants or technical or other advisers for particular purposes and laborers, employed for a temporary period, may be appointed by the zone board without reference to any classified civil service list.

4. If any of the reports, supplementary reports, additional reports or recommendations provided for in Section 9 of this act relate to projects or work in any zone in which a zone

board of directors has been elected as provided in this act, full and complete copies thereof shall be filed with the zone board immediately upon the filing of such with the board of supervisors.

5. If, under the provisions of Section 10 of this act, the board finds that any project or work of improvement is in whole or in part for the benefit of any zone in which a board of directors has been elected, the approval or concurrence of the zone board shall be obtained before any final determination is made to proceed with such project or work of improvement.

6. No proceeding shall be commenced or taken by the board under Sections 11, 12.1, or 12.2 of this act for the institution of any project or work of improvement or the establishment of any improvement district in whole or in part in any zone in which a board of directors has been elected, until the board has first received the approval or concurrence of said zone board to the institution of said project or work of improvement or the establishment of any special benefit, drainage, or improvement area or district.

7. In any zone in which a board of directors has been elected, the tax or assessment for any purpose or purposes, other than administrative costs and expenses of the district, shall be based upon a budget or budgets prepared by, or under the direction of, the zone board of directors.

The taxes and assessments (other than the tax to pay the general administrative costs and expenses of the district and other than any taxes, assessments, or fees levied for improvement districts or pursuant to Sections 12.1, 12.2 and Section 16 hereof to pay bonds and interest thereon) levied by the board pursuant to Section 12 of this act upon any property in any zone lying wholly or in part in Pleasanton or Murray Townships shall not exceed in the aggregate the sum of fifteen cents ($0.15) on each one hundred dollars ($100) of assessed valuation unless a larger tax has been approved by a vote of not less than two-thirds ($\frac{2}{3}$) of the qualified electors voting upon the proposition to increase such tax.

Notwithstanding any other provisions of this section, taxes and assessments may be levied by the board after approval by the zone board, pursuant to Sections 12 or 12.1 of this act, upon any property in the zone for the purpose of making payments to the State of California for the construction, maintenance, repair, operation and all other costs of the zone's prorated share of state water facilities.

8. No preceeding shall be commenced or taken by the board under Section 13 of this act for the incurring of a bonded indebtedness to pay the cost of any work or improvement in any zone in which a board of directors has been elected, until the board has first received the approval or concurrence of said zone board to the incurring of such bonded indebtedness.

The amount of bonded indebtedness outstanding at any time shall not exceed five percent (5%) of the assessed valuation of all taxable property in any zone lying wholly or in part in Pleasanton or Murray Townships.

CHAPTER 1354

An act to amend Section 499b of the Penal Code, relating to theft.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 499b of the Penal Code is amended to read:

499b. Any person who shall, without the permission of the owner thereof, take any automobile, bicycle, motorcycle, or other vehicle or motorboat or vessel, for the purpose of temporarily using or operating the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding two hundred dollars ($200), or by imprisonment not exceeding three months, or by both such fine and imprisonment.

CHAPTER 1355

An act to amend Section 5554 of the Public Resources Code, relating to regional park districts.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 5554 of the Public Resources Code is amended to read:

5554. The board, at its first meeting following the end of its fiscal year, shall cause to be rendered no later than 90 days after such meeting and to be published at least once, in a newspaper of general circulation printed and published in the district, a verified certified public accountant's audit of the financial condition of the district, showing particularly the receipts and disbursements of the last preceding year, together with the source of the receipts and the purpose of the disbursements.

CHAPTER 1356

An act to add Section 13723.3 to the Education Code, relating to the placement of disabled employees in the classified services of merit system school districts.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 13723.3 is added to the Education Code, to read:

13723.3. A regular employee who is determined by the governing board to be incapable of performing the duties of his class because of illness or injury may, at the discretion of the governing board, be assigned duties which he is capable of performing. The position to which he is assigned shall be subject to classification by the personnel commission, but the employee shall receive no increase in wage or salary because of his assignment to the position unless he is appointed from an eligibility list resulting from a competitive examination. In the event that the position is classified and allocated to a higher wage or salary than that previously attained by the employee, he may be assigned to the position without competitive examination, but shall continue to receive the wage or salary of his former classification. If the position is classified and allocated to a lower wage or salary than that attained by the employee, he shall be paid the wage or salary appropriate to the position.

CHAPTER 1357

An act to amend Section 25259 of the Vehicle Code, relating to emergency vehicles.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 25259 of the Vehicle Code is amended to read:

25259. Any authorized emergency vehicle may display flashing amber warning lights to the front, sides or rear. A vehicle operated by a police or traffic officer while in the actual performance of his duties as such officer may be equipped with top-mounted lamps emitting white light to either side and may also display to the rear of the vehicle a light of distinctive color, which color has been approved by the department.

CHAPTER 1358

An act to amend Section 5558 of the Business and Professions Code, relating to building designers

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 5558 of the Business and Professions Code is amended to read:

5558. (a) Any person who has practiced as a building designer in this state for a period of three years or more prior to September 20, 1963 may apply to the Designers' Qualifications Advisory Committee for certification to the board for registration as a building designer as provided in this section.

(b) Such person shall have the following qualifications:

(1) He shall be a resident of this state, at least 24 years of age and shall be of good character.

(2) He shall have been engaged in the actual practice of building design, as defined in this chapter, as a principal activity, for not less than five years immediately prior to September 20, 1963. The following experience and education shall be considered as five years in the actual practice of building design:

(i) Three years as a principal in independent practice in California as a building designer plus two years' employment with an architect or building designer; or

(ii) Five years of independent practice as a building designer, not less than three years of which have been in this state; or

(iii) Three years of independent practice as a building designer in this state plus two years of educational experience acceptable to the committee; or

(iv) Comparable experience which in the opinion of the committee shall be deemed equivalent to five years in the practice of building design.

(c) Such person shall furnish evidence of qualification as required in subdivision (b) of this section, consisting of not less than the following:

(1) Copies of two or more separate agreements, properly executed between the applicant and the owner or owners of two or more buildings, or affidavits from the owner or owners of such buildings, for which buildings the applicant has furnished the services of planning, design, and supervision of construction, and for which building permits have been issued by local authorities in accord with local building ordinances. Said agreements or affidavits shall show that the applicant has been employed, engaged, or commissioned to perform, and has been compensated for, such building design services.

(2) Photographs of the buildings described in paragraph (1) of subdivision (c) of this section, and prints of drawings

and copies of specifications prepared by the applicant in accordance with the terms of agreement or employment.

(d) He shall pay the application fee provided by this chapter.

(e) Any person who satisfies the Designers' Qualifications Advisory Committee by evidence submitted to the committee of his compliance with subdivisions (b) and (c) of this section shall be certified by the committee to the board for registration as a building designer and the board shall register such person as a building designer upon the payment of the registration fee provided by this chapter.

(f) In the event the Designers' Qualifications Advisory Committee refuses to certify to the board any applicant for registration as a building designer, the applicant may appeal to the board within six months for review of the committee's decision.

(g) If the committee finds that an applicant has had eight years or more of practice as a principal in the field of building design and has demonstrated his competence in architecture, the committee may recommend to the board that the applicant is qualified to practice architecture in this state and recommend that portions of the examination for a certificate to practice architecture be waived by the board. Upon such recommendation by the committee, the board may require that further evidence shall be submitted to it as needed to demonstrate a standard of competency similar to that required of any applicant for certification. The board shall determine whether the applicant shall take and satisfactorily pass any portion of the examination for a certificate to practice architecture. All applicants shall be examined in structural design. In the event the committee refuses to issue the recommendation provided by this subdivision, the applicant may appeal to the board within six months for review of the decision of the committee. This subdivision shall remain in effect until December 31, 1971, and shall have no force or effect after that date. The Designers' Qualifications Advisory Committee shall cease to exist on June 30, 1972.

(h) All applications for registration as a building designer shall be filed within 180 days of September 20, 1963, provided that the committee and board may act after the expiration of such 180 days on applications filed with the committee on or before such date. No registration to practice building design shall be filed unless the application therefor has been filed with the committee within 180 days after September 20, 1963, except as follows:

The Designers Qualifications Advisory Committee shall consider and act on applications for registration as building designer of persons who comply with all of the following conditions: (i) that there is filed with the board or committee a written request for consideration of an applicant for registration as a building designer prior to June 1, 1965; (ii) the failure to file an application for registration as a building designer within

180 days after September 20, 1963 was caused by circumstances beyond the control of the applicant and through no fault of the applicant; and (iii) the applicant appears to meet the qualifications for building designer as provided by this section. Any person who satisfies the Designers Qualifications Advisory Committee by evidence submitted to the committee of his compliance with all of such conditions and of his compliance with subdivisions (b) and (c) of this section shall be certified by the committee to the board for registration as a building designer as provided by subdivision (e) of this section.

(i) Any registrant to practice building design shall apply to the committee at least once prior to January 1, 1972, for recommendation to the board that he be issued a certificate to practice architecture. Upon making such application, he shall furnish such evidence as the board by rule and regulation and the committee shall require to indicate that he is qualified to practice architecture in this state. The committee and the board shall act on such application as provided in subdivision (g) of this section. In the event the committee refuses to recommend that such registrant to practice building design be issued a certificate to practice architecture, such holder may appeal to the board for review of the committee's decision within six months of such refusal.

CHAPTER 1359

An act to add Section 574 to the Agricultural Code, relating to frozen dairy products.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 574 is added to the Agricultural Code, to read:

574. All products defined in Sections 560 to 573, inclusive, shall be advertised and labeled in accordance with regulations promulgated by the director.

CHAPTER 1360

An act to add Article 3 (commencing with Section 6991) to Chapter 10.5 of Division 6 of the Education Code, relating to educational aides for deaf students.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Article 3 (commencing with Section 6991) is added to Chapter 10.5 of Division 6 of the Education Code, to read:

Article 3. Educational Aides for Deaf Students

6991. The Department of Rehabilitation shall administer a pilot program under which full-time students who are deaf or hard of hearing and who are clients of the department may be provided with the assistance of persons who shall be known as educational aides. The program shall be conducted at such campuses of the University of California, the state colleges, and junior colleges as shall be selected by the department. The program shall be conducted in cooperation with the Regents of the University of California, the Trustees of the California State Colleges and the governing boards of the participating junior college districts.

6992. A deaf or hard-of-hearing student at any of the institutions selected by the department to participate in the pilot program may, with the approval of the department, engage a person to serve him as an educational aide. Any person engaged as an educational aide shall possess the qualifications prescribed by the department and he may be compensated for his services at a rate not to exceed two dollars and fifty cents ($2.50) per hour. Any deaf student whose engagement of an educational aide has been approved by the department shall be reimbursed by the department in the amount necessary to pay the compensation of his educational aide.

6993. The director shall report to the Legislature at its 1967 Regular Session regarding the effectiveness of the pilot program, such report to contain his recommendations for expansion or extension of the program.

6994. An educational aide may provide any or all of the following services for a deaf or hard-of-hearing student:

(a) He may take notes in lecture classes.

(b) He may provide manual or visual interpretation of the content of any class in which a deaf student is enrolled.

(c) He may assist in transcribing tape recorded notes.

(d) He may, within his capabilities, counsel a deaf student on academic problems.

(e) He may serve as an interpreter for a deaf student in conversations with instructors and academic officials.

SEC. 2. The provisions of this act shall terminate on June 30, 1967.

CHAPTER 1361

An act to add Section 32129.5 to the Health and Safety Code, relating to hospital districts.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 32129.5 is added to the Health and Safety Code, to read:

32129 5. Notwithstanding any provision of Section 32129, as it now reads or may be amended to read by any legislation enacted at the 1965 Regular Session of the Legislature, the board of directors of a hospital district may contract with a physician and surgeon for the rendering of professional services in the hospital, for the purpose of assuring that a physician and surgeon will be on duty in an outpatient emergency department maintained by the hospital, on such basis as does not result in any profit or gain to the district from the professional services of such physician and surgeon.

CHAPTER 1362

An act to add Section 5628.1 to the Streets and Highways Code, relating to improvement acts.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 5628.1 is added to the Streets and Highways Code, to read:

5628.1. As an alternative to the provisions contained in this article for the collection of assessments, the legislative body, after confirmation of the report of the Superintendent of Streets, may in hardship cases enter into an agreement for monthly or annual payment of the assessment, provided such agreement shall not extend for a period of more than three years.

CHAPTER 1363

An act to repeal Section 690.12 of the Code of Civil Procedure, relating to incorporated homestead associations.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 690.12 of the Code of Civil Procedure is repealed.

CHAPTER 1364

An act to amend Section 32100.1 of the Health and Safety Code, relating to hospital districts.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 32100.1 of the Health and Safety Code is amended to read:

32100.1. A petition for election of directors by zones may be signed and filed with the board of directors by registered voters residing within a local hospital district, equal in number to at least 15 percent of the number of votes cast in that district for the office of Governor at the last preceding election at which a Governor was elected. Upon receipt of this petition the board of directors shall, by resolution, divide the local hospital district into five zones and number the zones consecutively from 1 to 5. In establishing these zones the board of directors shall provide for representation in accordance with population and geographic factors of the entire area of the local hospital district. The board of directors shall fix the time and place for a hearing on the proposed establishment of zones At this hearing any elector of the district may present his views and plans in relation to the proposed zoning, but the board of directors shall not be bound thereby and their decision, in the resolution adopted, shall be final.

After the hearing and final determination by the board of directors the board shall then prepare a measure to be printed on the ballots used at the next general hospital district election, or at a special election to be held for that purpose. The measure shall be printed on the ballots substantially as follows:

"Shall members of the board of directors be elected by zones, as described in the resolution of the board of directors dated _____?", with the words "Yes" and "No" so printed in connection therewith that the voters may express their choice.

The returns of such election shall be canvassed and declared as at other general hospital district elections, and if it appears that a majority of the votes cast in such election are in favor of said measure the board of directors shall by resolution declare the zones established and shall describe the boundaries of the zones. At the expiration of the terms of office of the members of the board of directors then in office, and thereafter, such members of the board of directors shall be elected by zones. If, at the expiration of said terms of office, three members of the board of directors are to be elected, those three members shall be elected from the zones designated by odd numbers; if two members are to be elected, those two members shall be elected from zones designated by even numbers.

One member of the board of directors shall be elected by the electors of each of the zones. No person shall be eligible to hold the office of member of the board of directors unless he shall have resided in the zone from which he is elected for 90 days next preceding the date of the election.

The formation of a local hospital district may provide for the election of members of the board of directors by zones as above provided for by substantially including in the petition for formation the provisions hereinabove required to be included in such measure, in which event it shall not be necessary to hold the election above provided for, and the members of the board of directors shall be elected from the zones as described in said petition, except that the first board of directors shall be appointed, upon the formation of the district, by the board of supervisors of the county in which the land or a greater part of the land in the district is situated. One member shall be appointed from each zone.

The terms of the members of the first board of directors appointed under the provisions of this section shall be determined as follows:

The members appointed from the zones designated by odd numbers in the petition shall hold office for four years and the members appointed from the zones designated by even numbers in the petition shall hold office for two years. Thereafter, the term of office for all members shall be four years.

Any vacancy upon the board shall be filled by appointment by the remaining members of the board, from the zone left unrepresented on the board of directors Any person appointed to fill such vacancy shall hold office for the unexpired term.

CHAPTER 1365

An act to amend Section 7026 of the Education Code and to add Section 7000.1 to the Welfare and Institutions Code, relating to rehabilitation.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 7026 of the Education Code is amended to read:

7026. The department may utilize funds made available from appropriations by Congress, by gifts or grants from private sources or by state appropriations, or both, or by transfer of funds from other state departments subject to usual budgetary controls for the purpose of establishing and operating workshops, halfway houses, resident centers, or other rehabilitation facilities, or of cooperating with other public or private agencies for this purpose.

SEC. 2. Section 7000.1 is added to the Welfare and Institutions Code, to read:

7000.1. The Department of Rehabilitation may establish residential rehabilitation centers for the mentally retarded in such locations in the state as are deemed necessary. Residential rehabilitation centers established under this section will be developed to serve the mentally retarded who do not need intensive medical and psychiatric care but who do require a protected living environment. The goal of the resident rehabilitation centers will be to develop mentally retarded individuals being served to the maximum level of physical, psychological, social, and vocational functioning of which they are capable, and to provide a protected living environment as long as they require it. The resources and services of these centers may also be made available to retarded individuals living in the community who do not require residential care.

This article does not authorize the care, treatment, or supervision or any control over any mentally retarded person without the written consent of his parent or guardian.

CHAPTER 1366

An act to amend Section 28112 of the Government Code, relating to county officers.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 28112 of the Government Code is amended to read:

28112. In a county of the 12th class the following shall receive as full compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand six hundred dollars ($9,600) a year.

(b) The district attorney, nineteen thousand five hundred dollars ($19,500) a year and actual traveling expenses while away from his office on county business. He shall hold no other county office.

(c) Each supervisor, ten thousand five hundred dollars ($10,500) a year, and his actual traveling expenses from his residence to the place of meeting of the board at the county seat when attending board meetings and the necessary actual expenses incurred by him while engaged in county business. Each supervisor shall be available for the performance of the duties of his office at all times during county business hours. Each supervisor shall spend one day in each week, other than the day the board is officially in session, at the office of the board in the county courthouse. The particular day which each

supervisor shall be on duty shall be determined by unanimous agreement of the board, or if they do not agree then by lot, so that a supervisor will be on duty on Tuesday, Wednesday, Thursday, and Friday of each week.

(d) For acting as a grand juror, each juror shall be paid for each day's attendance upon regularly called grand jury meetings, committee meetings, or when appointed by the foreman of the grand jury to make individual investigations, six dollars ($6) a day and ten cents ($0 10) for each mile actually traveled in the performance of such duties, together with other actual and necessary expenses. No mileage shall be allowed for traveling outside of the county.

Trial jurors in the superior court, municipal court and justice courts shall receive for each day's required attendance in court, five dollars ($5), and eight cents ($0.08) for each mile from their residence to and from the place where the court is held, to be allowed only for each day the jurors are required to and do attend.

CHAPTER 1367

An act to amend Section 13100 of the Fish and Game Code, relating to fish and game.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 13100 of the Fish and Game Code is amended to read:

13100. The one-half of the amounts paid to the county treasurer pursuant to Section 13003 shall be deposited in a county fish and game propagation fund and expended for the propagation and conservation of fish and game, or both, within the county, under the direction of the board of supervisors. The board of supervisors may also expend such funds for educational and youth activities relating to fish and game.

CHAPTER 1368

An act to amend Section 15957 of the Education Code, relating to school district contracts.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 15957 of the Education Code is amended to read:

15957. In each school district, the governing board may make repairs, alterations or additions to school buildings, repair or build apparatus or equipment, make improvements on the school grounds, and erect new buildings by day's labor, or by force account, whenever the total cost of labor on the job does not exceed two thousand dollars ($2,000), provided that in any school district situated wholly or partly within a city containing a population of over 1,900,000 according to the 1950 federal census, the governing board may, in addition, make repairs to school buildings, grounds, apparatus, or equipment by day's labor or by force account whenever the total cost of labor on the job does not exceed three thousand dollars ($3,000).

CHAPTER 1369

An act to amend Section 1197.1 of the Code of Civil Procedure, relating to mechanics' liens.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 1197.1 of the Code of Civil Procedure is amended to read:

1197.1. (a) No action to enforce the payment of any claim, notice of which may be given pursuant to Article 2, shall be commenced against the owner, nor against the state or any public board, commission, or officer thereof, nor against any political subdivision of the state or the disbursing officer thereof whose duty it is to make payments under provisions of such contract, prior to the expiration of the period within which claims of lien must be filed for record, as prescribed by Section 1193.1 of this code, nor shall any such suit be commenced later than 90 days following the expiration of such period, except that if the claim arises out of a work of improvement that is subject to acceptance by a city, county, or other local governmental agency, then suit shall be commenced not less than 90 days nor more than 180 days after the last delivery of materials or performance of work. No money or bond shall be withheld by reason of any such notice as is prescribed by Article 2 longer than said 90 days following the expiration of such period unless proceedings be commenced in a proper court within that time by the claimant to enforce his claim; and in case such proceedings be so commenced but be not prosecuted to trial within two years after the commencement thereof, the court may in its discretion dismiss the same for want of prosecution; and in all cases upon the dismissal of such proceedings, unless it be expressly stated that the same is without prejudice, or upon a judgment rendered therein against the claimant, or upon the termination

of said 90 days above provided if such proceedings have not been commenced, such notice shall cease to be effective and the moneys or bonds withheld shall be paid or delivered to the contractor or other person to whom they are due.

(b) Notice of such proceedings shall be given or filed within five days after the commencement thereof to the same persons and in the same manner as provided in Article 2 of this chapter with respect to notice of claim.

(c) Any number of persons who have given such notices may join in the same action and when separate actions are commenced the court first acquiring jurisdiction may consolidate them.

(d) Upon the demand of the owner the court shall require all claimants to the moneys withheld by the owner in response to such notices to be impleaded in said action, to the end that the respective rights of all parties may be adjudicated and settled therein.

CHAPTER 1370

An act to add Section 23601.7 to the Education Code, relating to California State Colleges.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 23601.7 is added to the Education Code, to read:

23601.7. There is hereby established a state college in San Mateo-Santa Clara Counties. The college shall be included in the California State Colleges.

The state college established by this section shall commence construction only upon resolution of the trustees, approved by the Coordinating Council for Higher Education.

SEC. 2. It is the intention of the Legislature in enacting this act to authorize or approve the establishment of a state college in San Mateo-Santa Clara Counties so as to permit the proceeds of bonds authorized to be issued under the "State Construction Program Bond Act of 1964" (Stats. 1964 (1st Ex. Sess.) Ch. 143), when appropriated pursuant to Section 7 of such act, to be used for the acquisition of a site for that state college.

CHAPTER 1371

An act to amend Sections 253, 302, 312, 318, 329, 346, 357, 378, 406, 422, 425, 428, 437, 438, 441, 458, 468, 480, 517, 537, 538, 544, 580 and 620 of, and to add Sections 361.1, 361.2, 559 and 562 to, the Streets and Highways Code, relating to state highways.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 253 of the Streets and Highways Code is amended to read:

253. The California freeway and expressway system is hereby established and shall be composed of the following highways:

Routes 5, 6, 7, 8, 10, 12, 13, 14, 15, 17, 18, 21, 24, 28, 29, 30, 31, 32, 34, 37, 40, 44, 47, 48, 50, 52, 53, 54, 55, 56, 57, 59, 60, 61, 64, 65, 67, 68, 69, 70, 71, 74, 78, 81, 83, 85, 88, 89, 90, 92, 93, 97, 100, 102, 103, 105, 106, 108, 109, 110, 111, 117, 118, 121, 122, 124, 125, 126, 133, 134, 136, 140, 141, 143, 145, 148, 149, 150, 152, 154, 156, 157, 161, 164, 170, 171, 179, 181, 183, 184, 186, 196, 199, 205, 208, 210, 221, 223, 230, 234, 235, 237, 238, 239, 240, 242, 243, 244, 247, 249, 251, 252, 405, 505, 580, 605, 680, 805, and 880 in their entirety.

Route 1 from:

(a) Route 5 south of San Juan Capistrano to Route 101 near El Rio.

(b) Route 101 near Las Cruces to Route 101 near Pismo Beach.

(c) San Luis Obispo to San Simeon.

(d) Carmel to Route 280 south of San Francisco.

(e) A connection from Route 280 to Route 82 near the south boundary of the City and County of San Francisco.

(f) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford

(g) Route 128 near the mouth of the Navarro River to Route 208 near Rockport

Route 2 from Route 405 near Santa Monica to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka

Route 4 from:

(a) Route 80 near Hercules to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 65

Route 11 from San Pedro to Route 248 in Pasadena.

Route 16 from:

(a) Route 505 to Route 5 near Woodland.

(b) Route 50 near Perkins to Route 49 near Drytown.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

Route 23 from:

(a) Route 101 near Newbury Park to Route 118
(b) Route 118 to Route 126 near Fillmore.
Route 33 from:
(a) Route 101 near Ventura to Route 150.
(b) Route 150 to Route 166 near Maricopa
Route 35 from Route 17 to Route 92.
Route 36 from:
(a) Route 5 at Red Bluff to Route 395
(b) Route 139 north of Susanville to Route 395 near Termo
Route 38 from Route 10 near Redlands to Route 18 near Baldwin Lake.
Route 39 from Route 1 near Huntington Beach to Route 210
Route 41 from:
(a) Route 1 near Morro Bay to Route 101 near Atascadero.
(b) Route 16 to Route 99 near Fresno
(c) Route 99 near Fresno to Route 180.
(d) Route 180 to Yosemite National Park.
Route 42 from Route 405 to Route 91 in Santa Ana Canyon.
Route 43 from Route 5 to Route 99 near Selma.
Route 45 from Route 20 near Colusa to Route 32 near Hamilton City.
Route 46 from Route 101 in San Luis Obispo County to Route 99 near Famoso.
Route 49 from:
(a) Route 41 near Oakhurst to Route 140 near Mariposa.
(b) Route 120 to Route 108 near Sonora.
(c) Route 88 near Jackson to Route 50 near Placerville.
(d) Route 80 near Auburn to Route 20 near Grass Valley.
(e) Route 20 at Nevada City to Route 89 near Sattley.
(f) Route 89 near Sierraville to Route 70 near Vinton.
Route 58 from:
(a) Route 5 to Route 43.
(b) Route 43 to Route 99.
(c) Route 99 near Bakersfield to Route 15 near Barstow.
Route 62 from Route 10 near White Water to Route 247 near Yucca Valley.
Route 63 from:
(a) Route 137 near Tulare to Route 198
(b) Route 198 to Route 65 near Orosi.
Route 75 from Route 125 near Brown Field to Route 5 near the south end of San Diego Bay.
Route 76 from Route 5 near Oceanside to Route 395.
Route 77 from Route 580 in Oakland to Route 242 near Concord.
Route 79 from:
(a) Route 8 near Descanso to Route 78.
(b) Route 74 near Hemet to Route 10 near Beaumont.
Route 80 from Route 101 in San Francisco to the Nevada state line near Verdi, Nevada.
Route 82 from:
(a) Route 1 near the south boundary of the City and County of San Francisco to Route 101.

(b) Route 101 near Alemany Boulevard to Route 87 in San Francisco.

Route 84 from:

(a) Route 1 to Route 35.

(b) Route 35 to Route 238 via the Dumbarton Bridge.

(c) Route 680 near Scotts Corners to Route 580.

(d) Route 580 to Route 4 near Brentwood.

(e) Route 4 near Antioch to Route 80 near Broderick.

Route 86 from Route 78 near Brawley to Route 10 near Indio.

Route 87 from:

(a) San Jose easterly of the Bayshore Freeway to Route 230.

(b) Route 230 to Route 480 near the San Francisco-Oakland Bay Bridge.

Route 91 from Route 405 to Route 395 near Riverside.

Route 94 from Route 5 near San Diego to Route 54 near Jamacha Road.

Route 95 from Route 10 near Blythe to Route 40 near Needles.

Route 99 from:

(a) Route 5 south of Bakersfield to Route 80 in Sacramento.

(b) Route 5 in Sacramento to Route 20.

(c) Route 20 to Route 5 near Red Bluff.

Route 101 from:

(a) The junction of Routes 105 and 110 in Los Angeles to Route 80 in San Francisco.

(b) A point in Marin County opposite San Francisco to the Oregon state line north of Crescent City.

Route 113 from Route 80 near Davis to Route 99 near Tudor.

Route 116 from Route 181 near Forestville to Route 101 near Cotati.

Route 120 from:

(a) Route 5 near Mossdale to the west boundary of Yosemite National Park.

(b) The east boundary of Yosemite National Park to Route 395 near Mono Lake.

Route 127 from Route 15 near Baker to Route 190 near Death Valley Junction.

Route 128 from:

(a) The mouth of the Navarro River to Route 101 near Cloverdale.

(b) Route 101 to Route 29 near Calistoga.

(c) Route 121 to Route 113 near Davis.

Route 132 from:

(a) Route 580 west of Vernalis to Route 99 at Modesto.

(b) Route 99 to Route 65.

Route 137 from Route 99 near Tulare to Route 65 near Lindsay.

Route 138 from Route 5 near Gorman to Route 15 near Cajon Pass.

Route 139 from:

(a) Route 36 near Susanville to Route 36.

(b) Route 299 near Canby to the Oregon state line near Hatfield.

Route 142 from Route 71 near Chino to Route 30 near Upland.

Route 160 from Sacramento to Route 80 near North Sacramento.

Route 166 from:

(a) Route 101 near Santa Maria to Route 33 in Cuyama Valley.

(b) Route 33 near Maricopa to Route 5.

Route 168 from Fresno to Huntington Lake.

Route 178 from:

(a) Route 99 in Bakersfield to Route 14 near Freeman.

(b) Route 14 near Freeman to the vicinity of the San Bernardino county line.

Route 180 from:

(a) Route 156 to Route 99 near Fresno.

(b) Route 99 near Fresno to General Grant Grove section of Kings Canyon National Park.

Route 190 from Route 136 near Keeler to Route 127 near Death Valley Junction.

Route 193 from Route 65 near Lincoln to Route 80 near Newcastle.

Route 198 from Route 5 near Oilfields to the Sequoia National Park line.

Route 209 from Route 109 to Route 5 in San Diego.

Route 280 from Route 680 near San Jose to the San Mateo-San Francisco county line.

Route 299 from:

(a) Route 101 near Arcata to Route 5 at Redding.

(b) Route 5 at Redding to Route 395 at Alturas.

Route 395 from:

(a) San Diego to Route 10 near San Bernardino.

(b) Route 15 near Cajon Pass to the Nevada state line.

(c) Nevada state line northwest of Reno to Route 36 near Johnstonville.

(d) Route 36 near Ravendale to the Oregon state line.

Route 480 from Route 80 at the San Francisco-Oakland Bay Bridge approach in San Francisco to Bay Street and The Embarcadero.

SEC. 2. Section 302 of said code is amended to read:

302. Route 2 is from:

(a) Route 1 near Santa Monica to Route 101.

(b) Route 101 to Route 138 via the vicinity of Avenue 36 in Los Angeles and via Glendale and Wrightwood.

SEC. 3. Section 312 of said code is amended to read:

312. Route 12 is from:

(a) Route 1 near Valley Ford to Route 121 near Sonoma via Santa Rosa.

(b) Route 29 in the vicinity of Napa to Route 80 near Cordelia.

(c) Route 80 near Fairfield to Route 84 at Rio Vista.

(d) Route 84 near Rio Vista to Route 99 near Lodi.

(e) Route 99 near Lodi to Route 88 near Lockeford.

(f) Route 88 near Clements to Route 49 near San Andreas.

SEC. 4. Section 318 of said code is amended to read:

318. Route 18 is from Route 10 near San Bernardino to Route 138 via San Bernardino, Waterman Canyon, Big Bear Lake, Baldwin Lake, and near Victorville.

SEC. 5. Section 329 of said code is amended to read:

329. Route 29 is from Route 80 near Vallejo to Route 20 near Upper Lake via the vicinity of Napa, via Calistoga, via Lower Lake, passing south of Kelseyville and via Lakeport.

SEC. 6. Section 346 of said code is amended to read:

346. Route 46 is from:

(a) Route 1 near Cambria to Route 101 near Paso Robles.

(b) Route 101 in San Luis Obispo County to Route 99 near Famoso via Cholame Pass.

SEC. 7. Section 357 of said code is amended to read:

357. Route 57 is from:

(a) Route 1 near Huntington Beach to Route 22 near Santa Ana.

(b) Route 5 near Santa Ana to Route 60 near Industry.

(c) Route 60 near Industry to Route 210 near Route 10 and Pomona.

SEC. 8. Section 361.1 is added to said code, to read:

361.1. Upon the completion of the additional subterranean tube between the Cities of Oakland and Alameda, in the vicinity of Webster Street, to be used in connection with the Posey Tube, both of which tubes are included in the description of Route 61, the department may by executive order, rule or regulation, designate both of said tubes, and the approaches leading to or from the nearest state highway or city street, as one-way highways, and thereafter restrict said tubes and approaches to one-way traffic, proceeding in opposite directions as to each other. Upon the placing of signs notifying the public of such restrictions, any person who willfully fails to observe such sign is guilty of a misdemeanor.

SEC. 9. Section 361.2 is added to said code, to read:

361.2. Because of the statewide interest in navigation, the state will hold and save the United States of America free and harmless from liability for damages to the parallel tubes between the Cities of Oakland and Alameda included in the description of Route 61 due to the initial dredging work and subsequent maintenance dredging in an area within 50 feet of said tubes in connection with the deepening of the Oakland Estuary by the Corps of Engineers of the United States Army and the Director of Finance shall execute an agreement so to do with the proper representatives of the United States of America.

SEC. 10. Section 378 of said code is amended to read:

378. Route 78 is from:

(a) Route 5 near Oceanside to Route 395 near Escondido

(b) Route 395 near Escondido to Route 86 near Kane Springs passing near Ramona and Santa Ysabel and via Julian.

(c) Route 86 near Brawley to Route 10 near Blythe.

Notwithstanding the provisions of Section 89 of Chapter 1062, Statutes of 1959, the department shall proceed with the construction of the unconstructed portion of said route described in subdivision (c) between the easterly junction of Route 115 and the Imperial-Riverside county line with the lowest practical cost for a hard surfaced road and as an interim project pending the later construction of the route to proper limited access standards; provided, that prior thereto the County of Imperial enters into a cooperative agreement with the department wherein the county agrees to maintain the road between the easterly junction of Route 115 and the Imperial-Riverside county line until a limited access highway is constructed by the department between said points. Upon the completion of construction of said interim road, and pursuant to said agreement, the county shall assume jurisdiction and all responsibilities of maintenance for the period above provided. The road shall be known and designated as the "Ben Hulse Highway."

SEC. 11. Section 406 of said code is amended to read:

406. Route 106 is from Route 10 near Redlands to Route 30 near Highland

SEC. 12. Section 422 of said code is amended to read:

422. Route 122 is from Route 14 south of Palmdale northeasterly to Route 58.

SEC. 13. Section 425 of said code is amended to read:

425. Route 125 is from:

(a) Route 75 near Brown Field to Route 54.

(b) Route 54 to Route 94 near La Mesa.

(c) Route 94 near La Mesa to Route 56.

SEC. 14. Section 428 of said code is amended to read:

428. Route 128 is from:

(a) The mouth of the Navarro River to Route 101 near Cloverdale.

(b) Route 101 to Route 29 near Calistoga.

(c) Route 29 near Rutherford to Route 113 near Davis via Sage Canyon.

SEC. 15. Section 437 of said code is amended to read:

437. Route 137 is from Route 43 near Corcoran to Route 65 near Lindsay via Tulare.

SEC. 16. Section 438 of said code is amended to read:

438. Route 138 is from:

(a) Route 5 near Gorman to Route 15 near Cajon Pass.

(b) Route 15 near Cajon Pass to Route 18 near Crestline.

SEC. 17. Section 441 of said code is amended to read:

441. Route 141 is the westerly extension of Route 680 from Route 80 into Vallejo.

SEC. 18. Section 458 of said code is amended to read:

458. Route 158 is from Route 395 near June Lake to Route 395 near Rush Creek, via the vicinity of June Lake, Silver Lake and Grant Lake.

SEC. 19. Section 468 of said code is amended to read:

468. Route 168 is from:

(a) Fresno to Huntington Lake.

(b) Camp Sabrina to Route 395.

(c) Big Pine to the Nevada state line via Oasis.

SEC. 20. Section 480 of said code is amended to read:

480. Route 180 is from:

(a) Route 101 near Gilroy to Route 156.

(b) Route 156 to Route 5 passing near Paicines.

(c) Route 5 to Route 99 passing near Mendota.

(d) Route 99 near Fresno to the General Grant Grove section of Kings Canyon National Park.

(e) The General Grant Grove section of Kings Canyon National Park to Kings River Canyon.

SEC. 20.5. Section 517 of said code is amended to read:

517. Route 217 is from the Goleta campus of the University of California at Santa Barbara to Route 101 northwest of the City of Santa Barbara.

This route shall be a memorial to the late Senator Clarence C. Ward of Santa Barbara County and shall hereafter be known as Clarence Ward Memorial Boulevard.

SEC. 21. Section 537 of said code is amended to read:

537. Route 237 is from Route 82 near Mountain View to Route 680 near Milpitas

SEC. 22. Section 538 of said code is amended to read:

538. Route 238 is from Route 680 in Fremont to Route 61 near San Lorenzo via Hayward.

SEC. 23. Section 544 of said code is amended to read:

544. Route 244 is from Route 80 to Route 50 near Fair Oaks.

SEC. 24. Section 559 is added to said code, to read:

559. Route 259 is from Route 15 to Route 30 in San Bernardino.

SEC. 25. Section 562 is added to said code, to read:

562. Route 262 is from Route 17 to Route 680 near Warm Springs.

Route 262 shall cease to be a state highway when Route 237 is constructed between Route 17 and Route 680.

SEC. 26. Section 580 of said code is amended to read:

580. Route 280 is from Route 680 near Story Road to Route 480 in San Francisco via Daly City.

Joint Highway District No. 10 is dissolved in accordance with the provisions of Chapter 20 of Part 1 of Division 16 of the Streets and Highways Code, and all property, assets, and liabilities of said district are the property of the state.

SEC. 27. Section 620 of said code is amended to read:

620. Route 680 is from Route 101 near San Jose to Route 80 in Vallejo passing near Warm Springs, Mission San Jose, Scotts Corners and Sunol, and via Walnut Creek and Benicia.

CHAPTER 1372

An act to amend Sections 253, 307, 317, 322, 334, 342, 347, 349, 361, 363, 372, 373, 374, 379, 384, 390, 407, 408, 443, 455, 470, 486, 514, 517, 548, and 550 of, to add Sections 556, 557, 558, 560, 561 and 576 to, and to repeal Sections 351, 417, 463, 465, 477, 488, 494, 496, 511, 512, 515, 526, 541, and 545 of, the Streets and Highways Code, relating to state highways.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 253 of the Streets and Highways Code is amended to read:

253. The California Freeway and Expressway System is hereby established and shall be composed of the following highways:

Routes 5, 6, 7, 8, 10, 12, 13, 14, 15, 17, 18, 21, 22, 24, 29, 30, 31, 32, 34, 37, 40, 44, 47, 48, 50, 52, 53, 54, 55, 56, 57, 59, 60, 61, 63, 64, 65, 67, 68, 70, 71, 73, 74, 78, 81, 83, 85, 87, 88, 89, 90, 92, 93, 97, 100, 102, 103, 105, 106, 107, 108, 109, 110, 118, 121, 122, 124, 125, 126, 133, 134, 136, 139, 140, 141, 143, 145, 148, 149, 150, 152, 154, 156, 157, 161, 164, 170, 171, 179, 181, 183, 184, 186, 199, 205, 208, 210, 217, 221, 223, 230, 232, 234, 235, 237, 238, 239, 240, 242, 243, 244, 247, 249, 251, 252, 256, 257, 258, 259, 405, 505, 580, 605, 680, 805 and 880 in their entirety.

Route 1 from:

(a) Route 5 south of San Juan Capistrano to Route 107.

(b) Route 91 to Route 101 near El Rio.

(c) Route 101 near Las Cruces to Route 101 near Pismo Beach.

(d) San Luis Obispo to San Simeon.

(e) Carmel to Route 280 south of San Francisco.

(f) A connection from Route 280 to Route 82 near the south boundary of the City and County of San Francisco.

(g) Route 101 near the southerly end of Marin Peninsula to the vicinity of Valley Ford.

(h) Route 128 near the mouth of the Navarro River to Route 208 near Rockport.

Route 2 from:

(a) Route 405 near Santa Monica to Route 210.

(b) Harter Lane near Gould Canyon north of La Canada to Route 138.

Route 3 from Route 299 near Weaverville to Route 5 near Yreka.

Route 4 from:

(a) Route 80 near Hercules to Route 99 near Stockton.

(b) Route 99 near Stockton to Route 65.

Route 11 from San Pedro to Route 248 in Pasadena.

Route 16 from:

(a) Route 505 to Route 5 near Woodland.

(b) Route 50 near Perkins to Route 49 near Drytown.

Route 20 from Route 101 to Route 80 near Emigrant Gap.

Route 22 from:

(a) Route 1 near Long Beach to Route 405.

(b) Route 405 to Route 55 near Orange.

Route 23 from:

(a) Route 101 near Newbury Park to Route 118.

(b) Route 118 to Route 126 near Fillmore.

Route 26 from Route 99 near Stockton to Route 12.

Route 33 from:

(a) Route 101 near Ventura to Route 150.

(b) Route 150 to Route 166 near Maricopa.

Route 35 from Route 280 to Route 1.

Route 36 from:

(a) Route 5 at Red Bluff to Route 395.

(b) Route 139 north of Susanville to Route 395 near Termo.

Route 38 from Route 10 near Redlands to Route 18 near Baldwin Lake.

Route 39 from Route 1 near Huntington Beach to Route 210.

Route 41 from:

(a) Route 1 near Morro Bay to Route 101 near Atascadero.

(b) Route 46 to Route 99 near Fresno.

(c) Route 99 near Fresno to Route 180.

(d) Route 180 to Yosemite National Park.

Route 42 from:

(a) Route 405 to Route 605.

(b) Route 39 near La Habra to Route 91 in Santa Ana Canyon.

Route 43 from Route 5 to Route 99 near Selma.

Route 45 from Route 20 near Colusa to Route 32 near Hamilton City.

Route 46 from Route 101 in San Luis Obispo County to Route 99 near Bakersfield.

Route 49 from:

(a) Route 41 near Oakhurst to Route 140 near Mariposa.

(b) Route 108 south of Jamestown to Route 108 near Sonora.

(c) Route 88 near Jackson to Route 50 near Placerville.

(d) Route 80 near Auburn to Route 20 near Grass Valley.

(e) Route 20 at Nevada City to Route 89 near Sattley.

(f) Route 89 near Sierraville to Route 70 near Vinton.

Route 58 from:

(a) Route 5 to Route 43.
(b) Route 43 to Route 99.
(c) Route 99 near Bakersfield to Route 15 near Barstow.

Route 62 from Route 10 near White Water to Route 247 near Yucca Valley.

Route 73 from:
(a) Route 1 near Corona Del Mar to Route 405.
(b) Route 405 to Route 55.

Route 75 from Route 125 near Brown Field to Route 5 near the south end of San Diego Bay.

Route 76 from Route 5 near Oceanside to Route 395.

Route 77 from Route 580 in Oakland to Route 242 near Concord.

Route 79 from:
(a) Route 8 near Descanso to Route 78.
(b) Route 395 near Temecula to Route 10 near Beaumont.

Route 80 from Route 101 in San Francisco to the Nevada state line near Verdi, Nevada.

Route 82 from:
(a) Route 1 near the south boundary of the City and County of San Francisco to Route 101.
(b) Route 101 near Alemany Boulevard to Route 87 in San Francisco.

Route 84 from:
(a) Route 1 to Route 35.
(b) Route 35 to Route 238 via the Dumbarton Bridge.
(c) Route 680 near Scotts Corners to Route 580.
(d) Route 580 to Route 4 near Brentwood.
(e) Route 4 near Antioch to Route 80 near Broderick.

Route 86 from Route 78 near Brawley to Route 10 near Indio.

Route 91 from Route 405 to Route 395 near Riverside.

Route 94 from Route 5 near San Diego to Route 54 near Jamacha Road.

Route 95 from Route 10 near Blythe to Route 40 near Needles.

Route 99 from:
(a) Route 5 south of Bakersfield to Route 80 in Sacramento.
(b) Route 5 in Sacramento to Route 20.
(c) Route 20 to Route 5 near Red Bluff.

Route 101 from:
(a) The junction of Routes 105 and 110 in Los Angeles to Route 80 in San Francisco.
(b) A point in Marin County opposite San Francisco to the Oregon state line north of Crescent City.

Route 107 from Route 1 near Torrance to Route 405 near Lawndale.

Route 111 from:
(a) Calexico to Route 78 near Brawley passing east of Heber.
(b) Route 78 near Brawley to Route 86 near Indio via the north shore of the Salton Sea.

(c) San Rafael Drive in Palm Springs to Route 10 near White Water.

Route 113 from Route 80 near Davis to Route 99 near Tudor.

Route 116 from:

(a) Route 181 near Forestville to Route 101 near Cotati.

(b) Route 101 near Petaluma to Route 121 near Schellville.

Route 120 from:

(a) Route 5 near Mossdale to the west boundary of Yosemite National Park.

(b) The east boundary of Yosemite National Park to Route 395 near Mono Lake.

Route 127 from Route 15 near Baker to Route 190 near Death Valley Junction.

Route 128 from:

(a) The mouth of the Navarro River to Route 101 near Cloverdale.

(b) Route 101 near Geyserville to Route 29 near Calistoga.

(c) Route 121 to Route 113 near Davis.

Route 132 from:

(a) Route 580 west of Vernalis to Route 99 at Modesto.

(b) Route 99 to Route 65.

Route 137 from Route 99 near Tulare to Lindsay.

Route 138 from Route 5 near Gorman to Route 15 near Cajon Pass.

Route 142 from Route 71 near Chino to Route 30 near Upland.

Route 160 from Sacramento to Route 80 near North Sacramento.

Route 166 from:

(a) Route 101 near Santa Maria to Route 33 in Cuyama Valley.

(b) Route 33 near Maricopa to Route 5.

Route 168 from Route 41 near Fresno to Huntington Lake.

Route 178 from:

(a) Route 99 in Bakersfield to Route 14 near Freeman.

(b) Route 14 near Freeman to the vicinity of the San Bernardino county line.

Route 180 from:

(a) Route 101 near Gilroy to Route 156.

(b) Route 156 to Route 5 passing near Paicines.

(c) Route 5 to Route 99 passing near Mendota.

(d) Route 99 near Fresno to General Grant Grove section of Kings Canyon National Park.

Route 190 from Route 136 near Keeler to Route 127 near Death Valley Junction.

Route 193 from Route 65 near Lincoln to Route 80 near Newcastle.

Route 198 from Route 5 near Oilfields to the Sequoia National Park line.

Route 207 from Route 152 west of Los Banos to Route 5.

Route 209 from Route 109 to Route 5 in San Diego.

Route 280 from Route 680 near San Jose to the San Mateo-San Francisco county line.

Route 299 from:

(a) Route 101 near Arcata to Route 5 at Redding.

(b) Route 5 at Redding to Route 395 at Alturas.

Route 395 from:

(a) San Diego to Route 10 near San Bernardino.

(b) Route 15 near Cajon Pass to the Nevada state line.

(c) Nevada state line northwest of Reno to Route 36 near Johnstonville.

(d) Route 36 near Ravendale to the Oregon state line.

Route 480 from Route 80 at the San Francisco–Oakland Bay Bridge approach in San Francisco to Bay Street and The Embarcadero.

SEC. 2. Section 307 of said code is amended to read:

307. Route 7 is from Route 1 to Route 210 in Pasadena.

SEC. 3. Section 317 of said code is amended to read:

317. Route 17 is from:

(a) Route 1 near Santa Cruz to Route 80 in Oakland.

(b) Route 80 near Albany to Route 101 near San Rafael via the Richmond-San Rafael Bridge.

(c) Route 101 near San Rafael to Route 1 near Point Reyes Station.

SEC. 4. Section 322 of said code is amended to read:

322. Route 22 is from:

(a) Route 1 near Long Beach to Route 405.

(b) Route 405 to Route 55 near Orange.

SEC. 5. Section 334 of said code is amended to read:

334. Route 34 is from Route 1 between Point Mugu and the City of Oxnard to Route 118 near Somis.

SEC. 5.5. Section 342 of said code is amended to read:

342. Route 42 is from:

(a) Route 1 west of Inglewood to Route 605.

(b) Route 39 near La Habra to Route 91 in Santa Ana Canyon.

SEC. 6. Section 347 of said code is amended to read:

347. Route 47 is from Route 11 in San Pedro to Route 10 via the Vincent Thomas Bridge.

SEC. 6.5. Section 349 of said code is amended to read:

349. Route 49 is from:

(a) Route 41 near Oakhurst to Route 120 near Moccasin Creek.

(b) Route 120 near Chinese Camp to Route 80 in Auburn via the vicinity of Sonora; via Angels Camp, San Andreas, and Jackson; via the vicinity of El Dorado, Diamond Springs, and Placerville.

(c) Route 80 near Auburn to Route 20.

(d) Route 20 at Nevada City to Route 89 near Sattley via Downieville.

(e) Route 89 near Sierraville to Route 70 near Vinton, via Loyalton.

SEC. 7. Section 351 of said code is repealed.

SEC. 8. Section 361 of said code is amended to read:

361. Route 61 is from Route 84 near Newark to Route 17 near Albany via the vicinity of San Leandro and Oakland International Airport and via Alameda.

SEC. 9. Section 363 of said code is amended to read:

363. Route 63 is from:

(a) Route 137 near Tulare to Route 198.

(b) Route 198 to Route 180 via the vicinity of Orosi and Orange Cove.

SEC. 10. Section 372 of said code is amended to read:

372. Route 72 is from Route 5 in or near Anaheim to Downey Road near the City of Los Angeles.

The portion of Route 72 from Route 5 in or near Anaheim to Route 39 shall cease to be a state highway when Route 57 freeway in the Cities of Fullerton and Brea and the County of Orange is completed and the commission relinquishes present Route 57 in the Cities of Fullerton and Brea and the County of Orange.

The portion of Route 72 from Route 39 to Downey Road near the City of Los Angeles shall cease to be a state highway when Route 90 freeway is completed from Route 5 to Route 39.

SEC. 11. Section 373 of said code is amended to read:

373. Route 73 is from Route 1 near Corona del Mar to Route 405.

SEC. 12. Section 374 of said code is amended to read:

374. Route 74 is from:

(a) Route 5 near San Juan Capistrano to Route 71.

(b) Route 71 to Route 395 near Perris.

(c) Route 395 near Perris to Route 10 near Indio.

SEC. 13. Section 379 of said code is amended to read:

379. Route 79 is from:

(a) Route 8 near Descanso to Route 78.

(b) Route 78 to Route 71.

(c) Route 395 near Temecula to Route 74 near Hemet.

(d) Route 74 near Hemet to Route 10 near Beaumont.

SEC. 14. Section 384 of said code is amended to read:

384. Route 84 is from:

(a) Route 1 to Route 35.

(b) Route 35 to Route 238.

(c) Route 238 to Route 680 near Scotts Corners via the vicinity of Sunol.

(d) Route 680 near Scotts Corners to Route 580.

(e) Route 580 to Route 4 near Brentwood.

(f) Route 4 near Antioch to Route 880 near Bryte via the vicinity of Rio Vista and via Ryer Island.

SEC. 15. Section 390 of said code is amended to read:

390. Route 90 is from Route 1 northwest of the Los Angeles International Airport to the junction of Routes 39 and 42 near La Habra.

SEC. 16. Section 407 of said code is amended to read:

407. Route 107 is from Route 1 near Torrance to Route 405 near Lawndale.

SEC. 16.5. Section 408 of said code is amended to read:

408. Route 108 is from:

(a) Route 5 near Crows Landing to Route 99.

(b) Route 99 to Route 120.

(c) Route 120 near Yosemite Junction to Route 49 south of Jamestown.

(d) Route 49 to Route 395 via the vicinity of Sonora and Long Barn.

SEC. 17. Section 417 of said code is repealed.

SEC. 18. Section 443 of said code is amended to read:

443. Route 143 is from Route 99 near Elk Grove to Route 244 near Carmichael.

SEC. 19. Section 455 of said code is amended to read:

455. Route 155 is from Route 99 near Delano to Route 178 near Isabella via Glennville.

SEC. 20. Section 459 of said code is amended to read:

459. Route 159 is from: Route 134 to Route 210 near La Canada

This route shall cease to be a state highway when Route 210 freeway is completed from Route 134 to Linda Vista Avenue and the commission relinquishes that portion of present Route 210 from Route 134 to Linda Vista Avenue.

SEC. 21. Section 463 of said code is repealed.

SEC. 22. Section 465 of said code is repealed.

SEC. 22.5. Section 470 of said code is amended to read:

470. Route 170 is from:

(a) Route 405 Los Angeles International Airport to Route 101 in Los Angeles.

(b) Route 101 near Riverside Drive to Route 5 near Tujunga Wash.

SEC. 23. Section 477 of said code is repealed.

SEC. 24. Section 486 of said code is amended to read:

486. Route 186 is from Route 1 near Pacifica to Route 87 via the vicinity of San Bruno.

SEC. 25. Section 488 of said code is repealed.

SEC. 27. Section 494 of said code is repealed.

SEC. 28. Section 496 of said code is repealed.

SEC. 29. Section 511 of said code is repealed.

SEC. 30. Section 512 of said code is repealed.

SEC. 31. Section 514 of said code is amended to read:

514. Route 214 is from Route 19 near Lakewood to Route 5 near Anaheim.

This route shall cease to be a state highway when Route 91 freeway is completed from Route 19 to Route 5 and the commission relinquishes that portion of present Route 91 from Route 19 to Route 5.

SEC. 32. Section 515 of said code is repealed.

SEC. 33. Section 517 of said code is amended to read:

517. Route 217 is from:

(a) Route 101 near Ellwood to the Goleta Campus of the University of California.

(b) The Goleta Campus of the University of California at Santa Barbara to Route 101 northwest of the City of Santa Barbara.

The commission shall allocate from the State Highway Fund the necessary funds for the construction of Section (b) of said route. The allocation of money provided for in this section shall be made out of moneys contained in the State Highway Fund available for construction of state highways in County Group No. 2, but which is not subject to Section 188.4; and expenditures from such allocation shall be credited against the expenditures required to be made pursuant to Section 188.4 in Santa Barbara County until June 30, 1963. Section (b) of this route shall be a memorial to the late Senator Clarence C. Ward of Santa Barbara County and shall hereafter be known as Clarence Ward Memorial Boulevard.

SEC. 34. Section 526 of said code is repealed.

SEC. 35. Section 541 of said code is repealed.

SEC. 36. Section 545 of said code is repealed.

SEC. 37. Section 548 of said code is amended to read:

548. Route 248 is from Route 134 near Pasadena to Route 210 near Monrovia.

This route will cease to be a state highway when Interstate Route 210 freeway is completed and the commission relinquishes that portion of present Route 210 in the County of Los Angeles and the Cities of Pasadena, Arcadia, and Monrovia.

SEC. 38. Section 550 of said code is amended to read:

550. Route 250 is from Route 5 near Orange County Hospital northerly to Route 91.

This route shall cease to be a state highway when Route 57 freeway is completed from Route 5 to Route 91.

SEC. 39. Section 556 is added to said code, to read:

556. Route 256 is from Route 80 southwest of Roseville to Route 65 north of Roseville.

SEC. 40. Section 557 is added to said code, to read:

557. Route 257 is from Route 34 to Route 101 near Ventura.

SEC. 41. Section 558 is added to said code, to read:

558. Route 258 is from Route 405 near Torrance to Route 101 near Hollywood.

SEC. 42. Section 560 is added to said code, to read:

560. Route 260 is from Route 61 in Alameda to Route 17 in Oakland near Seventh and Harrison Streets.

SEC. 43. Section 561 is added to said code, to read:

561. Route 261 is from Route 101 near Longvale to Route 5 near Willows via the vicinity of Covelo and Mendocino Pass.

SEC. 44. Section 576 is added to said code, to read:

576. Route 276 is from Route 198 near Three Rivers to Mineral King.

SEC. 45. The California Highway Commission shall not relinquish to any county or city any portion of any state highway which has been deleted from the state highway sys-

tem by this act until the Department of Public Works has placed the surface of the roadway thereof in a state of good repair. Such relinquishment shall be effective on the first day of the next calendar or fiscal year, whichever first occurs, after the determination by the commission that the surface of the roadway is in a state of good repair. In all other respects, the relinquishment proceedings shall be governed by the appropriate provisions of Section 73 of the Streets and Highways Code.

SEC. 46. The California Highway Commission shall not relinquish to any county or city any portion of any state highway which has been deleted from the state highway system by this act until the completion of any improvement on such portion of state highway for which funds have been allocated by the California Highway Commission for any fiscal year period prior to July 1, 1966. In all other respects, the relinquishment proceedings shall be governed by the appropriate provisions of Section 73 of the Streets and Highways Code.

CHAPTER 1373

An act to amend Sections 4514, 4544, 4545 and 4548 of, to add Section 4549 to, and to repeal Section 4543 of, the Business and Professions Code, relating to the psychiatric technician certification law, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 4514 of the Business and Professions Code is amended to read:

4514. Prior to January 1, 1968, any person meeting the requirements of subdivision (a), (b), and (e) of Section 4511, and, as determined by the board, possessing the equivalent of the education and training requirements of that section, shall, on application, be issued a certificate.

SEC. 2. Section 4543 of said code is repealed.

SEC. 3. Section 4544 of said code is amended to read:

4544. Certificates issued under this chapter before February 16, 1962, expire on February 15, 1962, if not renewed. Certificates renewed on or after February 15, 1962, and before January 1, 1964, and certificates issued after February 15, 1962, and before January 1, 1964, expire on December 31, 1963, if not renewed. Certificates renewed on or after December 31, 1963, and before January 1, 1966, and certificates issued after December 31, 1963, and before January 1, 1966, expire on December 31, 1965, if not renewed. Thereafter, all certificates expire on December 31 of each year, if not renewed.

To renew an unexpired certificate, the holder thereof shall, on or before each of the dates on which it would otherwise expire, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

SEC. 4. Section 4545 of said code is amended to read:

4545. Except as provided in Section 4545.2, a certificate which has expired may be renewed at any time within five years after its expiration on filing application for renewal on a form prescribed by the board, and payment of the renewal fee in effect on the last preceding regular renewal date. Commencing September 1, 1965, if the certificate is renewed more than 30 days after its expiration, the certificate holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the certificate shall continue in effect through the date provided in Section 4544 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

A certificate which was forfeited for failure to renew under the law in effect before October 1, 1961, shall, for the purposes of this article, be considered to have expired on the date that it became forfeited.

SEC. 5. Section 4548 of said code is amended to read:

4548. The amounts of the fees payable pursuant to this chapter shall be fixed by the board according to the following schedule:

(a) The application fee at no more than ten dollars ($10) nor less than five dollars ($5).

(b) The renewal fee at no more than ten dollars ($10) nor less than two dollars ($2), except that commencing with the renewal fee for 1967 at not more than fifteen dollars ($15) nor less than two dollars ($2).

(c) The delinquency fee at five dollars ($5).

SEC. 6 Section 4549 is added to said code, to read:

4549. This chapter shall become inoperative on January 1, 1968, if the revenue derived from this chapter is insufficient to pay for the expenses incurred in the operation of this chapter.

SEC. 7. Any revenues derived from increases in fees or assessments provided by this act shall not be available for expenditure until appropriated.

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 psychiatric technician law was enacted to provide preservice preparation for psychiatric technicians and for their certification by law as meeting a minimum desirable prepara-

tion in assisting in patient care and treatment of the mentally ill and mentally retarded. It continues to be needed.

Because of fiscal considerations, the Psychiatric Technician Law was not fully activated in 1964. Because of this, numbers of psychiatric technicians did not renew their certificates. In addition to the potential increase in renewal fees in 1967, provided by the act, it is most important that prior certificate holders renew their certificates as soon as possible during 1965 It is therefore necessary that this act take effect immediately.

CHAPTER 1374

An act to amend Section 69603 of the Government Code, relating to superior courts.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 69603 of the Government Code is amended to read:

69603. In the County of Sonoma there shall be four judges of the superior court

SEC. 2 This act shall become operative on January 1, 1966.

CHAPTER 1375

An act to amend Section 537 of the Code of Civil Procedure, relating to attachment.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 537 of the Code of Civil Procedure is amended to read:

537. The plaintiff, at the time of issuing the summons, or at any time afterward, may have the property of the defendant attached, as security for the satisfaction of any judgment that may be recovered, unless the defendant gives security to pay such judgment, as in this chapter provided, in the following cases:

1. In an action upon a contract, express or implied, for the direct payment of money, (a) where the contract is made or is payable in this state; or (b) where the contract is made outside this state and is not payable in this state and the amount of the claim based upon such contract exceeds five thousand dollars ($5,000); and where the contract described

in either (a) or (b) is not secured by any mortgage, deed of trust or lien upon real or personal property, or any pledge of personal property, or, if originally so secured, such security has, without any act of the plaintiff, or the person to whom the security was given, become valueless. An action upon any liability, existing under the laws of this state, of a spouse, relative or kindred, for the support, maintenance, care or necessaries furnished to the other spouse, or other relatives or kindred, shall be deemed to be an action upon an implied contract within the term as used throughout all subdivisions of this section. An action brought pursuant to Section 1692 of the Civil Code shall be deemed an action upon an implied contract within the meaning of that term as used in this section.

2. In an action upon a contract, express or implied, against a defendant not residing in this state, or who has departed from the state, or who cannot after due diligence be found within the state, or who conceals himself to avoid service of summons.

3. In an action against a defendant, not residing in this state, or who has departed from the state, or who cannot after due diligence be found within the state, or who conceals himself to avoid service of summons, to recover a sum of money as damages, arising from an injury to or death of a person, or damage to property in this state, in consequence of negligence, fraud, or other wrongful act.

4. In an action in unlawful detainer where it appears from the verified complaint on file therein that rent is actually due and payable from the defendant to the plaintiff for the premises sought to be recovered in said action; provided, the payment of such rent is not secured by any mortgage or lien upon real or personal property, or pledge of personal property, or, if originally so secured, such security has, without any act of the plaintiff or the person to whom the security was given, become valueless.

5. In an action by the State of California or any political subdivision thereof, for the collection of taxes due said state or political subdivision, or for the collection of any moneys due upon any obligation or penalty imposed by law.

6. In any action by the State of California, or any political subdivision thereof, for the recovery of funds pursuant to Section 11680.5 of the Health and Safety Code. In such cases, funds on the defendant's person at the time of his arrest which are retained in official custody shall also be subject to attachment.

CHAPTER 1376

An act to amend Sections 4826 and 4905 of, and to add Sections 4809.6 and 4853 to, the Business and Professions Code, relating to veterinary medicine.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 4826 of the Business and Professions Code is amended to read:

4826. Any person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when he does any one of the following:

(a) Represents himself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches.

(b) Diagnoses or prescribes a drug, medicine, appliance or application or treatment of whatever nature for the prevention, cure or relief of a wound, fracture, or bodily injury or disease of animals.

(c) Administers a drug, medicine, appliance or application or treatment of whatever nature for the prevention, cure or relief of a wound, fracture, or bodily injury or disease of animals, except where such drug, medicine, appliance or application or treatment is administered at the direction and under the direct supervision of a veterinarian licensed under this chapter.

(d) Performs a surgical or dental operation upon an animal.

(e) Performs any manual procedure for the diagnosis of pregnancy, sterility, or infertility upon livestock.

(f) Uses any words, letters or titles in such connection or under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine, veterinary surgery or veterinary dentistry. Such use shall be prima facie evidence of the intention to represent himself as engaged in the practice of veterinary medicine, veterinary surgery or veterinary dentistry.

SEC. 2. Section 4809.6 is added to said code, to read:

4809.6. The enforcement of Sections 4809.5 and 4829.5 of this chapter is a function exclusively reserved to the Board of Examiners in Veterinary Medicine and the state has preempted and occupied this field of enforcing the cleanliness and sanitary requirements of this chapter.

SEC. 3. Section 4853 is added to said code, to read:

4853. All premises where veterinary medicine, veterinary dentistry, or veterinary surgery is being practiced shall be registered with the board. The registration shall be on a form prescribed by the board.

Every application for registration of veterinary premises shall set forth in the application the name of the responsible

managing licensee who is to act for and on behalf of the licensed premises. Substitution of the responsible managing licensee may be accomplished by application to the board providing the person substituted qualifies by presenting satisfactory evidence that he possesses a valid, unexpired, and unrevoked license as provided by this chapter and providing further that no circumvention of the law is contemplated by such substitution.

The board shall withhold registration of veterinary premises:

(a) When it has been adjudicated in an administrative hearing that the licensee operator has failed to keep such premises and all equipment therein in a clean and sanitary condition.

(b) When the licensee operator has, under proceedings conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, his license revoked or suspended.

SEC. 4 Section 4905 of said code is amended to read:

4905. The following fees shall be collected by the board and the same shall be credited to the Board of Examiners in Veterinary Medicine Contingent Fund:

(a) The fee for filing an application for examination is thirty dollars ($30).

(b) The initial license fee is as follows:

(1) For licenses issued before September 1, 1963, five dollars ($5),

(2) For licenses issued after August 31, 1963, an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that, if the license is issued less than one year before the date on which it will expire, then the fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial license fee where the license is issued less than 45 days before the date on which it will expire.

(c) The renewal fee shall be fixed by the board for renewal for the period ending on August 31, 1963, at not more than twelve dollars and fifty cents ($12.50) nor less than seven dollars and fifty cents ($7.50) and for renewal for each biennial renewal period thereafter at not more than thirty-five dollars ($35), nor less than fifteen dollars ($15).

(d) The delinquency fee is eight dollars ($8).

(e) The fee for issuance of a duplicate license is five dollars ($5).

(f) The board may make a charge for records, transcripts, and other official documents pertaining to the affairs of the board.

(g) The fee for failure to report a change in the place of practice is ten dollars ($10).

(h) The fee for registration of veterinary premises is ten dollars ($10), but the board may reduce the fee to not less than five dollars ($5).

CHAPTER 1377

An act to amend Section 18203.5 of the Financial Code, relating to industrial loan companies.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 18203.5 of the Financial Code is amended to read:

18203.5. Notwithstanding the provisions of Section 18203, the capital stock of any corporation incorporated or commencing business under this chapter after September 18, 1959, shall not be less than three hundred thousand dollars ($300,000).

This section does not apply to an industrial loan company incorporated and engaged in business under this chapter within this state on or before September 18, 1959, that desires to change, or changes, its place of business, if either:

(a) Such industrial loan company otherwise meets all of the requirements of this division with regard to such change of location, including the findings of the commissioner required by Section 18200.6.

(b) The commissioner finds either of the following:

(1) There has been no substantial change, directly or indirectly, during the one-year period immediately preceding such finding, in the ownership of such industrial loan company and no such change of ownership is then reasonably contemplated.

(2) Such actual or reasonably contemplated change of ownership is unrelated to the proposed change in its place of business.

CHAPTER 1378

An act to create an Advisory Commission on the Status of Women.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that despite the fact that women apparently have greater equality in California than in many states, they still are not able to contribute to society according to their full potential. With a view to developing recommendations which will enable women to make

the maximum contribution to society, the Legislature has hereby created the Advisory Commission on the Status of Women.

SEC. 2. There is in the state government an Advisory Commission on the Status of Women. The commission shall consist of 15 members: 3 Members of the Senate appointed by the Senate Committee on Rules, 3 Members of the Assembly appointed by the Speaker, the Superintendent of Public Instruction, the Chief of the Division of Industrial Welfare in the Department of Industrial Relations, and 7 public members appointed by the Governor, with the consent of the Senate.

SEC. 3. (a) Each member of the commission shall be entitled to receive his actual necessary expenses while on official business of the commission.

(b) The commission shall select annually from its membership, a chairman and vice chairman.

SEC. 4. All meetings of the commission shall be open and public and all persons shall be permitted to attend any meetings of the commission.

SEC. 5. The commission shall have the powers and authority necessary to carry out the duties imposed upon it by this chapter, including, but not limited to, the following:

(a) To employ such administrative, technical and other personnel as may be necessary for the performance of its powers and duties.

(b) 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.

(c) To cooperate with, and secure the cooperation of, any department, division, board, bureau, commission, or other agency of the state to facilitate it properly to carry out its powers and duties hereunder.

(d) To appoint an advisory committee, consisting of not more than 15 members, which shall be broadly representative of the following fields: homemaking, religion, labor, business, education, social work, law, medicine, law enforcement, and the judicial branch of the government. Section 11009 of the Government Code is applicable to the advisory committee.

(e) To accept any federal funds granted, by act of Congress or by executive order, for all or any of the purposes of this act.

(f) To accept any gifts, donations, or bequests for all or any of the purposes of this act.

SEC. 6. The commission shall study the following:

(a) Public and private employment practices relative to women, including, but not limited to, wages, hours of work, leaves of absences and working conditions.

(b) State laws concerning hours, working conditions, benefits, and the like.

(c) State laws in regard to the civil and political rights of women, including pensions, tax requirements, property rights, marriage and divorce provisions, and similar matters.

(d) Educational needs and educational opportunities, particularly in connection with the needs of the mature woman.

(e) The effect of social attitudes and pressures and economic considerations in shaping the roles to be assumed by women in the society.

The commission shall report its findings and recommendations to the Legislature not later than the fifth legislative day of the 1967 Regular Session.

SEC. 7. This act shall be operative only until June 30, 1967.

SEC. 8. The sum of thirty-five thousand dollars ($35,000) is hereby appropriated from the General Fund to the Advisory Commission on the Status of Women to carry out the purposes of this act.

CHAPTER 1379

An act to amend and renumber Section 8107 of, to add Section 8107 to, and to amend Sections 2326, 2401, 2503, 6107, 6111, 7209, 8102, 8202, 8301, 8302, 8303, 8304, 8313, 8401, 9102, 9312, 9402, 9406 and 10102 of, the Commercial Code, relating to commercial transactions.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 2326 of the Commercial Code is amended to read:

2326. (1) Unless otherwise agreed, if delivered goods may be returned by the buyer even though they conform to the contract, the transaction is

(a) A "sale on approval" if the goods are delivered primarily for use, and

(b) A "sale or return" if the goods are delivered primarily for resale.

(2) Except as provided in subdivision (3), goods held on approval are not subject to the claims of the buyer's creditors until acceptance; goods held on sale or return are subject to such claims while in the buyer's possession.

(3) Where goods are delivered to a person for sale and such person maintains a place of business at which he deals in goods of the kind involved, under a name other than the name of the person making delivery, then with respect to claims of creditors of the person conducting the business the goods are deemed to be on sale or return. The provisions of this subdivision are applicable even though an agreement purports to reserve title to the person making delivery until payment or resale or uses such words as "on consignment" or "on memorandum." However, this subdivision is not applicable if the person making delivery

(b) Establishes that the person conducting the business is generally known by his creditors to be substantially engaged in selling the goods of others, or

(c) Complies with the filing provisions of the division on secured transactions (Division 9).

(4) Any "or return" term of a contract for sale is to be treated as a separate contract for sale within the statute of frauds section of this division (Section 2201) and as contradicting the sale aspect of the contract within the provisions of this division on parol or extrinsic evidence (Section 2202).

SEC. 2. Section 2401 of said code is amended to read:

2401. Each provision of this division with regard to the rights, obligations and remedies of the seller, the buyer, purchasers or other third parties applies irrespective of title to the goods except where the provision refers to such title. Insofar as situations are not covered by the other provisions of this division and matters concerning title become material the following rules apply:

(1) Title to goods cannot pass under a contract for sale prior to their identification to the contract (Section 2501), and unless otherwise explicitly agreed the buyer acquires by their identification a special property as limited by this code. Any retention or reservation by the seller of the title (property) in goods shipped or delivered to the buyer is limited in effect to a reservation of a security interest. Subject to these provisions and to the provisions of the division on secured transactions (Division 9), title to goods passes from the seller to the buyer in any manner and on any conditions explicitly agreed on by the parties.

(2) Unless otherwise explicitly agreed title passes to the buyer at the time and place at which the seller completes his performance with reference to the physical delivery of the goods, despite any reservation of a security interest and even though a document of title is to be delivered at a different time or place; and in particular and despite any reservation of a security interest by the bill of lading

(a) If the contract requires or authorizes the seller to send the goods to the buyer but does not require him to deliver them at destination, title passes to the buyer at the time and place of shipment; but

(b) If the contract requires delivery at destination, title passes on tender there.

(3) Unless otherwise explicitly agreed where delivery is to be made without moving the goods,

(a) If the seller is to deliver a document of title, title passes at the time when and the place where he delivers such documents; or

(b) If the goods are at the time of contracting already identified and no documents are to be delivered, title passes at the time and place of contracting.

(4) A rejection or other refusal by the buyer to receive or retain the goods, whether or not justified, or a justified revocation of acceptance revests title to the goods in the seller. Such revesting occurs by operation of law and is not a "sale."

SEC. 3. Section 2503 of said code is amended to read:

2503. (1) Tender of delivery requires that the seller put and hold conforming goods at the buyer's disposition and give the buyer any notification reasonably necessary to enable him to take delivery. The manner, time and place for tender are determined by the agreement and this division, and in particular

(a) Tender must be at a reasonable hour, and if it is of goods they must be kept available for the period reasonably necessary to enable the buyer to take possession; but

(b) Unless otherwise agreed the buyer must furnish facilities reasonably suited to the receipt of the goods.

(2) Where the case is within the next section respecting shipment tender requires that the seller comply with its provisions.

(3) Where the seller is required to deliver at a particular destination tender requires that he comply with subdivision (1) and also in any appropriate case tender documents as described in subdivisions (4) and (5) of this section.

(4) Where goods are in the possession of a bailee and are to be delivered without being moved

(a) Tender requires that the seller either tender a negotiable document of title covering such goods or procure acknowledgment by the bailee of the buyer's right to possession of the goods; but

(b) Tender to the buyer of a nonnegotiable document of title or of a written direction to the bailee to deliver is sufficient tender unless the buyer seasonably objects, and receipt by the bailee of notification of the buyer's rights fixes those rights as against the bailee and all third persons; but risk of loss of the goods and of any failure by the bailee to honor the nonnegotiable document of title or to obey the direction remains on the seller until the buyer has had a reasonable time to present the document or direction, and a refusal by the bailee to honor the document or to obey the direction defeats the tender.

(5) Where the contract requires the seller to deliver documents

(a) He must tender all such documents in correct form, except as provided in this division with respect to bills of lading in a set (subdivision (2) of Section 2323); and

(b) Tender through customary banking channels is sufficient and dishonor of a draft accompanying the documents constitutes nonacceptance or rejection.

SEC. 4. Section 6107 of said code is amended to read:

6107. (1) The notice to creditors (Section 6105) shall state:

(a) That a bulk transfer is about to be made; and

(b) The names and business addresses of the transferor and, except in the case of a sale at auction, the transferee, and all other business names and addresses used by the transferor

within three years last past so far as known to the transferee; and

(c) The location and general description of the property to be transferred; and

(d) The place, and the date on or after which, the bulk transfer is to be consummated.

(2) The notice shall be

(a) Recorded in the office of the county recorder in the county or counties in which the property to be transferred is located at least 10 days before the bulk transfer is to be consummated or the sale by auction is to be commenced; and

(b) Published at least once in a newspaper of general circulation published in the judicial district in which the property is located, if there is one, and if there is none, then in a newspaper of general circulation in the county embracing such judicial district, at least five days before the bulk transfer is to be consummated or the sale by auction is to be commenced.

SEC. 5. Section 6111 of said code is amended to read:

6111. No action under this division shall be brought nor levy made more than one year after the date on which the transferee took possession of the goods unless the transfer has been concealed or, in the case of a security interest which constitutes a bulk transfer under this division, after the date on which said security interest is perfected under Division 9. If the transfer has been concealed, an action may be brought or levy made within one year after its discovery by the creditor bringing such action or making such levy or after it should have been discovered by such creditor in the exercise of reasonable diligence, whichever first occurs.

SEC. 5.5. Section 7209 of said code is amended to read:

7209. (1) A warehouseman has a lien against the bailor on the goods deposited or on the proceeds thereof in his possession for charges for storage, processing incidental to storage, or transportation, including demurrage and terminal charges, insurance, labor, or charges present or future in relation to the goods, and for expenses necessary for preservation of the goods or reasonably incurred in their sale pursuant to law. If the person on whose account the goods are held is liable for like charges or expenses in relation to other goods whenever deposited, the warehouseman also has a lien against him for such charges and expenses whether or not the other goods have been delivered by the warehouseman. But against a person to whom a negotiable warehouse receipt is duly negotiated a warehouseman's lien is limited to charges specified on the receipt or if no charges are so specified then to a reasonable charge for storage of the goods covered by the receipt subsequent to the date of the receipt.

(2) The warehouseman may also reserve a security interest against the bailor for charges other than those specified in subdivision (1), such as for money advanced and interest, but if a receipt is issued for the goods such a security interest is not valid as against third persons without notice unless the

maximum amount thereof is conspicuously specified (Section 1201) on the receipt. Such a security interest is governed by the division on secured transactions (Division 9).

(3) (a) A warehouseman's lien for charges and expenses under subdivision (1) or a security interest under subdivision (2) is also effective against any person who so entrusted the bailor with possession of the goods that a pledge of them by him to a good faith purchaser for value would have been valid but is not effective against a person as to whom the document confers no right in the goods covered by it under Section 7503.

(b) A warehouseman's lien on household goods for charges and expenses in relation to the goods under subdivision (1) is also effective against all persons if the depositor was the legal possessor of the goods at the time of deposit. "Household goods" means furniture, furnishings and personal effects used by the depositor in a dwelling.

(4) A warehouseman loses his lien on any goods which he voluntarily delivers or which he unjustifiably refuses to deliver.

SEC. 6. Section 8102 of said code is amended to read:

8102. (1) In this division unless the context otherwise requires

(a) A "security" is an instrument which

(i) Is issued in bearer or registered form; and

(ii) Is of a type commonly dealt in upon securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment; and

(iii) Is either one of a class or series or by its terms is divisible into a class or series of instruments; and

(iv) Evidences a share, participation or other interest in property or in an enterprise or evidences an obligation of the issuer.

(b) A writing which is a security is governed by this division and not by Uniform Commercial Code—Commercial Paper even though it also meets the requirements of that division This division does not apply to money.

(c) A security is in "registered form" when it specifies a person entitled to the security or to the rights it evidences and when its transfer may be registered upon books maintained for that purpose by or on behalf of an issuer or the security so states.

(d) A security is in "bearer form" when it runs to bearer according to its terms and not by reason of any indorsement.

(2) A "subsequent purchaser" is a person who takes other than by original issue.

(3) A "clearing corporation" is a corporation all of the capital stock of which is held by or for a national securities exchange or association registered under a statute of the United States such as the Securities Exchange Act of 1934.

(4) A "custodian bank" is any bank or trust company which is supervised and examined by state or federal au-

thority having supervision over banks and which is acting as custodian for a clearing corporation.

(5) Other definitions applying to this division or to specified chapters thereof and the sections in which they appear are:

"Adverse claim." Section 8301.

"Bona fide purchaser." Section 8302.

"Broker." Section 8303.

"Guarantee of the signature." Section 8402.

"Intermediary bank." Section 4105.

"Issuer." Section 8201.

"Overissue." Section 8104.

(6) In addition Division 1 contains general definitions and principles of construction and interpretation applicable throughout this division.

SEC. 7. Section 8107 of said code is amended and renumbered to read:

8108. Nothing in this division shall be construed to modify any of the provisions of the Corporate Securities Law the Insurance Code, the Financial Code, or the Public Utilities Code.

SEC. 8. Section 8107 is added to said code, to read:

8107. (1) Unless otherwise agreed, a person obligated to deliver securities may deliver a like number of units of any securities which by nature or usage of trade are the equivalent of the securities he is obligated to deliver.

(2) Where, pursuant to a contract to sell or a sale, a security has been delivered or tendered to the purchaser, and the purchaser wrongfully fails to pay for the security according to the terms of the contract or the sale, the seller may as an alternative to any other remedy recover the agreed price of the security. This subsection does not affect the remedy of a seller if the security has not been delivered or tendered.

SEC. 9. Section 8202 of said code is amended to read:

8202. (1) Even against a purchaser for value and without notice, the terms of a security include those stated on the security and those made part of the security by reference to another instrument, indenture or document or to a constitution, statute, ordinance, rule, regulation, order or the like to the extent that the terms so referred to do not conflict with the stated terms Such a reference does not of itself charge a purchaser for value with notice of a defect going to the validity of the security even though the security expressly states that a person accepting it admits such notice.

(2) (a) A security other than one issued by a government or governmental agency or unit even though issued with a defect going to its validity is valid in the hands of a purchaser for value and without notice of the particular defect unless the defect involves a violation of constitutional provisions in which case the security is valid in the hands of a subsequent purchaser for value and without notice of the defect;

(b) The rule of paragraph (a) applies to an issuer which is a government or governmental agency or unit only if either

there has been substantial compliance with the legal requirements governing the issue or the issuer has received a substantial consideration for the issue as a whole or for the particular security and a stated purpose of the issue is one for which the issuer has power to borrow money or issue the security.

(3) Except as otherwise provided in the case of certain unauthorized signatures on issue (Section 8205), lack of genuineness of a security is a complete defense even against a purchaser for value and without notice.

(4) All other defenses of the issuer including nondelivery and conditional delivery of the security are ineffective against a purchaser for value who has taken without notice of the particular defense.

SEC. 10. Section 8301 of said code is amended to read:

8301. (1) Upon delivery of a security the purchaser acquires the rights in the security which his transferor had or had actual authority to convey except that a purchaser who has himself been a party to any fraud or illegality affecting the security or who as a prior holder had notice of an adverse claim cannot improve his position by taking from a later bona fide purchaser. "Adverse claim" includes a claim that a transfer was or would be wrongful or that a particular adverse person is the owner of or has an interest in the security.

(2) A bona fide purchaser in addition to acquiring the rights of a purchaser also acquires the security free of any adverse claim.

(3) A purchaser of a limited interest acquires rights only to the extent of the interest purchased.

SEC. 11. Section 8302 of said code is amended to read:

8302. A "bona fide purchaser" is a purchaser for value in good faith and without notice of any adverse claim who takes delivery of a security in bearer form or of one in registered form issued to him or indorsed to him or in blank.

SEC. 12. Section 8303 of said code is amended to read:

8303. "Broker" means a person engaged for all or part of his time in the business of buying and selling securities, who in the transaction concerned acts for, or buys a security from or sells a security to a customer. Nothing in this division determines the capacity in which a person acts for purposes of any other statute or rule to which such person is subject.

SEC. 13. Section 8304 of said code is amended to read:

8304. (1) A purchaser (including a broker for the seller or buyer but excluding an intermediary bank) of a security is charged with notice of adverse claims if

(a) The security whether in bearer or registered form has been indorsed "for collection" or "for surrender" or for some other purpose not involving transfer; or

(b) The security is in bearer form and has on it an unambiguous statement that it is the property of a person other than the transferor. The mere writing of a name on a security is not such a statement.

(2) The fact that the purchaser (including a broker for the seller or buyer) has notice that the security is held for a third person or is registered in the name of or indorsed by a fiduciary does not create a duty of inquiry into the rightfulness of the transfer or constitute notice of adverse claims. If, however, the purchaser (excluding an intermediary bank) has knowledge that the proceeds are being used or that the transaction is wrongfully for the individual benefit of the fiduciary or otherwise in breach of duty, the purchaser is charged with notice of adverse claims.

SEC. 14. Section 8313 of said code is amended to read:

8313. (1) Delivery to a purchaser occurs when

(a) He or a person designated by him acquires possession of a security; or

(b) His broker acquires possession of a security specially indorsed to or issued in the name of the purchaser; or

(c) His broker sends him confirmation of the purchase and also by book entry or otherwise identifies a specific security in the broker's possession as belonging to the purchaser; or

(d) With respect to an identified security to be delivered while still in the possession of a third person when that person acknowledges that he holds for the purchaser; or

(e) Appropriate entries on the books of a clearing corporation are made under Section 8320.

(2) The purchaser is the owner of a security held for him by his broker, but is not the holder except as specified in paragraphs (b), (c) and (e) of subdivision (1) of this section. Where a security is part of a fungible bulk, the purchaser is the owner of a proportionate property interest in the fungible bulk.

(3) Notice of an adverse claim to the broker or to the purchaser after the broker takes delivery as a holder without notice of any adverse claim is not notice of the adverse claim to either the broker or the purchaser.

SEC. 15. Section 8401 of said code is amended to read:

8401. (1) Where a security in registered form is presented to the issuer with a request to register transfer, the issuer is under a duty to register the transfer as requested if

(a) The security is indorsed by the appropriate person or persons (Section 8308); and

(b) Reasonable assurance is given that those indorsements are genuine and effective (Section 8402); and

(c) The issuer has no duty to inquire into adverse claims or has discharged any such duty (Section 8403); and

(d) Any applicable law relating to the collection of taxes has been complied with.

(2) Where an issuer is under a duty to register a transfer of a security the issuer is liable to the person presenting it for registration or his principal for loss resulting from any unreasonable delay in registration or from failure or refusal to register the transfer, but in any such case the plaintiff must

allege and prove that the transfer requested was in fact rightful or that he was a bona fide purchaser.

SEC. 16. Section 9102 of said code is amended to read:

9102. (1) Except as otherwise provided in Section 9103 on multiple state transactions and in Section 9104 on excluded transactions, this division applies so far as concerns any personal property and fixtures within the jurisdiction of this state

(a) To any transaction (regardless of its form) which is intended to create a security interest in personal property including goods, documents, instruments, general intangibles, chattel paper, accounts or contract rights; and also

(b) To any sale of accounts, contract rights or chattel paper; and also

(c) To any transaction (regardless of its form) which is intended to create a security interest in goods which are or later become "fixtures" under the law of this state, but as against third parties having or acquiring an interest in or a lien on the real property, the rights and duties of the parties to the secured transaction are governed by the law of this state relating to real property and fixtures.

(2) This division applies to security interests created by contract including pledge, assignment, chattel mortgage, chattel trust, trust deed, inventory lien, equipment trust, conditional sale, trust receipt, other lien or title retention contract and lease or consignment intended as security. This division does not apply to statutory liens except as provided in Section 9310.

(3) The application of this division to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this division does not apply.

(4) Notwithstanding anything to the contrary in this division, no nonpossessory security interest, other than a purchase money security interest, may be given or taken in or to the inventory of a retail merchant held for sale, except in or to inventory consisting of durable goods having a unit retail value of at least five hundred dollars ($500) or motor vehicles, house trailers, trailers, semitrailers, farm and construction machinery and repair parts thereof, or aircraft.

SEC. 17. Section 9312 of said code is amended to read:

9312. (1) The rules of priority stated in the following sections shall govern where applicable: Section 4208 with respect to the security interest of collecting banks in items being collected, accompanying documents and proceeds; Section 9301 on certain priorities; Section 9304 on goods covered by documents; Section 9306 on proceeds and repossessions; Section 9307 on buyers of goods; Section 9308 on possessory against nonpossessory interests in chattel paper or nonnegotiable instruments; Section 9309 on security interests in negotiable instruments, documents or securities; Section 9310 on priorities between perfected security interests and liens by

operation of law; Section 9314 on security interests in accessions as against interest in goods; Section 9315 on conflicting security interests where goods lose their identity or become part of a product; and Section 9316 on contractual subordination.

(3) A purchase money security interest in inventory collateral has priority over a conflicting security interest in the same collateral if

(a) The purchase money security interest is perfected at the time the debtor receives possession of the collateral; and

(b) Any secured party whose security interest is known to the holder of the purchase money security interest or who, prior to the date of the filing made by the holder of the purchase money security interest, had filed a financing statement covering the same items or type of inventory, has received notification of the purchase money security interest before the debtor receives possession of the collateral covered by the purchase money security interest; and

(c) Such notification states that the person giving the notice has or expects to acquire a purchase money security interest in inventory of the debtor, describing such inventory by item or type.

(4) A purchase money security interest in collateral other than inventory has priority over a conflicting security interest in the same collateral if the purchase money security interest is perfected at the time the debtor receives possession of the collateral or within 10 days thereafter.

(5) In all cases not governed by other rules stated in this section (including cases of purchase money security interests which do not qualify for the special priorities set forth in subdivisions (3) and (4) of this section), priority between conflicting security interests in the same collateral shall be determined as follows:

(a) In the order of filing if both are perfected by filing, regardless of which security interest attached first under Section 9204(1) and whether it attached before or after filing;

(b) In the order of perfection unless both are perfected by filing, regardless of which security interest attached first under Section 9204(1) and, in the case of a filed security interest, whether it attached before or after filing; and

(c) In the order of attachment under Section 9204(1) so long as neither is perfected.

(6) For the purpose of the priority rules of the immediately preceding subdivision, a continuously perfected security interest shall be treated at all times as if perfected by filing if it was originally so perfected and it shall be treated at all times as if perfected otherwise than by filing if it was originally perfected otherwise than by filing.

SEC. 18. Section 9402 of said code is amended to read:

9402. (1) A financing statement is sufficient if it is signed by the debtor and by the secured party, gives the name and mailing address of the secured party, the name and mailing

address of the debtor and contains a statement indicating the types of collateral or describing the items of collateral. The financing statement shall also set forth: if the debtor is an individual, the address of his residence and the address of his chief place of business, if any; if the debtor is an organization, the address of its chief place of business; if the debtor is doing business under a trade name or style, such trade name or style. A financing statement may be filed before a security agreement is made or before a security interest otherwise attaches. When the financing statement covers crops growing or to be grown or timber to be cut, the statement must also contain a description of the real property concerned. A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by both parties.

(2) A financing statement which otherwise complies with subdivision (1) is sufficient although it is signed only by the secured party when it is filed to perfect a security interest in

(a) Collateral already subject to a security interest in another jurisdiction when it is brought into this state. Such financing statement must state that the collateral was brought into this state under such circumstances;

(b) Proceeds under Section 9306, if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral.

(3) A form substantially as follows is sufficient to comply with subdivision (1):

FINANCING STATEMENT

Name of debtor_____
Mailing address of debtor_____
Name of secured party_____
Mailing address of secured party_____
Address of debtor's residence (if an individual)_____and address of his chief place of business (if any)_____
Address of chief place of business of debtor (if an organization) _____
The debtor is doing business under the following trade name or style _____

(1) This financing statement covers the following types (or items) of property: (description of the collateral)

(2) (If collateral is crops or timber) The above described crops or timber are growing or are to be grown on or are standing on: (description of real property)

(3) (If proceeds or products of collateral are claimed) (Proceeds) (Products) of the collateral are also covered

Date: _____ 19___

Signature of debtor
Signature of secured party

(If the transaction consists of a sale of accounts, contract rights or chattel paper, the term seller or assignor may be substituted for debtor and the term buyer or assignee may be substituted for secured party.)

(4) The term "financing statement" as used in this code means the original financing statement and any amendments signed by the debtor and the secured party or a financing statement signed only by the secured party under Section 9402(2) and any amendments thereto, but if any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment.

(5) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

SEC. 19. Section 9406 of said code is amended to read:

9406. (1) If a secured party assigns or transfers his security interest in any collateral as to which a financing statement has been filed, a statement of such assignment may be filed. Such statement shall be signed by the secured party, describe the collateral as to which the security interest has been assigned, give the name and mailing address of the assignee or transferee, the name and address of the debtor and the file number of the original financing statement.

(2) The filing officer shall mark each such statement of assignment or transfer with the date and time of filing and shall index the same under the name of the debtor and under the file number of the original financing statement.

(3) A statement of assignment may be filed at the time of the filing of the financing statement, in which event the filing officer shall first file the financing statement and index the assignment under the name of the debtor and under the file number given the financing statement. An assignment endorsed on the financing statement before it is filed with the filing officer need not be indexed by him.

(4) The uniform fee for filing, indexing and furnishing filing data (subdivision (1) of Section 9407) for a separate statement of assignment on a form conforming to standards prescribed by the Secretary of State shall be two dollars ($2) or, if such a statement otherwise conforms to the requirements of this section, three dollars ($3).

(5) Whenever a continuation statement, an amendment to a financing statement, a termination statement, a statement of release or a statement of assignment signed by one other than the secured party of record is presented for filing it must be accompanied by a statement of assignment signed by the secured party of record covering the collateral to which such continuation statement, amendment, termination statement, release, or assignment applies.

(6) Wherever in this code reference is made to the secured party of record it means the secured party named in the original financing statement or, if a statement of assignment has been filed, or an assignee has been named in the financing

statement before it is filed, the assignee or transferee of the security interest in the collateral affected. Any continuation statement, amendment to a financing statement, termination statement, statement of release or statement of assignment signed by one other than the secured party of record as to the collateral affected thereby shall be ineffective for any purpose except as between the parties thereto.

SEC. 20. Section 10102 of said code is amended to read:

10102. Transactions validly entered into before the effective date specified in Section 10101 and the rights, duties and interests flowing from them remain valid thereafter and may be terminated, completed, consummated or enforced as required or permitted by any statute or other law amended or repealed by this act as though such repeal or amendment had not occurred; provided, however, that the perfection of a security interest (other than a security interest (i) in a motor vehicle or boat required to be registered under the Vehicle Code or the Harbors and Navigation Code unless such vehicle or boat is inventory or (ii) in personal property, including fixtures, which constitutes a portion of the properties included in an agreement which is a mortgage or deed of trust of both real and personal property made to secure the payment of bonds or other evidences of indebtedness authorized or permitted to be issued by the Commissioner of Corporations, or made by a public utility as defined in the Public Utilities Code), as defined in this code (Section 1201), and however denominated in any law repealed by this act,

(a) Which was perfected when this act takes effect by a filing or recording under a law repealed by this act and requiring a further filing or recording to continue its perfection, continues until and will lapse on the date provided by the law so repealed for such further filing or recording;

(b) Which was perfected when this act takes effect by a filing or recording under a law repealed by this act and requiring no further filing or recording to continue its perfection, continues until and will lapse 12 months after the date this act takes effect;

(c) Which was perfected when this act takes effect without any filing or recording, but with respect to which a financing statement is required to be filed in order for it to be perfected under this code, continues until and will lapse 12 months after this act takes effect;

unless. in each case, a continuation statement is filed by the secured party within 12 months before the perfection of the security interest would otherwise lapse. Any such continuation statement must be signed by the secured party, identify the original security agreement, however denominated, state the office where and the date when last filed or refiled, or recorded or re-recorded, and the filing number or recordation data and further state that the original security agreement is still effective. Section 9401(1) determines the proper place to file such

a continuation statement. Except as herein specified the provisions of Section 9403(3) apply to such a continuation statement.

CHAPTER 1380

An act to amend Sections 104.2, 459, 3045.1, 3084.5, 3447 of, and to add Sections 3081 and 3473.5 to, the Welfare and Institutions Code and to amend Sections 11004, 11012, 12557, 12658, and 13051 of Division 9 of, and to add Sections 11062 and 13057 to Division 9 of, the Welfare and Institutions Code as proposed by Assembly Bill No. 1682 of the 1965 Regular Session, relating to aid to the blind.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 104.2 of the Welfare and Institutions Code is amended to read:

104.2. The provisions of this code relative to public social services for which state grant-in-aid are made to the counties shall be administered fairly to the end that all persons who are eligible and apply for such public social services shall receive the assistance to which they are entitled promptly, with due consideration for the needs of applicants and the safeguarding of public funds.

(a) Any applicant for, or recipient or payee of, such public social services shall be informed as to the provisions of eligibility and his responsibility for reporting facts material to a correct determination of eligibility and grant

(b) Any applicant for, or recipient or payee of, such public social services shall be responsible for reporting accurately and completely within his competence those facts required of him pursuant to subdivision (a) and to report promptly any changes in those facts.

(c) Any person who makes full and complete disclosure of those facts as explained to him pursuant to subdivision (a) is entitled to rely upon the award of aid as being accurate, and that the warrant he receives correctly reflects the award made, except that the county paying the aid shall be allowed a period of two months following the month of payment within which to adjust any errors or changes in amount of grant resulting from changes in income or need which occur too late to be reflected in the grant for the current month. Whenever possible, adjustments of overpayments shall be prorated evenly over the two-months adjustment period.

(d) If any overpayment which results because of the failure to report facts in accordance with subdivision (b) is not adjusted within a period of two months following the month of the discovery of the overpayment, the person receiving the

aid shall make restitution and all actions necessary to secure restitution may be brought against him.

If the recipient or family is currently eligible in accordance with law and the regulations of the department, collection of overpayments shall not be made through discontinuance or reduction of aid beyond the grant adjustment period permitted by subsection (c) except where the recipient or family at the time of determination of the overpayment possessed liquid assets sufficient to meet needs of himself or his family, according to department standard, during the period of reduction or discontinuance thereof.

(e) If it is found that a recipient or a family was possessed of property in excess of the amount permitted by law, and it cannot be established that the recipient or family received such aid in bad faith, without honestly believing eligibility was properly established, the amount collectible shall be limited to an amount equal to the market value of the excess property or the amount of aid granted during the period the excess property was held, whichever is the lesser.

(f) When an underpayment or denial of aid occurs because of an administrative error or inadvertence on the part of a county and as a result the applicant or recipient does not receive the amount to which he is entitled, the county shall pay aid equal to the full amount of the underpayment which occurred during the period of four years immediately preceding the date the error or inadvertence is discovered.

SEC. 2. Section 459 of said code is amended 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. This section shall not be interpreted so as to repeal Section 3084.5.

SEC. 3. Section 3045.1 of said code is amended to read:

3045.1 Notwithstanding any other provisions of this code, persons receiving or applying for aid under Chapter 3 (commencing with Section 3400) of this part but eligible under this chapter and the provisions of Section 3084.6 may instead be granted aid under this chapter without the necessity of filing a new application and be restored to aid under Chapter 3 (commencing with Section 3400) at the end of 12 months or such other period as may be authorized by federal law or regulations.

An otherwise eligible applicant for aid under Chapter 3 (commencing with Section 3400) of this part may continue to be granted aid under this chapter up to a period of 12

months or such other period as may be authorized by federal law or regulations.

When the applicant or recipient is eligible for aid under both Chapter 1 and Chapter 3 of this part, he shall be awarded aid under that chapter which maximizes his grant. In the administration of aid to the blind, the State Department of Social Welfare and the county departments shall recognize that the retention and exclusive management of resources by blind recipients of aid fosters their competence, self-reliance, responsibility, and social and economic integration.

SEC. 4. Section 3084.5 of said code is amended to read:

3084.5. For the purposes of this chapter and Chapter 3 of this part, an applicant's share of his wife's community income shall be determined in accordance with the rules set forth in Section 2181 of this code.

SEC. 5. Section 3447 of said code is amended to read:

3447. Aid shall not be received under the provisions of this chapter by any person who owns, in addition to property authorized by Chapter 6 (commencing with Section 450) of Division 1 of this code, personal or real property, or both, the county-assessed valuation of which, less all encumbrances thereon of record, is in excess of five thousand dollars ($5,000). Aid shall not be denied under the provisions of this chapter to any blind person with a plan for achieving self-support on the ground that he owns personal or real property in addition to that authorized in Chapter 6 (commencing with Section 450) of Division 1 of this code; provided, that such additional property is or will be necessary to implement his plan for achieving self-support; and provided that the county-assessed valuation of such additional personal or real property or both, less all encumbrances thereon of record, does not exceed five thousand dollars ($5,000).

SEC. 6. Section 3081 is added to said code, to read:

3081. The sworn statements, affidavits or affirmations of each applicant or recipient of aid under this chapter or Chapter 3 (commencing with Section 3400) of this part, shall be presumed to be true, except with respect to degree of blindness. This section shall not be interpreted to preclude a full and complete investigation by the agency administering aid to the blind.

SEC. 7. Section 3473 5 is added to said code, to read:

3473.5. The county shall give 30 days written notice to a recipient of aid under this chapter whose aid is to be terminated by reason of his having achieved self-support.

SEC. 8. Section 11004 of Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682 of the 1965 Regular Session is amended to read:

11004. The provisions of this code relative to public social services for which state grant-in-aid are made to the counties shall be administered fairly to the end that all persons who are eligible and apply for such public social services shall receive the assistance to which they are entitled promptly,

with due consideration for the needs of applicants and the safeguarding of public funds.

(a) Any applicant for, or recipient or payee of, such public social services shall be informed as to the provisions of eligibility and his responsibility for reporting facts material to a correct determination of eligibility and grant.

(b) Any applicant for, or recipient or payee of, such public social services shall be responsible for reporting accurately and completely within his competence those facts required of him pursuant to subdivision (a) and to report promptly any changes in those facts.

(c) Any person who makes full and complete disclosure of those facts as explained to him pursuant to subdivision (a) is entitled to rely upon the award of aid as being accurate, and that the warrant he receives correctly reflects the award made, except that the county paying the aid shall be allowed a period of two months following the month of payment within which to adjust any errors or changes in amount of grant resulting from changes in income or need which occur too late to be reflected in the grant for the current month. Whenever possible, adjustments or overpayments shall be prorated evenly over the two months adjustment period.

(d) If any overpayment which results because of the failure to report facts in accordance with subdivision (b) is not adjusted within a period of two months following the month of the discovery of the overpayment, the person receiving the aid shall make restitution and all actions necessary to secure restitution may be brought against him.

If the recipient or family is currently eligible in accordance with law and the regulations of the department, collection of overpayments shall not be made through discontinuance or reduction of aid beyond the grant adjustment period permitted by subsection (c) except where the recipient or family at the time of determination of the overpayment possessed liquid assets sufficient to meet the needs of himself or his family, according to department standard, during the period of reduction or discontinuance thereof.

(e) If it is found that a recipient or a family was possessed of property in excess of the amount permitted by law, and it cannot be established that the recipient or family received such aid in bad faith, without honestly believing eligibility was properly established, the amount collectible shall be limited to an amount equal to the market value of the excess property or the amount of aid granted during the period the excess property was held, whichever is the lesser.

(f) When an underpayment or denial of aid occurs because of an administrative error or inadvertence on the part of a county, and as a result the applicant or recipient does not receive the amount to which he is entitled, the county shall pay aid equal to the full amount of the underpayment which occurred during the period of four years immediately preceding the date the error or inadvertence is discovered.

SEC. 9. Section 11012 of Division 9 of said code as proposed by said bill is amended to read:

11012. To encourage the spouse of an applicant or recipient 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 said earnings should be allocated to the applicant or recipient 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.

This section does not apply to the aid to families with dependent children program.

This section shall not be interpreted so as to repeal Section 12658.

SEC. 10. Section 11062 is added to Division 9 of said code as proposed by said bill, to read:

11062. The sworn statements, affidavits or affirmations of each applicant or recipient of aid under Chapter 4 or Chapter 5 of this part, shall be presumed to be true, except with respect to degree of blindness. This section shall not be interpreted to preclude a full and complete investigation by the agency administering aid to the blind.

SEC. 11. Section 12557 of Division 9 of said code as proposed by said bill is amended to read:

12557. Notwithstanding any other provisions of this code, persons receiving or applying for aid under Chapter 5 of this part but eligible under this chapter and the provisions of Section 12562 may instead be granted aid under this chapter without the necessity of filing a new application and be restored to aid under Chapter 5 at the end of 12 months or such other period as may be authorized by federal law or regulations.

An otherwise eligible applicant for aid under Chapter 5 of this part may continue to be granted aid under this chapter up to a period of 12 months or such other period as may be authorized by federal law or regulations.

When the applicant or recipient is eligible for aid under both this chapter and Chapter 5 of this part, he shall be awarded aid under that chapter which maximizes his grant In the administration of aid to the blind, the department and the county departments shall recognize that the retention and exclusive management of resources by blind recipients of aid fosters their competence, self-reliance, responsibility, and social and economic integration.

SEC. 12 Section 12658 of Division 9 of said code as proposed by said bill is amended to read:

12658. For the purposes of this chapter and Chapter 5 of this part, an applicant's share of his wife's community income shall be determined in accordance with the rules set forth in Section 12101 of this code.

SEC. 13. Section 13051 of Division 9 of said code as proposed by said bill is amended to read:

13051. Aid shall not be received under the provisions of this chapter by any person who owns, in addition to property authorized by Article 4 (commencing with Section 11150) of Chapter 1 of this part, personal or real property, or both, the county-assessed valuation of which, less all encumbrances thereon of record, is in excess of five thousand dollars ($5,000). Aid shall not be denied under the provisions of this chapter to any blind person with a plan for achieving self-support on the ground that he owns personal or real property in addition to that authorized in Article 4 (commencing with Section 11150) of Chapter 1 of this part; provided, that such additional property is or will be necessary to implement his plan for achieving self-support; and provided, that the county-assessed valuation of such additional personal or real property, or both, less all encumbrances thereon of record, does not exceed five thousand dollars ($5,000).

SEC. 14 Section 13057 is added to Division 9 of said code as proposed by said bill, to read:

13057. The county shall give 30 days written notice to a recipient of aid under this chapter whose aid is to be terminated by reason of his having achieved self-support.

SEC. 15. Sections 8 through 14 of this act shall become operative only if Assembly Bill No. 1682 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No. 1682 takes effect; at which time Sections 104 2, 459, 3045.1, 3084.5, and 3447 of the Welfare and Institutions Code as amended by Sections 1, 2, 3, 4, and 5 of this act and Sections 3081 and 3473.5 of the Welfare and Institutions Code as added by Sections 6 and 7 of this act are repealed

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CHAPTER 1381

An act to repeal Section 3251 and to amend and renumber Section 3252 of the Welfare and Institutions Code and to repeal Section 18650 of, and to amend and renumber Section 18651 of, Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682, relating to state institutions for the blind.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 3251 of the Welfare and Institutions Code is repealed.

SEC. 2. Section 3252 of said code is amended and renumbered to read:

3250. Every blind person who was a resident of the Oakland Orientation Center for the Blind on March 1, 1951, who

may be transferred to other facilities either public or private and who is unable to work shall be considered as a beneficiary of the state in exercise of the power to assist the handicapped, and when he has no other source of income or support, including receipt of benefits under any public assistance program, shall receive not less than two dollars ($2) per week as aid for his personal needs. Such payments shall be made from funds appropriated for the support of the Department of Social Welfare.

The Director of the State Department of Social Welfare may contract with public or private agencies for the proper care of all residents who may be transferred from the Oakland Orientation Center for the Blind to other public or private facilities. Payments for the support of all persons so transferred shall be made from funds appropriated for the support of the Department of Social Welfare.

All residents who are transferred from the Oakland Orientation Center for the Blind to other facilities shall be provided at the expense of the state with room, board, medical, dental and eye care and such other services as may be deemed necessary by the Director of the State Department of Social Welfare.

SEC. 3. Section 18650 of Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682 is repealed.

SEC. 4. Section 18651 of said division as proposed by said bill is amended and renumbered to read:

18650. Every blind person who was a resident of the Oakland Orientation Center for the Blind on March 1, 1951, who may be transferred to other facilities either public or private and who is unable to work, shall be considered as a beneficiary of the state in exercise of the power to assist the handicapped, and when he has no other source of income or support, including receipt of benefits under any public assistance program, shall receive not less than two dollars ($2) per week as aid for his personal needs. Such payments shall be made from funds appropriated for the support of the department.

The director may contract with public or private agencies for the proper care of all residents who may be transferred from the Oakland Orientation Center for the Blind to other public or private facilities. Payments for the support of all persons so transferred shall be made from funds appropriated for the support of the department.

All residents who are transferred from the Oakland Orientation Center for the Blind to other facilities shall be provided at the expense of the state with room, board, medical, dental and eye care, and such other services as may be deemed necessary by the director.

SEC. 5. Sections 3 and 4 of this act shall become operative only if the revision of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682 is enacted by the Legislature at its 1965 Regular Session, and in such case at the

same time as Assembly Bill No. 1682 takes effect; at which time Section 3250 of the Welfare and Institutions Code as amended and renumbered by Section 1 of this act is repealed.

CHAPTER 1382

An act to amend Section 601 of the Code of Civil Procedure, relating to the challenge of jurors.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 601 of the Code of Civil Procedure is amended to read:

601. Challenges are to individual jurors and are either peremptory or for cause.

Each party is entitled to challenges for cause.

Each side is entitled to six peremptory challenges and where there are several parties on a side the challenges shall be equally divided among the several parties whenever possible. If an equal division of the challenges among the several parties on a side is not possible, then the court shall make as nearly an equal division of the challenges as is possible. If any party on a side does not use his full share of peremptory challenges, the unused challenges may be used by the other party or parties on the same side. When a trial involves coparties or third parties joined by consolidation, intervention, cross complaint or otherwise, the court, as the interests of justice require, shall determine the number and identity of sides, according to adverse interests in the issues at the trial and shall determine the order in which the sides shall exercise their respective peremptory challenges.

Peremptory challenges shall not be taken until the panel is full and then must be taken or passed by the sides alternately, commencing with the plaintiff. When each side passes consecutively, the jury shall then be sworn, unless the court, for good cause, shall otherwise order. The number of peremptory challenges remaining with a side shall not be diminished by any passing of a peremptory challenge.

The above provisions notwithstanding, a side shall, upon filing written demand therefor with the court before pretrial proceedings, or upon oral or written demand therefor made during such proceedings, have eight peremptory challenges.

CHAPTER 1383

An act to amend Section 3 of Chapter 1938 of the Statutes of 1963, and to add Section 12231 to the Government Code, relating to the California Heritage Preservation Commission.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 3 of Chapter 1938 of the Statutes of 1963 is amended to read:

Sec. 3. The members of the commission shall serve at the pleasure of their appointing authority.

The commission shall elect its own chairman

The Secretary of State is the secretary of the commission

The Secretary of State shall notify the appointees of the time and place of the meetings of the commission

The members of the commission shall serve without compensation. Appropriations for the support of the commission shall be made from the General Fund.

The commission shall prepare a plan for the restoration, preservation and display in the State Capitol and elsewhere in the State of California of the historic documents of the State of California on deposit with the Secretary of State. The plan for the displays shall be directed to the instruction and inspiration of all California citizens, particularly students.

The commission shall report such plan to the Legislature no later than the 31st legislative day of the 1967 Regular Session

SEC. 3. Section 12231 is added to the Government Code, to read:

12231. In carrying out the provisions of this article, the Secretary of State shall consult with and give consideration to the recommendations of the California Heritage Conservation Commission, which for such purpose shall serve in an advisory capacity to the Secretary of State.

CHAPTER 1384

An act to amend Section 1063 of the Government Code, relating to public officers.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1063 of the Government Code is amended to read:

1063. No officer of a county or judicial district shall absent himself from the state for more than 30 days unless either:

(a) Upon business for the state, county or judicial district,

(b) With the consent of the board of supervisors of the county.

In no case shall such officer absent himself from the state for more than two months without the consent of the board of supervisors, with the written approval of the Governor, nor shall such absence continue for a period exceeding six months in any one year.

This section does not apply to judicial officers.

CHAPTER 1385

An act to add Section 6362.5 to the Business and Professions Code, relating to libraries.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 6362.5 is added to the Business and Professions Code, to read:

6362.5. The State Librarian shall periodically supply to each law library established under the provisions of this chapter, and requesting the same, information regarding newly published materials to aid such libraries in their selection of new materials.

CHAPTER 1386

An act making an appropriation for sewage transportation facilities out of the South Lake Tahoe Basin.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated out of the General Fund the sum of one million eight hundred thousand dollars ($1,800,000) to the State Allocation Board for assistance to local agencies, under the Local Agency Allocation Law (commencing with Section 15500 of the Government Code) for the construction of sewage transportation facilities for the transportation of treated effluent out of the South Lake Tahoe Basin.

SEC. 2. No part of this appropriation shall be available for allocation to a local agency unless the state receives a clear declaration of intention to carry out the purposes of this act from the agency by October 1, 1965, and unless it is to be used to finance the construction of facilities for the transportation of treated effluent out of the South Lake Tahoe Basin,

and unless the local agency executes an agreement with the State Allocation Board by April 1, 1966, under which it agrees to repay the amount of the allocation, with interest, within 25 years following a 10-year moratorium on principal payments, and with the interest to be at a rate equal to the average, as determined by the board, of the net-interest costs to the state on the sales of general obligation bonds of the state that occurred during the calendar year immediately preceding the calendar year in which the interest falls due, during the moratorium on principal payments, with interest thereafter to be payable at the last rate applied during the moratorium; provided, that when the applicable average of the net-interest costs to the state is not a multiple of one-tenth of 1 percent, the interest rate shall be at the multiple of one-tenth of 1 percent next above the applicable average of the net-interest costs.

SEC. 3. In the event a grant of federal money is made for assistance in financing such transportation facilities, the amount of the allocation authorized to be made by the State Allocation Board shall be reduced by a corresponding amount.

SEC. 4. Amounts received from a local agency pursuant to such an agreement shall be deposited in the General Fund.

CHAPTER 1387

An act to amend Section 9034 of the Welfare and Institutions Code, relating to community mental health.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 9034 of the Welfare and Institutions Code is amended to read:

9034. Subject to appropriation therefor, there shall be paid to each city, county or local health district on account of expenditures subject to reimbursement by the state pursuant to Section 9030, 50 percent of the amount expended by the local agency for mental health services, until the amount expended each fiscal year exceeds the amount that such entity actually expended for such mental health services in the fiscal year prior to receipt of state aid for such mental health services.

Where in any fiscal year expenditures for increased mental health services specified in this chapter are made from local funds after the fiscal year prior to receipt of state aid for such mental health services, in excess of the sums spent in the fiscal year prior to receipt of state aid for such mental health services, and equal to or in excess of the sums spent by the local agency from local funds for such mental health services in the year ending June 30, 1963, the total expenditures made

for such increased services shall be shared at the rate of 75 percent state funds and 25 percent local funds. Local funds, as used in this section, shall be considered to include only funds derived from the the tax or revenue base of a city, county or local hospital district. The provisions of this paragraph shall apply only to mental health services which are first approved for receipt of state aid pursuant to this chapter prior to October 1, 1967.

For each mental health service which is first approved for receipt of state aid pursuant to this chapter subsequent to October 1, 1967, and subject to appropriation therefor, there shall be paid to each city, county, or local health district on account of expenditures subject to reimbursement by the state pursuant to Section 9030, 50 percent of the amount expended from local funds for such mental health service.

For the purpose of determining the expenditures to be reimbursed as provided in this section, there shall be deducted any fees received from patients or on behalf of a specified patient. If the total of the funds provided by the county, city, or local hospital district and the state reimbursement, in any fiscal year exceeds the total expenditures, the state reimbursement shall be reduced to the amount required to provide the balance of funds necessary to complete funding of the mental health program. Reimbursement shall be made on a quarterly basis, upon submission to the Director of Mental Hygiene such information as he may require.

CHAPTER 1388

An act to add Sections 12734, 12735, and 12736 to the Water Code, relating to flood protection.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 12734 is added to the Water Code, to read:

12734. The project for Corte Madera Creek, Marin County, California, is hereby adopted and authorized substantially in accordance with the recommendations of the Secretary of the Army and the Chief of Engineers in House Document Numbered 545, 87th Congress, 2nd Session, as authorized by act of Congress approved October 23, 1962, Public Law 87-874, 87th Congress, 2nd Session, 76 Stat. 1173, at an estimated cost to the state of such sum as may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the department, when funds for carrying out said project are appropriated by Congress; provided, that the requirement that local interests shall contribute in cash 3 percent of the federal construction costs of the Ross Valley unit

is for payment of a local benefit, and such cost shall not be payable or reimbursable by the state.

SEC. 2. Section 12735 is added to said code, to read:

12735. The Marin County Flood Control and Water Conservation District 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), will be furnished by the district in connection with the plan of flood control adopted and authorized by Section 12734.

SEC. 3. Section 12736 is added to said code, to read:

12736. The Marin County Flood Control and Water Conservation District, in conjunction with the Department of the Army, shall execute the plans and project referred to in Section 12734 and exercise all powers granted to it in the Marin County Flood Control and Water Conservation Act, and the district may make such 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.

CHAPTER 1389

An act to amend Section 5004 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 5004 of the Vehicle Code is amended to read:

5004. Notwithstanding any other provision of this code, any owner of a motor vehicle with an engine of 16 or more cylinders manufactured prior to 1965, or any motor vehicle manufactured in the year 1922 or prior thereto, operated or moved over the highway primarily for the purpose of historical exhibition or other similar purpose shall, upon application in the manner and at the time prescribed by the department, be issued special identification plates for the motor vehicle. The special identification plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Horseless Carriage No. 1" and the plates shall be of a distinguishing color. Motor vehicles exempt from registration pursuant to Section 4018 shall obtain and display the special identification plates provided for in this section. A fee of twenty-five dollars ($25) shall be charged for the initial issuance of the special identification plates. Such plates shall be permanent and shall not be required to be replaced. If such special identification plates become damaged or unserviceable

in any manner, replacement for the plates may be obtained from the department upon proper application and upon payment of such fee as is provided for in Section 9265.

These vehicles shall not be exempt from the equipment provisions of Sections 26709, 27150, and 27600.

CHAPTER 1390

An act to amend Section 29612 of, and to add Section 26614 to, the Government Code, relating to rescues by counties.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 26614 is added to the Government Code, to read:

26614. The board of supervisors of a county may authorize the sheriff to search for and rescue persons who are lost or are in danger of their lives within or in the immediate vicinity of the county. The expense incurred by the sheriff in the performance of such duties shall be a proper county charge.

SEC. 2. Section 29612 of said code is amended to read:

29612. The expenses necessarily incurred in searching for and rescuing persons who are lost or in danger of their lives are county charges.

CHAPTER 1391

An act to amend Sections 2819 and 2820 of the Water Code, relating to adjudication of water rights.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 2819 of the Water Code is amended, 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 completion of court review of the board's action under Article 4 (commencing with Section 1615), Chapter 9, Part 2, of this division, if court review is sought, 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. 2. Section 2820 of said code is amended, to read:

2820. After revocation by the board of a permit or license relating to a right included in the decree and upon completion of court review of the board's action under either Article 5 (commencing with Section 1410), Chapter 6, Part 2, or Article 7 (commencing with Section 1675), Chapter 9, Part 2, of this division, if court review is sought, the court shall, upon motion of the board or any interested party, enter a supplemental decree denying the right involved.

CHAPTER 1392

An act to amend Section 20853 of the Business and Professions Code, relating to gasoline and motor oil blending and dispensing pumps.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 20853 of the Business and Professions Code is amended to read:

20853. The use of pumps or other devices which are capable of withdrawing gasoline from one tank and motor oil, or a premixture of gasoline and motor oil in a known ratio, from another tank, and dispensing them as a single combined product, or of withdrawing gasoline alone from the tank containing gasoline and of withdrawing a premixture of gasoline and motor oil alone from the tank containing a premixture of gasoline and motor oil shall be authorized when the department determines that all the following conditions exist:

(a) The device mechanism accurately measures the quantities being simultaneously withdrawn for dispensing as a combined product from each of the two tanks when the combined product is dispensed and the quantity being dispensed from the gasoline tank alone when gasoline alone is dispensed or the quantity being dispensed from the premixture of gasoline and motor oil tank alone when the premixture of gasoline and motor oil alone is dispensed.

(b) The device mechanism accurately and visibly records and displays: (1) the ratio of gasoline to motor oil, the quantity of each ingredient being dispensed, the price per gallon for the gasoline being dispensed, and the price per quart for any motor oil being dispensed or (2) the ratio of gasoline to motor oil and the price per gallon for the product being dispensed.

(c) The device mechanism prevents the changing of the ratio of gasoline to motor oil during dispensing.

(d) There is firmly attached to or painted upon the device mechanism a sign or label plainly visible consisting of the word or words in letters not less than one-half of an inch in height "outboard motor fuel" together with the brand, trademark or trade name of such product, which word or words shall also be in letters of not less than one-half of an inch in height.

The provisions of this section shall not supersede any other provisions in this chapter, except that they shall supersede such other provisions including Sections 20782, 20783, 20840, 20846, 20849, 20850, 20851, and 20930 to the extent necessary to authorize the operation of the above-described blending type of pump connected to two tanks, one containing motor oil, or a premixture of motor oil and gasoline in a known ratio, and the other gasoline, provided that the motor oil shall in its separate state meet the specifications for lubricating oil as required by Section 20800 and that the gasoline shall in its separate state meet the specifications for gasoline as required by Section 20780.

CHAPTER 1393

An act to amend Section 2461 of the Business and Professions Code, relating to physical therapists, and making an appropriation therefor.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 2461 of the Business and Professions Code is amended to read:

2461. The amount of fees prescribed in connection with certificates of registration as a physical therapist is as follows:

(a) The application fee is twenty-five dollars ($25).

(b) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to fifty (50) percent of the renewal fee in effect on the last regular renewal date before the date on which the license is issued

(c) The renewal fee shall be fixed by the board at not more than twelve dollars ($12) nor less than two dollars ($2).

(d) The delinquency fee is ten dollars ($10).

CHAPTER 1394

An act to amend Section 20916 of, and to add Sections 20912, 20915, 20917, 20919, 20920, and 20921 to, the Business and Professions Code, relating to petroleum products.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 20912 is added to the Business and Professions Code, to read.

20912. This article does not prohibit any person from selling under his own trademarks, trade names, brands, or the words "no brand," the product of any manufacturer if such person has first obtained the written authorization of the true manufacturer so to sell such product.

SEC. 2. Section 20915 is added to said code, to read:

20915. The written authorizations required by this article shall be obtained prior to the displaying, handling, marketing, transporting, selling, advertising for sale, or otherwise dealing in any of the products covered by such authorizations.

SEC. 3. Section 20916 of said code is amended to read:

20916. The written authorizations required by this article shall contain all of the following:

(a) A reference by appropriate and adequate designation to a written contract covering the sale of, the petroleum products, if any.

(b) The quantity of such products sold or to be delivered, under such contract, if specified.

(c) The name of the true manufacturer.

(d) The vendor's name and the vendee's name.

(e) The trademarks, trade name or brand under which such products are authorized to be sold.

SEC. 4. Section 20917 is added to said code, to read:

20917. The written authorizations required by this article shall be kept in the form prescribed by the department and shall contain in addition to the data specifically required by this article, such other pertinent data and information as the department may deem necessary for the enforcement of this chapter

SEC. 5. Section 20919 is added to said code, to read:

20919. The written authorizations required by this article shall be available for inspection during business hours by the duly authorized representatives of the department.

SEC. 6. Section 20920 is added to said code, to read:

20920. Copies of the written authorizations required by this article shall be furnished the department upon request.

SEC. 7. Section 20921 is added to said code, to read:

20921. It is unlawful for any person to fail to keep in the form prescribed, or to forge or falsify, any records or au-

thorizations provided for in this article, or knowingly to keep, use or display any such false or forged records.

CHAPTER 1395

An act to add Title 5 (commencing with Section 13600) to Part 4 of the Penal Code, relating to indemnification of private citizens.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Title 5 (commencing with Section 13600) is added to Part 4 of the Penal Code to read:

TITLE 5. INDEMNIFICATION OF PRIVATE CITIZENS

13600. Direct action on the part of private citizens in preventing the commission of crimes against the person or property of others, or in apprehending criminals, benefits the entire public. In recognition of the public purpose served, the state may indemnify such citizens in appropriate cases for any injury or damage they may sustain as a direct consequence of their meritorious action.

13600.5. As used in this title, "private citizen" means any natural person other than a peace officer.

13601. In the event a private citizen incurs personal injury or damage to his property in preventing the commission of a crime against the person or property of another, in apprehending a criminal, or in materially assisting a peace officer in prevention of a crime or apprehension of a criminal, the private citizen or a law enforcement agency acting on his behalf may file a claim for indemnification for such injury or damage with the State Board of Control. The claim shall generally show:

(a) The date, place and other circumstances of the occurrence or events which gave rise to the claim;

(b) A general description of the activities of the claimant in prevention of a crime or apprehension of a criminal;

(c) The amount or estimated amount of the injury or damage sustained, insofar as it may be known at the time of the presentation of the claim;

(d) Such other information as the Board of Control may require.

The claim shall be accompanied by a corroborating statement and recommendation from the appropriate state or local law enforcement agency.

13602. Upon presentation of any such claim, the Board of Control shall fix a time and place for the hearing of the claim, and shall mail notices thereof to interested persons or agencies and to the Attorney General. At the hearing, the board shall receive recommendations from the Attorney General and law enforcement agencies, and evidence showing:

(a) The nature of the crime committed by the apprehended criminal or prevented by the action of the claimant, and the circumstances involved;

(b) That claimant's actions substantially and materially contributed to the apprehension of a criminal or to the prevention of a crime;

(c) That as a direct consequence, claimant incurred personal injury or damage to property;

(d) The extent of such injury or damage;

(e) Such other evidence as the board may require.

If the board determines, on the basis of such evidence, that the state should indemnify the claimant for the injury or damage sustained, it shall submit a report of the facts and its conclusion to the Legislature, and a recommendation that an appropriation be made by the Legislature for the purposes of indemnifying the claimant.

13603. The Board of Control is hereby authorized to make all needful rules and regulations consistent with the law for the purpose of carrying into effect the provisions of this act.

CHAPTER 1396

An act to amend Section 14052 of the Education Code, relating to the State Teachers' Retirement System.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 14052 of the Education Code is amended to read:

14052. Service shall be computed by school years and not by calendar years, portions of years served being accumulated and counted as service. All of the service rendered during any one school year in employment requisite for membership in this system shall not count for more than one year, and the service credited under this system to any member as rendered during any school year, shall not exceed the fraction of a year which makes one year of service, when added to the service credited to such member under the State Employees' Retirement System, the Retiring Annuities System of the University of California, or any locally administered retirement system in California except a local system as defined by Section 13824, as rendered during such year. No time shall be included for

which, or on the basis of which, a member is entitled to receive a pension in a lump sum or installment payments, for other than naval or military service from any source other than this system, or under the American Gratuity Act No. 4151 relating to service in the Philippine Islands under which 15 or more years of creditable service has accrued, or a local retirement system. If a retired member becomes entitled to such a pension, his retirement allowance shall be reduced thereafter to exclude the time upon which the pension is based, without other change in his retirement status. No time shall be included during which a member is on retirement under this system. If, at retirement, there are contributions to the Permanent Fund and the Retirement Annuity Fund remaining to the credit of the member which were made with respect to time on the basis of which the member will not be entitled to receive a benefit from those funds, the board shall refund to the member such contributions as it may allocate to said time with credited interest.

In lieu of any other benefits provided by this chapter (commencing with Section 13801), any member who rendered service prior to July 1, 1956, shall receive retirement benefits for that service at least equal to the benefits which he would have received for that service under the provisions of this chapter as they existed on June 30, 1956.

The amendment of this section made at the 1965 Regular Session of the Legislature shall operate retroactively with respect to retired members under the State Teachers' Retirement System.

CHAPTER 1397

An act to add Section 561 to the Streets and Highways Code, relating to state highways.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 561 is added to the Streets and Highways Code, to read:

561. Route 261 is from Route 101 near Longvale to Route 5 near Willows via the vicinity of Covelo and Mendocino Pass.

CHAPTER 1398

An act to amend Section 15132 of the Government Code, relating to the state teletype system.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 15132 of the Government Code is amended to read:

15132. The Attorney General shall lease facilities and equipment to connect the state teletype system with each of the Counties of Amador, Calaveras, Contra Costa, El Dorado, Glenn, Inyo, Kings, Mariposa, Mendocino, Modoc, Mono, Placer, San Benito, Trinity, Tuolumne, and Yolo.

CHAPTER 1399

An act to authorize a Davis-Grunsky grant to the Sonoma County Flood Control and Water Conservation District in connection with the Santa Rosa Creek Reservoir Project.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 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 Sonoma County Flood Control and Water Conservation District, pursuant to the Davis-Grunsky Act (Chapter 5 (commencing with Section 12880), Part 6, Division 6, Water Code), of such amount as may be determined by the department upon approval of an application therefor pursuant to said act, but not exceeding one million nine hundred fifty thousand dollars ($1,950,000), for fish and wildlife enhancement and recreational functions of the proposed Santa Rosa Creek Reservoir Project as described in the application and report on feasibility filed with the Department of Water Resources on March 10, 1965.

No further legislative approval shall be required with respect to the grant authorized 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

CHAPTER 1400

An act to amend Section 28132 of the Government Code, relating to Placer County salaries.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 28132 of the Government Code is amended to read:

28132. In a county of the 32nd class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, nine thousand dollars ($9,000) a year.

(b) The district attorney, sixteen thousand five hundred dollars ($16,500) a year. He shall not during his term of office engage in private practice and he shall devote his full working time to the duties of his office.

(c) Each supervisor, six thousand dollars ($6,000) a year, for all services rendered as supervisor and as member of the board of equalization, and ten cents ($0.10) for each mile actually and necessarily traveled when traveling within or without the county on county business; provided, that the supervisors may use automobiles provided and maintained by the county for such travel, in which case the mileage allowance provided for above shall not be allowed. He shall also be allowed his other actual and necessary traveling expenses when traveling by order of the board of supervisors on county business.

(d) Trial jurors in the superior court shall receive six dollars ($6) for each day's attendance and ten cents ($0.10) for each mile actually and necessarily traveled for attending upon and returning from court, such mileage to be computed for each day's attendance.

Each member of the grand jury shall be allowed seven dollars ($7) for each day in attendance upon the sessions of the grand jury or for each day's active and necessary service as a member of any committee of the grand jury. Each grand juror shall be allowed mileage at the rate of ten cents ($0.10) a mile for each mile actually traveled in attendance upon and returning from meetings of the grand jury or any actual or necessary session of a grand jury committee duly called by the secretary or committee chairman, but no mileage shall be allowed outside of the county.

CHAPTER 1401

An act to amend Section 396 of, and to add Section 563 to, the Streets and Highways Code, relating to state highway routes.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 396 of the Streets and Highways Code is amended to read:

396. Route 96 is from Route 299 near Willow Creek to Route 5 near the north city limit of Yreka via the vicinity of Weitchpec.

SEC. 2. Section 563 is added to said code, to read:

563. Route 263 is from Route 96 near the confluence of the Shasta and Klamath Rivers northeasterly to Route 5 near Klamath River Bridge.

CHAPTER 1402

An act to amend Section 397 of, and to add Section 565 to, the Streets and Highways Code, relating to state highway routes.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 397 of the Streets and Highways Code is amended to read:

397. Route 97 is from Route 5 at Highway Avenue Interchange in Weed to the Oregon state line near Calor.

SEC. 2. Section 565 is added to said code to read:

565. Route 265 is from Route 97 in Weed northwesterly to Route 5 at North Weed Interchange.

CHAPTER 1403

An act to amend Section 73075 of the Government Code, relating to municipal courts.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 73075 of the Government Code is amended to read:

73075. Each of the municipal court districts established in Alameda County shall have the number of judges set out below opposite the name of the judicial district over which such court has jurisdiction:

Alameda Judicial District	1
Berkeley-Albany Judicial District	2
Oakland-Piedmont Judicial District	10
San Leandro-Hayward Judicial District	3

CHAPTER 1404

An act to repeal Chapter 63 and Chapter 2063 of the Statutes of 1963, to cancel certain obligations owed to the School Land Fund, and to provide for the transfer of jurisdiction and control of certain real property acquired with School Land Fund money to the Department of General Services, relating to the School Land Fund.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Any obligation of the Public Building Construction Fund to the School Land Fund, or its successor fund, as evidenced by certificates issued by the State Public Works Board pursuant to Item 425 and 425.7 of the "Budget Act of 1962" (Ch. 1, Stats. 1962, 2nd Ex. Sess.), and purchased by the Director of Finance out of the School Land Fund, is hereby cancelled.

The Director of Finance shall surrender the certificates to the State Public Works Board which shall cancel them.

SEC. 2. Any obligation which is owed to the School Land Fund, or its successor fund, pursuant to Chapter 63, or Chapter 2063, of the Statutes of 1963, is hereby cancelled.

SEC. 3. The jurisdiction and control of all real property acquired pursuant to Chapter 63, or Chapter 2063, of the Statutes of 1963, is hereby transferred to the Department of General Services.

SEC. 4. Chapter 63 of the Statutes of 1963 is repealed.

SEC. 5. Chapter 2063 of the Statutes of 1963 is repealed.

CHAPTER 1405

An act to amend Section 31204 of the Education Code, relating to state school scholarships.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 31204 of the Education Code is amended to read:

31204. (a) There shall be available 16 such scholarships for each senatorial and assembly district and 3,200 scholarships at large throughout the state for the fiscal year 1965–66

(b) There shall be available for the fiscal year 1966–67 and for each fiscal year thereafter such scholarships in an amount equal to one percent (1%) of the number of California high school graduates of the previous year, plus such scholarships for all state scholarship winners who meet all standards for renewal of their awards prescribed by the Education Code and by regulations of the State Scholarship Commission.

It is the policy of the Legislature that any funds for scholarships for California college students received from the federal government shall be considered as supplemental and additional to the California State Scholarship program.

(c) Of the scholarships, other than renewal scholarships for state scholarship winners, authorized by subdivision (b), one-third of the total number available for a fiscal year shall be available for the fiscal year for allocation pro rata to each senatorial and assembly district.

No award shall be canceled because of change of residence of an award winner within the state

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CHAPTER 1406

An act to amend Section 70045.7 of the Government Code, relating to official court reporters.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 70045.7 of the Government Code is amended to read:

70045.7. In a county with a population of over 45,000 and under 46,750, each regular official reporter shall be paid an annual salary of ten thousand eight hundred dollars ($10,800), and each pro tempore official reporter shall be paid twenty-five dollars ($25) a day for the days he actually is on duty under order of the court.

CHAPTER 1407

An act to amend Section 6103.1 of the Government Code, relating to fees.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 6103.1 of the Government Code is amended to read:

6103.1. Section 6103 does not apply to:

(a) Any fee or charge for official services required by Parts 2, 3, and 4 of Division 2 of the Water Code, other than for services to the Department of Water Resources.

(b) The fee for traveling in the service or execution of any process or notice as provided by Section 26746 of the Government Code if it is greater than two dollars ($2).

CHAPTER 1408

An act to amend Section 20135 of the Government Code, relating to deductions from allowances and benefits under the State Employees' Retirement System.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 20135 of the Government Code is amended to read:

20135. Retired members of the system, and beneficiaries who are entitled to receive allowances or benefits under the provisions of this part, may authorize deductions to be made from their retirement allowance payments or from the allowances and benefits, respectively, or from either or both where both are being received, in accordance with regulations established by the board for the payment of group insurance premiums and other premiums for benefits or protection provided for under the provisions of Section 1156 of the Government Code or for the payment, with respect to retired state members of the system, of dues provided for under subdivision (d) of Section 1156. The board shall determine the additional cost involved in making deductions for such dues, and the association, or the unit thereof, shall pay the amount of such additional cost to the board for deposit in the Retirement Fund.

CHAPTER 1409

An act to amend Sections 13842 and 15442 of the Revenue and Taxation Code, relating to inheritance and gift tax exemptions.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 13842 of the Revenue and Taxation Code is amended to read:

13842. Property transferred to any society, corporation, institution, or association, in trust or otherwise, or to any foundation or trust, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation, is exempt from the tax imposed by this part, if any of the following conditions is present:

(a) The society, corporation, institution, foundation, trust, or association is organized solely for religious, charitable, scientific, literary, or educational purposes under the laws of this state or of the United States; provided that if the transfer is to, or in establishment of, a trust organized for such purposes, the trustee need not be organized solely for such purposes.

(b) The property transferred is limited for use within this state.

(c) In the event that the society, corporation, institution, foundation, trust, or association is organized or existing under the laws of a territory or another state of the United States or of a foreign state or country, at the date of the decedent's death either of the following concurred:

(1) The territory, other state, foreign state, or foreign country did not impose a legacy, succession, or death tax of any character in respect to property transferred to a similar society, corporation, institution, or association organized or existing under the laws of this state.

(2) The laws of the territory, other state, foreign state, or foreign country contained a reciprocal provision under which property transferred to a similar society, corporation, institution, or association organized or existing under the laws of another territory or state of the United States or foreign state or country was exempt from legacy, succession, or death taxes of every character, if the other territory or state of the United States or foreign state or country allowed a similar exemption in respect to property transferred to a similar society, corporation, institution, or association organized or existing under

the laws of another territory or state of the United States or foreign state or country.

SEC. 2. Section 15442 of said code is amended to read:

15442. Property transferred to any society, corporation, institution, or association, in trust or otherwise, or to any foundation or trust, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation, is exempt from the tax imposed by this part, if any of the following conditions is present:

(a) The society, corporation, institution, foundation, trust, or association is organized solely for religious, charitable, scientific, literary, or educational purposes under the laws of this state or of the United States; provided that if the transfer is to, or in establishment of, a trust organized for such purposes, the trustee need not be organized solely for such purposes.

(b) The property transferred is limited for use within this state.

(c) In the event that the society, corporation, institution, foundation, trust, or association is organized or existing under the laws of a territory or another state of the United States or of a foreign state or country, at the date of the transfer of the property either of the following concurred:

(1) The territory, other state, foreign state, or foreign country did not impose a gift tax of any character in respect to property transferred to a similar society, corporation, institution, or association organized or existing under the laws of this state.

(2) The laws of the territory, other state, foreign state, or foreign country contained a reciprocal provision under which property transferred to a similar society, corporation, institution, or association organized or existing under the laws of another territory or state of the United States or foreign state or country was exempt from gift taxes of every character, if the other territory or state of the United States or foreign state or country allowed a similar exemption in respect to property transferred to a similar society, corporation, institution, or association organized or existing under the laws of another territory or state of the United States or foreign state or country.

CHAPTER 1410

An act to repeal Section 1240 and amend Section 1241 of the Penal Code, relating to compensation and expenses for appointed counsel.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1240 of the Penal Code is repealed.

SEC. 2. Section 1241 of said code is amended to read:

1241. In any case in which counsel has been appointed by the Supreme Court or by a district court of appeal to represent a party to any appeal or proceeding in a criminal matter, such counsel shall receive a reasonable sum for compensation and necessary expenses, the amount of which shall be determined by the court and paid from any funds appropriated for that purpose. Claim for the payment of such compensation and expenses shall be made on a form prescribed by the Judicial Council and presented by counsel to the clerk of the appointing court. After the court has made its order fixing the amount to be paid the clerk shall transmit a copy of the order to the State Controller who shall draw his warrant in payment thereof and transmit it to the payee.

CHAPTER 1411

An act to amend Sections 74192, 74193, 74194, 74195, and 74196 of the Government Code, relating to municipal courts.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 74192 of the Government Code is amended to read:

74192. There shall be one clerk and administrator who shall be appointed by the judges of the court and who shall be secretary of the court. The clerk and administrator shall receive a monthly salary at a rate specified in Schedule 66 of Section 74196.

SEC. 2. Section 74193 of said code is amended to read:

74193. The clerk and administrator shall appoint:

(a) One assistant clerk who shall receive a monthly salary at a rate specified in Schedule 48 of Section 74196.

(b) One chief deputy clerk, who shall receive a monthly salary at a rate specified in Schedule 44 of Section 74196.

(c) Two deputy clerks, grade IV, each of whom shall receive a monthly salary at a rate specified in Schedule 38 of Section 74196.

(d) One legal stenographer who shall receive a monthly salary at a rate specified in Schedule 32 of Section 74196.

(e) Nine court clerks, each of whom shall receive a monthly salary at a rate specified in Schedule 36 of Section 74196.

(f) Four deputy clerks, grade III, each of whom shall receive a monthly salary at a rate specified in Schedule 34 of Section 74196.

(g) Twenty-two deputy clerks, grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 28 of Section 74196.

(h) Thirteen deputy clerks, grade I, each of whom shall receive a monthly salary at a rate specified in Schedule 22 of Section 74196.

SEC. 3. Section 74194 of said code is amended to read:

74194. There shall be one marshal, who shall be appointed by the judges of the court, and who shall receive a monthly salary at a rate specified in Schedule 61 of Section 74196.

SEC. 4. Section 74195 of said code is amended to read:

74195. The marshal shall appoint:

(a) One chief deputy marshal who shall receive a monthly salary at a rate specified in Schedule 51 of Section 74196.

(b) Six deputy marshals, who shall be sergeants, each of whom shall receive a monthly salary at a rate specified in Schedule 45 of Section 74196.

(c) Nine deputy marshals, bailiffs, each of whom shall receive a monthly salary at a rate specified in Schedule 41 of Section 74196.

(d) One deputy marshal, clerk grade IV, who shall receive a monthly salary at a rate specified in Schedule 38 of Section 74196.

(e) One deputy marshal, clerk grade III, who shall receive a monthly salary at a rate specified in Schedule 34 of Section 74196.

(f) Four deputy marshals, clerk grade II, each of whom shall receive a monthly salary at a rate specified in Schedule 28 of Section 74196.

(g) One deputy marshal, clerk grade I, who shall receive a monthly salary at a rate specified in Schedule 22 of Section 74196.

SEC. 5. Section 74196 of said code is amended to read:

74196. Whenever reference to a numbered salary schedule is made in any section of this article the following schedule of monthly salaries shall apply:

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
20 ------	341	358	376	395	415
21 ------	349	367	385	405	425
22 ------	358	376	395	415	436

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
23	367	385	405	425	447
24	376	395	415	436	458
25	385	405	425	447	469
26	395	415	436	458	481
27	405	425	447	469	493
28	415	436	458	481	505
29	425	447	469	493	517
30	436	458	481	505	530
31	447	469	493	517	543
32	458	481	505	530	556
33	469	493	517	543	570
34	481	505	530	556	584
35	493	517	543	570	598
36	505	530	556	584	613
37	517	543	570	598	628
38	530	556	584	613	644
39	543	570	598	628	660
40	556	584	613	644	676
41	570	598	628	660	693
42	584	613	644	676	710
43	598	628	660	693	727
44	613	644	676	710	745
45	628	660	693	727	763
46	644	676	710	745	782
47	660	693	727	763	801
48	676	710	745	782	821
49	693	727	763	801	841
50	710	745	782	821	862
51	727	763	801	841	883
52	745	782	821	862	905
53	763	801	841	883	927
54	782	821	862	905	950
55	801	841	883	927	975
56	905	950	1,000		
57	927	975	1,025		
58	950	1,000	1,050		
59	975	1,025	1,075		
60	1,000	1,050	1,102		
61	1,025	1,075	1,128		
62	1,050	1,102	1,155		
63	1,075	1,128	1,184		
64	1,102	1,155	1,213		
65	1,128	1,184	1,243		
66	1,155	1,213	1,274		
67	1,184	1,243	1,306		
68	1,213	1,274	1,338		
69	1,243	1,306	1,371		
70	1,274	1,338	1,405		
71	1,306	1,371	1,440		

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
72 ------	1,338	1,405	1,475		
73 ------	1,371	1,440	1,512		
74 ------	1,405	1,475	1,550		

(a) Unless otherwise specifically provided each person appointed to a position, the compensation of which is fixed by reference to the salary schedule set forth in this article, shall, for the first 12 months of service, receive monthly the rate of compensation specified in the first step of the salary schedule for the position to which he is appointed. Upon the first day of the month following 12 months' continuous service in a class, the initial rate of compensation of such person shall be increased to the next higher step of the salary schedule for the position occupied. On and after the first day of the month following each ensuing 12 months of such service such compensation shall be increased to the rate specified in the next higher step of the salary schedule for the position occupied until such compensation equals the sum specified in the highest step of the schedule pertaining to such position.

(b) When any person in the service of the court is appointed or promoted to another office or position in such service compensated at a higher numbered schedule, he shall receive step 1 of such schedule if step 1 is at least one step higher than the salary received in the office or position relinquished; but if not, he shall receive initially that step of the schedule pertaining to such office or position which will provide a one-step increase in his compensation.

(c) When any person in the service of the court is demoted to another office or position he shall receive compensation at the highest step of the salary schedule applicable to the position to which he is demoted which provides a salary not higher than that previously received by such person, except that if such demotion is due to disciplinary action, the appointing power may specify any step rate of such schedule which provides compensation not higher than that last previously received by such person.

CHAPTER 1412

An act to authorize a grant to be made from the funds pursuant to the Davis-Grunsky Act to Calaveras County Water District.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 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 Calaveras County Water

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 the act, but not exceeding sixteen million dollars ($16,000,000) for fish and wildlife enhancement and recreational functions of the district's proposed project. No further legislative approval shall be required with respect to the grant authorized 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.

CHAPTER 1413

An act to amend Section 781 of the Welfare and Institutions Code, relating to juvenile courts.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 781 of the Welfare and Institutions Code is amended to read:

781. In any case in which a petition has been filed with a juvenile court to commence proceedings to adjudge such person a dependent child or ward of the court or in any case in which a person is cited to appear before a probation officer or is taken before a probation officer pursuant to Section 626, such person, or the county probation officer, may, five years or more after the jurisdiction of the juvenile court has terminated as to such person, or, in a case in which no petition is filed, five years or more after such person was cited to appear before a probation officer or was taken before a probation officer pursuant to Section 626, petition the court for sealing of the records, including records of arrest, relating to such person's case, in the custody of the juvenile court and probation officer and such other agencies, including law enforcement agencies, and public officials, as petitioner alleges, in his petition, to have custody of such records. The court shall notify the district attorney of the county and the county probation officer, if he is not the petitioner of the petition, and such district attorney or probation officer or any of their deputies or any

other person having relevant evidence may testify at the hearing on the petition. If, after hearing, the court finds that since such termination of jurisdiction or action pursuant to Section 626, as the case may be, he has not been convicted of a felony or of any misdemeanor involving moral turpitude and that rehabilitation has been attained to the satisfaction of the court, it shall order sealed all records, papers, and exhibits in such person's case in the custody of the juvenile court, including the juvenile court record, minute book entries, and entries on dockets, and other records relating to the case in the custody of such other agencies and officials as are named in the order. Thereafter the proceedings in such case shall be deemed never to have occurred, and such person may properly reply accordingly to any inquiry about the events, records of which are ordered sealed. The court shall send a copy of the order to each agency and official named therein, and each such agency and official shall seal records in its custody as directed by the order, shall advise the court of its compliance, and thereupon shall seal the copy of the court's order for sealing of records that it or he received. The person who is the subject of records sealed pursuant to this section may petition the superior court to permit inspection of the records by persons named in the petition, and the superior court may so order. Otherwise such records shall not be open to inspection.

CHAPTER 1414

An act to add Article 9 (commencing with Section 7735) to Chapter 12 of Division 3 of the Business and Professions Code, relating to preneed funeral arrangements.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Article 9 (commencing with Section 7735) is added to Chapter 12, Division 3 of the Business and Professions Code, to read:

Article 9. Preneed Funeral Arrangements

7735. No licensed funeral director under the laws of the State of California, his agents or employees, shall enter into or solicit any preneed arrangement, contract or plan, hereinafter referred to as "contract", requiring the payment to said licensee of money or the delivery to him of securities to pay for the final disposition of a dead human body or for funeral services or for the furnishing of personal property or funeral merchandise, wherein the use or delivery of said services, property or merchandise is not immediately required, unless said

contract requires that all money paid directly or indirectly and all securities delivered under such agreement or under any agreement collateral thereto, shall be held in trust for the purpose for which it was paid or delivered until the contract is fulfilled according to its terms; provided, however, that any payment made or securities deposited pursuant to this article shall be released upon the death of the person for whose benefit such trust was established as provided in Section 7737. The income from the corpus may be utilized to pay for the following: The expense of administering the trust, a trustee's fee of not to exceed twenty-five dollars ($25), any sales expense incurred, and to establish a reserve of not to exceed 10 percent of the corpus as a revocation fee in the event of cancellation on the part of the beneficiary.

None of the trust corpus or trustees' fee shall be used for payment of any commission nor shall any of the trust corpus be used for other expenses of trust administration.

7736. For the purposes of this article the term "trustee" shall mean not less than three persons, one of whom may be an employee of the funeral director or any banking institution or trust company legally authorized and empowered by the State of California to act as trustee in the handling of trust funds; the word "trustor" shall mean any person who pays the money or deposits the securities used for such preneed arrangements; the term "beneficiary" shall be the person for whom such fund was established; the words "corpus of the trust" shall include all moneys paid and securities delivered pursuant to the provisions of the article other than the amount paid as a trustees' fee.

7737. All securities purchased by the trustor for deposit in trust as soon as paid for, and all money received from the trustor for deposit in trust shall be placed in trust with a trustee within 30 days of their receipt by the funeral director pursuant to a trust agreement executed by the funeral director, the trustor and trustee which shall provide that the trustee shall hold the money or securities in trust for the purposes for which deposited and that the trustee, upon the signature of two of said trustees, shall deliver the corpus of the trust to the funeral director upon the filing of a certified copy of the death certificate or other satisfactory evidence of the death of the beneficiary, together with satisfactory evidence that the funeral director has furnished the merchandise and services provided for in the said contract; provided, however, that said trust agreement shall further provide that at any time before the funeral director has furnished the merchandise and services provided for in said contract the trustor or the beneficiary or the legally appointed representative of either may in writing demand and receive the return of the corpus of the trust, other than the trustees' fee, together with any income accrued in the trust, less the revocation fee provided for in Section 7735. The delivery of the corpus of the trust and the accumulated income to the funeral director, trustor or beneficiary

pursuant to the terms of this article and the trust agreement herein referred to, shall relieve the trustee of any further liabilities with regard to such funds or income therefrom.

7738. Nothing in this article shall prevent a licensed funeral director who is also a licensed cemetery authority from depositing any money or securities received in connection with preneed funeral arrangements in a special endowment care fund as provided in Article 4 (commencing with Section 8775), Chapter 5, Part 3, Division 8 of the Health and Safety Code and the rules and regulations adopted pursuant thereto by the State Cemetery Board, provided that none of the trust corpus shall be used for payment of any commission or other expenses of trust administration.

7739. Any person willfully violating the provisions of this article or any of them shall be guilty of a misdemeanor and if a funeral director licensee, he shall also be subject to disciplinary action as provided in Article 6 of this chapter.

7740. The State Board of Funeral Directors and Embalmers is authorized to enforce of its own initiative the provisions of this article and may adopt such rules and regulations as in its opinion may be necessary to perform such duties and to safeguard the trust funds subject to this chapter.

7741. Nothing in this article shall apply to cemetery property; cemetery commodities; cemetery service; or merchandise that is delivered as soon as paid for.

7742. Nothing in this article shall apply to any arrangement, contract or plan for the issuance of securities now or hereafter authorized under a permit of the Commissioner of Corporations of this state.

CHAPTER 1415

An act to add Sections 25210.9a and 25210.9b to the Government Code, relating to county service areas.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 25210.9a is added to the Government Code, to read:

25210.9a. The board of supervisors may from time to time transfer moneys to a county service area or to a zone within a county service area, for the benefit of the service area or zone, from any available funds of the county. Any moneys so transferred may be used for the payment of any currently payable expenses incurred by reason of the establishment of any extended services within the service area or zone prior to December 1 of the first fiscal year in which a tax may be levied for extended services within the service area or zone. The rate

of interest earned by such moneys shall be determined by the board of supervisors.

SEC. 2. Section 25210.9b is added to said code, to read:

25210.9b. The board of supervisors shall in the first fiscal year in which a special tax upon the taxable property therein may be levied for any extended service in and on behalf of a county service area or a zone within a county service area, levy a special tax upon the taxable property therein for the purposes of the service area or zone, and shall include in the levy a sum sufficient to repay to the county the amounts transferred to the said service area or zone pursuant to Section 25210.9a. The amounts borrowed, with interest, shall be retransferred to the proper county fund or funds from the first available receipts from said special levy in said service area or zone.

Notwithstanding the above, the board of supervisors may, by a four-fifths resolution no later than the time of the first levy, extend the repayment of the transferred funds over a period of not to exceed three consecutive years, in which event said levy and each subsequent levy shall include a sum sufficient to repay the amount specified by the board of supervisors for the year of the levy.

CHAPTER 1416

An act authorizing the exchange of designated state real property in Ventura County.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. The Director of Parks and Recreation is authorized to convey and grant to the City of San Buenaventura and the Urban Redevelopment Agency of the City of San Buenaventura the following described parcels of real property located in or near the City of San Buenaventura and the San Buenaventura State Beach Park:

Parcel 1

The land described in the grant deed dated July 31, 1947 from the City of San Buenaventura to the State of California, recorded October 29, 1948 in Book 844, page 485, Official Records of Ventura County;

Parcel 2

The land described in the Final Order of Condemnation in People of the State of California vs. Jennie M. Werner, et al, dated May 27, 1957, recorded May 28, 1957, in Book 1517, page 214, Official Records of Ventura County;

Parcel 3

The land described as Parcels 68, 69, 70 and 71 in that certain Final Order of Condemnation in People of the State

of California vs Jennie M. Werner, et al, dated August 2, 1956, recorded August 2, 1956 in Book 1430, page 391, Official Records of Ventura County;

Parcel 4

The land described in the grant deed dated May 11, 1950 from Edith McDivitt, et al, to the State of California, recorded August 24, 1950 in Book 951, page 469, Official Records of Ventura County;

Parcel 5

The land described in the grant-quitclaim deed dated June 23, 1950 from Ventura Land and Water Company to the State of California, recorded October 19, 1950 in Book 961, page 157, Official Records of Ventura County;

Parcel 6

The land described in the grant deed dated April 13, 1950 from H. Gould Dennison to the State of California, recorded July 24, 1950 in Book 945, page 330, Official Records of Ventura County;

Parcel 7

The land described in the grant deed (not dated) from The Canet Company to the State of California, recorded July 31, 1957 in Book 1537, page 589, Official Records of Ventura County;

Parcel 8

The land described as Parcel 69 in that certain Final Order of Condemnation in People of the State of California vs Jennie M. Werner, et al, dated April 18, 1957, recorded April 19, 1957 in Book 1504, page 409, Official Records of Ventura County;

Parcel 9

A portion of lot 3, block 15, and of the strip of land shown as "Sand Beach" on the map of the Town of San Buenaventura, in the City of San Buenaventura, County of Ventura, State of California, as per map thereof recorded in Book A, page 327 of Miscellaneous Records (Transcribed Records from Santa Barbara County), in the Office of the County Recorder of said Ventura County, lying within the following described land:

Beginning at a point in the east line of Oak Street or southerly prolongation thereof, as shown on said map distant South 0° 39′ 10″ West 344.81 feet from the south line of Front Street, as shown on said map; thence, North 81° 10′ East 181.56 feet, more or less, to a point in the west line of the east 20 feet of said lot 3, or southerly prolongation thereof; thence parallel with the east line of said lot 3 and southerly prolongation thereof, South 0° 39′ 10″ West to a point in the line of ordinary high tide of the Pacific Ocean; thence southwesterly along said tide line to an intersection with the southerly prolongation of said east line of Oak Street, thence North 0° 39′ 10″ East to the point of beginning;

Excepting from Parcel 9 that portion lying south of a straight line drawn between the point of beginning and a point in the easterly line distant 29.94 feet southerly from the northeast corner thereof;

Excepting from Parcels One to Nine, inclusive, any portion thereof lying below the mean high tide line of the Pacific Ocean;

Reserving and Excepting from said Parcels One to Nine, inclusive, all the oil, gas, other hydrocarbons and minerals that the State of California now owns;

Further Reserving and Excepting from Parcels One to Nine, inclusive, that portion thereof included within the lines of the adjacent State Highway or described in that certain Grant of Easement dated August 18, 1959 to the State of California, recorded September 29, 1959 in Book 1782, page 357, Official Records of Ventura County;

Further Excepting from said Parcels One to Nine, inclusive, that portion thereof which lies easterly of the western line of South Chestnut Street and the southerly prolongation of said western line to the mean high tide line of the Pacific Ocean as said street is shown on the Official Plat of the Town of San Buenaventura recorded in Book A, page 327 of Miscellaneous Records in the Office of the County Recorder of Ventura County;

Further Excepting from said Parcels One to Nine, inclusive, that portion thereof which lies seaward of the toe of the scarp or bluff along the northern edge of the beach;

in exchange for the conveyance and grant by the City of San Buenaventura and the Urban Redevelopment Agency for the City of San Buenaventura the following described parcels of real property:

Parcel No. 1

That portion of Lot 2, Block 1 of the City of San Buenaventura, (formerly town) in the county of Ventura, State of California, as per map recorded in book A, page 327 of miscellaneous Records (Transcribed Records from Santa Barbara County,) in the office of the county recorder of said Ventura County, described as a whole as follows:

Beginning at a point in the east line of Figueroa Street, distant South 105 feet from the point of intersection of the south line of Beach Street and the east line of Figueroa Street, thence,

1st:—East 104 feet; thence at right angles,

2nd:—South 45 feet; thence at right angles,

3rd:—West 104 feet; thence at right angels,

4th:—North 45 feet to the point of beginning.

Parcel No. 2

That portion of Beach Street (60 feet wide) of the City of San Buenaventura, (formerly town,) in the county of Ventura, state of California, as per map recorded in book A page 327 of Miscellaneous Records (transcribed Records from Santa Barbara County,) in the office of the county

recorder of said Ventura County, described as a whole as follows:

Beginning at a point in the north line of Beach Street, distant east 104 feet from the point of intersection of the south line of Beach Street and the east line of Figueroa Street; thence,

1st:—East 150 feet; thence at right angles,

2nd:—North 30 feet; thence at right angles,

3rd:—West 150 feet; thence at right angles,

4th:—South 30 feet to the point of beginning.

Parcel 3:

A portion of Block 1 and a portion of South Palm Street, in the City of San Buenaventura, County of Ventura, State of California, as per map of the official plat of the Town of San Buenaventura, recorded in book "A" page 327 of Miscellaneous Records in the office of the county recorder of said county, and more particularly described as follows:

Beginning at the intersection of the centerline of said South Palm Street with the northerly line of the land as described in Parcel 1 of deed recorded in the office of the county recorder of said Ventura county in book 1537 of Official Records at page 589; thence from said point of beginning and along the northerly line of said land by the following two courses and distances,

1st:—South 58° 12′ 43″ West 162.51 feet; thence,

2nd:—South 79° 11′ 03″ West 39.51 feet to a point in a line parallel with and distant 146.00 feet west of the west line of said South Palm Street; thence along said parallel line,

3rd:—North 0° 34′ 33″ East 57.31 feet to a point in a curve having a radius of 1528.00 feet a radial to said point bears North 21° 09′ 29″ West; thence along said curve,

4th:—Northeasterly an arc distance of 86.44 feet along said curve concave to the southeast having a central angle of 3° 14′ 29″; thence along a tangent to said curve,

5th:—North 72° 05′ East 100.00 feet to a point in said centerline of South Palm Street; thence along said centerline,

6th:—South 0° 34′ 33″ West 23.95 feet to the point of beginning.

Parcel 6:

A portion of Beach Street and a portion of South Oak Street, in the City of San Buenaventura, County of Ventura, State of California, as per map of the official plat of the Town of San Buenaventura, recorded in book "A" page 327 of Miscellaneous Records in the office of the county recorder of said county, and more particularly described as follows:

Beginning at the intersection of the centerline of said Beach Street with the centerline of said South Oak Street; thence from said point of beginning and along the centerline of Beach Street,

1st:—North 89° 29′ 36″ West 107.59 feet; thence leaving said centerline,

2nd:—North 72° 05′ East 113.44 feet to a point in the centerline of said South Oak Street; thence along said centerline,
3rd:—South 0° 33′ 46″ West 35.85 feet to the point of beginning.

Parcel 9: The southerly portion of California Street where it meets the Pacific Ocean.

Parcel 11:
A part of lot 1 of Block 16, in the City of San Buenaventura, County of Ventura, State of California, as per map of the official plat of the Town of San Buenaventura, recorded in book "A" page 327 of Miscellaneous Records in the office of the county recorder of said county, and more particularly described as follows:
Beginning at the intersection of the northerly line of the land as conveyed to the State of California by deed recorded in book 844 of Official Records at page 485, with the westerly line of Chestnut Street, 60.00 feet wide; thence from said point of beginning and along said westerly line,
1st:—North 0° 35′ 15″ East 46.90 feet to a point in the southerly line of the land as conveyed to the State of California by deed recorded in book 1719 of Official Records at page 47; thence along said southerly line by the following three courses and distances,
2nd:—North 97° 47′ 27″ West 50.39 feet; thence,
3rd:—North 80° 23′ 44″ West 57 39 feet; thence,
4th:—North 54° 12′ West 15.39 feet; thence leaving said southerly line,
5th:—South 0° 35′ 15″ West 82.50 feet to a point in said northerly line of the land as conveyed to the State of California by deed recorded in book 844 of Official Records at page 485; thence along said northerly line,
6th:—North 86° 07′ 05″ East 119.30 feet to the point of beginning.

Such transfer and conveyance shall be on such terms and conditions as the Director of Parks and Recreation shall determine to be in the best interests of the state and the exact real property may vary in area not to exceed the area designated above by 10 percent thereof.

The exchange authorized by this act shall be made only if the Director of Parks and Recreation finds: (a) that the property to be conveyed to the state is as suitable for park purposes as that conveyed to the City of San Buenaventura and the Urban Redevelopment Agency of the City of San Buenaventura, (b) that the property to be conveyed to the state by the city and agency is comparable in value to that which is to be conveyed to the city and agency, and (c) that the exchange will be made upon such terms and conditions as will be for the best interests of the state.

CHAPTER 1417

An act to add Chapter 6.5 (commencing with Section 5474.20) to Part 3, Division 5 of the Health and Safety Code, relating to food crop growing and harvesting sanitation.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 6.5 (commencing with Section 5474.20) is added to Part 3, Division 5 of the Health and Safety Code, to read:

CHAPTER 6.5. FOOD CROP GROWING AND HARVESTING SANITATION

5474.20. The Legislature finds and declares that the people of the State of California have a primary interest in the sanitary conditions under which food crops are grown and harvested for human consumption and in the health and related sanitary conditions under which the workers are employed in the growing and harvesting of food crops.

The Legislature hereby finds and declares that the provision of sanitary and handwashing facilities for those employed in the growing and harvesting of food crops is necessary to the preservation of such sanitation and health and that such facilities are necessary to maintain the dignity of such workers.

5474.21. For the purposes of this chapter "food crop" shall mean fruits and vegetables intended for human consumption as hereafter specified by reasonable regulations.

5474.22. For the purpose of this chapter "food crop growing and harvesting operation" shall mean any field activity or operation wherein a food crop is grown and harvested, in which five or more employees are working as a crew, unit, or group for a period of two or more hours

5474.23. Every employer shall provide or cause to be provided toilet and handwashing facilities for every food crop growing and harvesting operation

5474.24. Employees shall use the toilet and handwashing facilities provided.

5474.25. Toilet facilities shall provide privacy and shall be so designed as to keep human excreta from contaminating the crop and to keep flies away from the excreta. Toilet paper shall be provided. Toilet facilities shall be maintained in a clean and sanitary condition.

5474.26. Handwashing facilities shall be such as to afford an opportunity to wash hands in clean water using soap or other suitable cleansing agent and to dispose of used wash water without nuisance or contamination of food crop.

5474.27. One toilet and handwashing facility shall be provided and maintained for each forty (40) employees, or frac-

tion thereof, engaged in a food crop growing and harvesting operation.

5474.28. Toilet and handwashing facilities for food crop harvesting operations shall be provided at convenient locations. For the purpose of this chapter "convenient" means within a five-minute walk of place of work.

When, because of layout of access roads, ground terrain, or other physical conditions, it is not possible to comply with the foregoing requirement, toilet and handwashing facilities shall be located at the point of vehicular access closest to the workers.

5474.29. The State Department of Public Health, after consultation with the State Departments of Agriculture, and Industrial Relations, may make and promulgate reasonable regulations in accordance with this chapter pursuant to Chapter 4 5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government Code.

5474.30. The primary responsibility for enforcement of the provisions of this chapter shall be vested in the local health officers; county agricultural commissioners may participate in such enforcement. The State Departments of Public Health, Industrial Relations, and Agriculture may also enforce the provisions of this chapter.

5474.31. Any person who knowingly and willfully violates any of the provisions of this chapter, or of the regulations promulgated under this chapter, is guilty of a misdemeanor.

CHAPTER 1418

An act making an appropriation for the purpose of assisting the Department of Parks and Recreation to relocate, restore or reconstruct certain historical buildings in Old Sacramento located within the right-of-way of Interstate 5.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. The sum of five hundred thousand dollars ($500,000) is appropriated from the Motor Vehicle Transportation Tax Fund for expenditure by the Department of Parks and Recreation, without regard to fiscal year, for the relocation, restoration, or reconstruction of historical buildings which have been designated and agreed to by the City of Sacramento Historical Landmarks Commission, the Redevelopment Agency of the City of Sacramento, the Division of Beaches and Parks, and the Department of Public Works as historically and architecturally significant structures in Old Sacramento, which buildings are now located within the right-of-way of Interstate 5, and consist of the following:

(a) H. W. Stein & Company

(b) Blake-Waters Assay Office
(c) Rialto Building
(d) D. O. Mills Bank
(e) E. P. Figg Building
(f) Diana Saloon
(g) Fashion Saloon
(h) Latham Building
(i) McNulty Music Hall
(j) H. S. Crocker Building
(k) Aschenauer Building
(*l*) Hopkins-Miller Building.

SEC. 2. The Department of Parks and Recreation and the Department of Public Works shall jointly select from the list of structures set forth in Section 1 those structures for which sites can be found within the area designated as "Old Sacramento Historic Park" and for which the relocation, restoration, or reconstruction can be accomplished within the allocated sum.

SEC. 3. None of the moneys appropriated by Section 1 of this act shall be used for land acquisition.

CHAPTER 1419

An act to add Article 3.3 (commencing with Section 310) to Chapter 2, Part 1, Division 1 of the Health and Safety Code, relating to a handicapped persons pilot project, and making an appropriation therefor.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Article 3.3 (commencing with Section 310) is added to Chapter 2, Part 1, Division 1 of the Health and Safety Code, to read:

Article 3.3. Handicapped Persons Pilot Project

310. The State Department of Public Health shall initiate and carry out a pilot project in two areas of the state for the purpose of determining the extent of the needs of severely handicapped persons of normal mentality for residential care and to determine how best to meet these needs.

310.1. In conducting the pilot project, the state department shall provide necessary medical and social evaluations and coordinated residential care, treatment and training services, which will encourage and assist handicapped individuals to achieve their maximum potential for independence and personal development.

The services may include, but shall not be limited to, medical and social evaluations, homemaker services, attendant care in the home, foster home care, and residential care in appropriate facilities. Institutional care shall, however, be limited to care of persons so severely handicapped that other care or services would be inappropriate.

310.2. The state department shall make the services available to a handicapped person or his family if the services are needed to alleviate a substantial impairment to the normal functioning of the individual or the family unit.

310.3. The services shall be purchased from private physicians, allied health personnel, public and private residential care facilities, and from local governmental and voluntary agencies in accordance with policies and standards established by the state department. New residential facilities for the care of handicapped individuals shall not be constructed with any of the state funds which are made available to the state department for the pilot project.

310.4. The state department shall determine from the pilot project the extent of the need for the various services, the costs of providing the necessary services, and the benefits which would be derived from providing the services to handicapped persons.

310.5. The pilot project shall be limited to a period of four years. Services shall be provided as a part of the project to caseloads in the two areas of the state selected by the state department for the project.

310 6. The state department shall establish such policies and standards for the pilot project as it determines are necessary to carry out the purposes of the pilot project and it shall exercise administrative supervision of the services which are provided as a part of the project.

310.7. The state department shall provide medical and administrative direction to the project staff. The project director and other project personnel shall cooperate with personnel of local health departments and other appropriate agencies, both public and voluntary.

310.8. Existing community services, facilities, resources, and funds shall be utilized whenever possible in carrying out the pilot project in order to conserve the state funds which are made available for the project. The resources of the handicapped individual or his family, such as income and savings, health insurance, disability benefits, workmen's compensation, or other assistance, shall be fully utilized before state funds which are made available for the project are used.

310.9. The pattern of the physically handicapped children services programs shall be used by the state department as a guide in establishing standards, medical and financial eligibility, and in the authorization and purchase of necessary services and supplies.

311. The state department shall establish such eligibility criteria for the services which are provided by the pilot

project as it determines are necessary to carry out the purposes of the project. It shall work with the Department of Social Welfare, the Department of Rehabilitation, the Department of Education, and other appropriate governmental and private agencies and organizations to develop individual programs of care, rehabilitation and education, and to plan for the future care of each individual for whom services are rendered as a part of the field project in accordance with such person's needs and potential.

311.1. The pilot project shall terminate June 30, 1969. The state department shall submit a preliminary report on the findings of the pilot project to the Legislature by January 31, 1967, and a final report and its recommendations to the Legislature on or before the 30th calendar day after the commencement of the 1969 Regular Session of the Legislature.

SEC. 2. The sum of one hundred thousand dollars ($100,000) is hereby appropriated from the General Fund to the State Department of Public Health for expenditure, for the fiscal year 1965–1966, for the pilot project which the department is required to initiate and carry out by Article 3 3 (commencing with Section 310), Chapter 2, Part 1, Division 1 of the Health and Safety Code. The sum appropriated by this section shall, however, be reduced by the amount of any appropriation which the federal government may make to the state for the pilot project authorized under such article

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CHAPTER 1420

An act to amend Section 28122 of the Government Code and Section 7 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes of 1951), relating to compensation for public service in counties.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 28122 of the Government Code is amended to read:

28122. In a county of the 22nd class the following shall receive as compensation for their services required of them by law or by virtue of their offices the following sums:

(a) The auditor, ten thousand dollars ($10,000) a year.

(b) The district attorney, nineteen thousand five hundred dollars ($19,500). He shall devote his entire time to the duties of his office and shall not engage in the private practice of law during his term of office.

(c) Each supervisor, eight thousand four hundred dollars ($8,400) a year for all services rendered including mileage. When required in the performance of his duties to travel to

any point outside the county, and when such travel is made in other than a county vehicle, he shall be entitled to mileage reimbursement not to exceed five cents ($0.05) per mile. He shall be allowed actual costs for expenses incurred in such travel to any point outside of the county.

(d) Trial jurors in the superior court five dollars ($5) for each day's attendance. In addition, mileage fees shall be allowed trial jurors for attendance in court at the rate of fourteen cents ($0.14) for each mile traveled one way each day.

(e) Grand jurors, five dollars ($5) for each day's attendance upon the duly called sessions of the grand jury. In addition, mileage fees shall be allowed grand jurors for attendance at grand jury sessions at the rate of fourteen cents ($0.14) for each mile traveled one way each day.

SEC. 2. Section 7 of the Napa County Flood Control and Water Conservation District Act (Chapter 1449, Statutes of 1951), is amended to read:

Sec. 7. The Board of Supervisors of Napa County shall be and is hereby designated as, and empowered to act as, ex officio the Board of Supervisors of the Napa County Flood Control and Water Conservation District. As used elsewhere in this act the terms "board" and "board of supervisors" mean the Board of Supervisors of the Napa County Flood Control and Water Conservation District. Each member of the board of directors of the district shall receive a compensation for his services as a member of the board of the district one hundred dollars ($100) per month and his actual and necessary expenses in the performance of official duties under this act, payable from the funds of said district, which compensation shall be in addition to his salary as county supervisor. However, commencing with the first day on which the increased salary provided for members of the board of supervisors by the amendment to Section 28129 of the Government Code enacted at the 1965 Regular Session of the Legislature becomes operative, each member of the board of directors of the district shall serve without compensation.

All ordinances, resolutions and other legislative acts for said district shall be adopted by said board of supervisors, and certified to, recorded and published, in the same manner, except as herein otherwise expressly provided, as are ordinances, resolutions or other legislative acts for the County of Napa.

CHAPTER 1421

An act to amend Sections 7009, 7010, 7055, 7102, 7501, 8341, and 10376 of, and to add Sections 7052.5, 7054.5, and 7117 to, the Health and Safety Code, relating to cremated remains.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 7009 of the Health and Safety Code is amended to read:

7009. "Interment" means the disposition of human remains by inurnment, entombment, or burial in a cemetery or, in the case of cremated remains, by inurnment, entombment, burial, or burial at sea as provided in Section 7117.

SEC. 2. Section 7010 of said code is amended to read:

7010. "Cremation" means the reduction of the body of a deceased person to cremated remains in a crematory and the placement of the cremated remains in a grave, vault or niche or burial at sea as provided in Section 7117 of this code.

SEC. 3. Section 7052.5 is added to said code, to read:

7052.5. Notwithstanding the provisions of Section 7052, cremated remains may be removed from the place of interment for burial at sea as provided in Section 7117 of this code.

SEC. 4. Section 7054.5 is added to said code, to read:

7054.5. Notwithstanding the provisions of Section 7054, cremated remains may be buried at sea as provided in Section 7117 of this code.

SEC. 5. Section 7055 of said code is amended to read:

7055. Every person, who for himself or for another person, inters or incinerates a body or permits the same to be done, or removes any remains, other than cremated remains, from the primary registration district in which the death or incineration occurred or the body was found, except a removal by a funeral director in a funeral director's conveyance from that registration district to another registration district in the same or another county, without the authority of a burial or removal permit issued by the local registrar of the district in which the death occurred or in which the body was found; or removes interred human remains from the cemetery in which the interment occurred, or removes cremated remains from the premises on which the cremation occurred without the authority of a removal permit is guilty of a misdemeanor and punishable as follows: (a) for the first offense by a fine of not less than ten dollars ($10) nor more than five hundred dollars ($500), (b) for each subsequent offense by a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500) or imprisonment in the county jail for not more than 60 days, or by both.

SEC. 7. Section 7102 of said code is amended to read:

7102. When a person is charged by law with the duty of interment he is entitled to the custody of the remains for the purpose of interment or, with respect to cremated remains, for the purpose of burial at sea in accordance with the provisions of this division; except that in any case where a coroner is required by law to investigate the cause of death, the coroner is entitled to the custody of the remains of the person whose death is the subject of investigation until the conclusion of the autopsy or medical investigation by the coroner. Any person in whose possession such remains are found, shall, upon demand by the coroner, surrender such remains to him

SEC. 8. Section 7117 is added to said code, to read:

7117. Cremated remains may be disposed of by burial at sea from an elevation in excess of 5,000 feet over the ocean at a point not less than three miles from the nearest shoreline. Cremated remains shall be removed from their container before such remains are buried at sea. The cremated remains of only one person may be buried at sea during any one plane flight.

Any person who buries at sea any human cremated remains over ocean waters shall within 50 days from the reduction of the body to cremated remains, except where the person has died before the effective date of this section, file with the local registrar of births and deaths in the county nearest the point where the remains were buried, a verified statement containing the name of the deceased person, the time and place of death, the place at which the cremated remains were buried, and any other information that the local registrar of births and deaths may require.

When a person has died after the effective date of this section, the right to bury at sea the cremated remains of such person shall be exercised, if at all, within 45 days of the reduction of the body to cremated remains.

Notwithstanding any other provisions of this code, the cremated remains of a deceased person may be buried at sea as provided in this section.

SEC. 9. Section 7501 of said code is amended to read:

7501. A cemetery authority shall not remove or permit the removal of any interred remains, unless a permit for the removal has been issued by the local registrar of the district in which the premises are located, and delivered to the cemetery authority. Any person entitled by law to remove any remains may apply to the local registrar for a permit to remove them. The local registrar shall issue a permit, which in all cases, shall specify the name of a cemetery where the remains shall be interred, and shall retain a copy, except that if cremated remains are to be buried at sea as provided in Section 7117 of this code, the permit shall so specify and indicate the county where the fact of burial at sea shall be reported.

SEC. 10. Section 8341 of said code is amended to read:

8341. All cremated remains not removed for interment elsewhere or for burial at sea as provided in Section 7117 of this code shall be interred in a plot within a reasonable time after cremation.

SEC. 11. Section 10376 of said code is amended to read:

10376. If the certificate of death is properly executed and complete, the local registrar of births and deaths shall issue a permit for disposition, which in all cases, shall specify the name of a cemetery where the remains shall be interred or specify burial at sea as provided in Section 7117 of this code, except that in case the death occurred from a disease declared by the state department to be infectious, contagious, or communicable and dangerous to the public health, no permit for the disposition of the body shall be issued by the local registrar, except under such conditions as may be prescribed by the state department and local health officers.

CHAPTER 1422

An act to amend Sections 4280 and 4292 of the Agricultural Code, relating to milk.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 4280 of the Agricultural Code is amended to read:

4280. Each stabilization and marketing plan shall contain provisions for prohibiting producers, distributors and retail stores from engaging in the unfair practices hereinafter set forth:

(a) The payment, allowance or acceptance of secret rebates, secret refunds, or unearned discounts by any person, whether in the form of money or otherwise.

(b) The giving of any milk, cream, dairy products, services or articles of any kind, except to bona fide charities, for the purpose of securing or retaining the fluid milk or fluid cream or fluid skim milk business of any customer.

(c) The extension to certain customers of special prices or services not made available to all customers who purchase fluid milk or fluid cream or fluid skim milk of like quantity under like terms and conditions.

(d) The false or misleading advertising of fluid milk or fluid cream or fluid skim milk as defined in Sections 17500, 17501, and 17502 of the Business and Professions Code.

(e) The purchase of any fluid milk in excess of 200 gallons monthly from any producer or association of producers unless a written contract has been entered into with such producer

or association of producers. Such contract shall include the following:

(1) The amount of fluid milk to be purchased for any period;

(2) The minimum quantity of such milk to be paid for as class 1, if any is to be purchased for class 1 purposes. Such quantity shall be stated in pounds of milk or pounds of milk fat or gallons of milk; provided, that if the price to be paid for such class 1 milk is established separately for the milk fat and skim milk contained in such milk, such quantity to be paid for as class 1 shall be stated in pounds of milk or pounds of milk fat or gallons of milk or both in pounds of milk fat and pounds of skim milk separately, but in any marketing area where an equalization pool is a part of a stabilization and marketing plan, such contract need not specify the quantity of milk to be paid for as class 1.

Effective January 1, 1966, such minimum quantity of milk to be paid for as class 1 shall be not less than 55 percent of the total quantity provided in the contract to be purchased at a milk products plant, and not less than 45 percent of the total quantity of milk fat, or the total quantity of skim milk components, but not necessarily both, provided in the contract to be purchased at a country plant, as defined by the director in stabilization and marketing plans; and with subsequent increases in such minimum percentages respectively to 60 percent and 50 percent, effective July 1, 1966; 65 percent and 55 percent, effective January 1, 1967; and 70 percent and 60 percent, effective July 1, 1967;

(3) The price to be paid for all milk received;

(4) The date and method of payment for such fluid milk, which shall be that payment shall be made for approximately one-half of the milk delivered in any calendar month not later than the first day of the next following month and the remainder not later than the 15th day of said month;

(5) The charges for transportation if hauled by the distributor; and

(6) A proviso that no milk received within the total quantity provided by the contract to be purchased for any period shall be paid for at less than the minimum price for fluid milk that is used for class 2. The contract may contain such other provisions as are not in conflict with this chapter. A signed copy of such contract shall be filed by the distributor with the director within five days from the date of its execution. The production of fluid milk in excess of amounts provided to be purchased under contracts executed pursuant to this section shall be voluntary on the part of the producer and shall not be a condition, oral or written, of execution or renewal of any such contract. The provisions of this subdivision do not apply to the purchase of fluid milk which is necessary to meet an unanticipated increase in demand or an unanticipated shortage in the supply of a distributor; provided, that the

quantity of fluid milk so purchased from any one producer or association of producers shall not exceed 1,000 gallons in any one month; and, provided further, that a complete record of all such purchases shall be kept by the distributor and the price paid for such milk by the distributor shall not be less than the price established in the applicable stabilization and marketing plan for the usage to which such milk is applied.

(f) The purchasing, processing, bottling, transporting, delivering or otherwise handling in any marketing area of any fluid milk or fluid cream or fluid skim milk which is to be or is sold or otherwise disposed of by such distributor at any place in the geographical area within the outer, outside and external boundaries or limits of such marketing area, whether such place is a part of the marketing area or not, at less than the minimum wholesale and minimum retail prices effective in such marketing area.

(g) The payment by a distributor to any producer, including any nonprofit cooperative association acting as a producer, or the receipt by a producer, including any nonprofit cooperative association acting as a producer, from a distributor, of a lesser price for any fluid milk or fluid cream or fluid skim milk which is distributed to any person, including agencies of the federal, state or local government, located upon property within the geographical limits of any marketing area for less than the minimum prices established by the director to be paid by distributors to producers for fluid milk, or the milk fat and skim milk contained therein, or fluid cream or fluid skim milk for said marketing area. The provisions of this section with respect to fluid milk shall apply whether or not such fluid milk is received by the distributor as whole milk, or as skim milk and fluid cream, or either, or as any other derivatives of such fluid milk which are reconstituted into such fluid milk, or fluid cream or fluid skim milk for market usage, and whether or not a fluid cream plan has been established for the marketing area.

SEC. 2. Section 4292 of said code is amended to read:

4292. (a) Each such plan may contain provisions whereby any distributor who purchases fluid milk under contract from any producer or association of producers may pool such milk for producer payment purposes in accordance with such contracts, irrespective of whether such milk is actually and physically received at the same milk products plant or diverted, in accordance with such plan.

(b) Such provisions may provide that fluid milk, or fluid cream, or both, that is received from producers by milk products plants under the same ownership, may be pooled for purposes of payment to producers. Such provisions may further provide that in the event a distributor pools fluid milk, fluid cream, or both, as provided in this subdivision, such distributor shall allocate, among all producers participating in the class 1 usage, transportation savings applicable to fluid milk, fluid cream, or both, not actually transported between the plant

of first receipt and one or more other plants subject to the pool, and used for class 1, and may pay to producers shipping fluid milk, fluid cream, or both, directly to a plant subject to the pool a price for usage of such fluid milk, fluid cream, or both, for class 1, which price represents the average of minimum producer prices payable by that particular plant for such class 1 usage.

CHAPTER 1423

An act to add Sections 25601.1 and 25851.1 to, and to amend Sections 25608 and 25852 of, the Education Code, relating to attendance of pupils.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 25601.1 is added to the Education Code, to read:

25601.1. Promptly upon the closing of school for a fiscal year, the superintendent of each California School for the Deaf shall report in writing to the governing board of each school district of residence the name of each pupil and the number of days attended by each pupil during the fiscal year. For each such pupil in attendance at a California School for the Deaf, under the provisions of this chapter, the school district of residence shall annually pay to the State Department of Education an amount determined by (1) dividing the income credited to the general fund of the school district from the levy of the general purpose tax rate by the average daily attendance of the school district, and (2) multiplying the quotient obtained by the ratio that the number of days the pupil attended the school for the deaf bears to the number of days the school for the deaf was in session. The payment to the State Department of Education by the school district of residence shall be credited by the State Controller to the current appropriation for the support and maintenance of the appropriate school for the deaf.

For determining the school district responsible under the provisions of this section for making the payment when the pupil resides in other than a unified school district, pupils 15 years of age or older as of September 1 of each fiscal year shall be considered a resident of the high school district, and pupils 14 years of age or under as of September 1 shall be considered a resident of the elementary district.

SEC. 2. Section 25608 of said code is amended to read:

25608 Except as provided in Sections 25601.1 and 25602 to 25607, inclusive, all pupils in the school shall be maintained at the expense of the state.

SEC. 3. Section 25851.1 is added to said code, to read:

25851.1. Promptly upon the closing of school for a fiscal year, the Superintendent of the California School for the Blind shall report in writing to the governing board of each school district of residence the name of each pupil and the number of days attended by each pupil during the fiscal year. For each such pupil in attendance at the California School for the Blind, under the provisions of this chapter, the school district of residence shall annually pay to the State Department of Education an amount determined by (1) dividing the income credited to the general fund of the school district from the levy of the general purpose tax rate by the average daily attendance of the school district, and (2) multiplying the quotient obtained by the ratio that the number of days the pupil attended the school for the blind bears to the number of days the school for the blind was in session. The payment to the State Department of Education by the school district of residence shall be credited by the State Controller to the current appropriation for the support and maintenance of the school for the blind.

For determining the school district responsible under the provisions of this section for making the payment when the pupil resides in other than a unified school district, pupils 15 years of age or older as of September 1 of each fiscal year shall be considered a resident of the high school district, and pupils 14 years of age or under as of September 1 shall be considered a resident of the elementary district.

SEC. 4. Section 25852 of said code is amended to read:

25852. Except as provided in Sections 25851.1 and 25853 to 25856, inclusive, all pupils in the school shall be maintained at the expense of the state.

CHAPTER 1424

An act to amend Sections 31751 and 31752 of the Education Code, relating to insurance for student athletes.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 31751 of the Education Code is amended to read:

31751. As used in this chapter:

(a) "Educational institution" means a school district of any kind or class, a state college, and the University of California.

(b) "Governing board" means the governing board of a school district, the Trustees of the California State Colleges, and the Regents of the University of California.

(c) "Member of an athletic team" means member of any extramural athletic team engaged in athletic events on or outside the school grounds, maintained or sponsored by the educational institution or a student body organization thereof, and any student who travels to an athletic event of such team because he performs duties in connection with the team or the athletic event in which the team participates.

(d) "Student body organization" means any student organization under supervision of the educational institution or its officers.

SEC. 2. Section 31752 of said code is amended to read:

31752. The governing board of any educational institution, except a school district of any kind or class, shall provide accidental death insurance in an amount of at least five thousand dollars ($5,000) for each member of an athletic team and shall in addition provide insurance protection for medical and hospital expenses resulting from accidental bodily injuries in an amount of at least five thousand dollars ($5,000) for all such services for each member of an athletic team, through group, blanket or individual policies of accident insurance from authorized insurers, or through a benefit and relief association described in subparagraph (1) of subdivision (c) of Section 10493 of the Insurance Code, for the death or injury to members of athletic teams arising while such members are engaged in or are preparing for an athletic event promoted under the sponsorship or arrangements of the educational institution or a student body organization thereof or while such members are being transported by or under the sponsorship or arrangements of the educational institution or a student body organization thereof to or from school or other place of instruction and the place of the athletic event.

The governing board of each school district of any kind or class shall provide accidental death insurance in an amount of at least one thousand five hundred dollars ($1,500) for each member of an athletic team and shall in addition provide insurance protection for medical and hospital expenses resulting from accidental bodily injuries in an amount of at least one thousand five hundred dollars ($1,500) for all such services for each member of an athletic team, through group, blanket or individual policies of accident insurance from authorized insurers or through a benefit and relief association described in subparagraph (1) of subdivision (c) of Section 10493 of the Insurance Code, for the death or injury to members of athletic teams arising while such members are engaged in or are preparing for an athletic event promoted under the sponsorship or arrangements of the educational institution or a student body organization thereof or while such members are being transported by or under the sponsorship or arrangements of the school districts or a student body organization thereof to or from school or other place of instruction and the place of the athletic event. Any payment of medical and hospital benefits under any insurance required by this paragraph

shall be made by the insurer or benefit and relief association which issued the insurance pursuant to the minimum medical fee schedule in use by the Industrial Accident Commission for purposes of medical and hospital benefits under Division 4 (commencing with Section 3201) of the Labor Code.

The Trustees of the California State Colleges and the Board of Regents of the University of California shall designate such student body organizations as they deem appropriate to bear the entire cost of the insurance under this article, in such proportions as they deem equitable, and shall make appropriate deductions from any such student body organization funds held by such institutions, or otherwise take such measures, as will assure the payment thereof.

The governing boards of the various school districts shall require that each member of an athletic team have insurance protection as prescribed by this section, with the costs of such insurance protection to be paid either out of the funds of the district, the funds of the student body, or by, or by any other persons on behalf of, the individual team members or students covered by such insurance.

The insurance required by this article shall be issued by an admitted insurer, or through a benefit and relief association described in subparagraph (1) of subdivision (c) of Section 10493 of the Insurance Code.

The insurance otherwise required by this section shall not be required for any individual team member or student who has such insurance provided for him in any other way or manner, including, but not limited to, purchase by himself, or by his parent or guardian.

CHAPTER 1425

An act to add Section 567 to the Streets and Highways Code, relating to state highway routes.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 567 is added to the Streets and Highways Code, to read:

567. Route 267 is from Route 80 near Truckee to Route 28 near Kings Beach, Lake Tahoe via Northshore Boulevard.

CHAPTER 1426

An act to add Section 24074.1 to the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 24074.1 is added to the Business and Professions Code, to read:

24074.1. Any person desiring to act as an escrow holder under Section 24074 shall:

1. Comply with all the applicable provisions of Chapter 1 (commencing with Section 17000) of Division 6 of the Financial Code.

2. Not more than 10 days after receiving a claim from a creditor, said escrow holder shall acknowledge receipt of each claim; and

3. Not more than 10 days after the license has been transferred and prior to the distribution of the assets held by said escrow holder he shall advise each creditor who filed a claim against the escrow whether or not there are sufficient assets in the escrow to pay all creditors in full. If the assets in the escrow are sufficient to pay all creditors in full, said escrow holder shall also advise each creditor of the date on or before which payment will be made. If there are not sufficient assets to pay all creditors in full, he shall then advise each creditor who filed a claim of the following: (a) the total assets placed in escrow with him and the nature of each asset; (b) the name of each creditor who filed a claim against the escrow and the amount of said claim; (c) the amount he proposes to pay each creditor; and (d) the date on or before which said amount will be paid to the creditors.

CHAPTER 1427

An act to add Sections 6904.5, 7654 and 7752.5 to the Education Code, relating to mentally retarded pupils.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 6904.5 is added to the Education Code, to read:

6904.5. The governing board of a unified or high school district with an average daily attendance of 900 or more shall provide a four-year secondary school program for each mentally retarded minor residing in the district who comes within the provisions of Section 6902 and for whom the district is

required to provide an education in special training schools or classes pursuant to Section 6904.

SEC. 2. Section 7752.5 is added to said code, to read:

7752.5. The course of study for the four-year secondary school program established pursuant to Section 6904.5 shall be designed to fit the needs of the mentally retarded minors

SEC. 3 Section 7654 is added to said code, to read:

7654. The course of study for the four-year secondary school program established pursuant to Section 6904.5 shall be designed to fit the needs of the mentally retarded minors.

SEC. 4 Section 3 of this act shall become operative only if Chapter 3 (commencing with Section 7611) of Division 7 of the Education Code as proposed by Senate Bill No 832 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Senate Bill No. 832 takes effect; at which time Section 7752.5 of the Education Code as added to said code by Section 2 of this act is repealed.

CHAPTER 1428

An act to amend Section 1 of, and to add Section 2 to, Chapter 1970 of the Statutes of 1963, authorizing a grant to the Nevada Irrigation District under the Davis-Grunsky Act for recreation in connection with the Yuba-Bear Development.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 1970 of the Statutes of 1963 is amended to read:

Sec. 1. The Department of Water Resources is hereby authorized to make a grant to the Nevada 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 four million seven hundred fifty thousand dollars ($4,750,000), for recreational functions in connection with the construction of four proposed dam and reservoir units of the district's project, as described in a document entitled "Nevada Irrigation District: Study of Water System and Future Requirements," published by Ebasco Services Incorporated, October 1958.

No further legislative approval shall be required with respect to the grant authorized 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 subdivision (3) of paragraph (c) of Section 12880 of the Water Code for initial water supply and sanitary facilities.

CHAPTER 1429

An act to amend Section 4416 of the Business and Professions Code, relating to fee and penalty schedule for the practice of pharmacy.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 4416 of the Business and Professions Code is amended to read:

4416. The amount of fees and penalties prescribed by this chapter, except as otherwise provided, is that fixed by the following schedule:

(a) The fee for a permit to conduct a pharmacy shall be fixed by the board at an amount not to exceed fifty dollars ($50) for each pharmacy.

(b) The annual fee for renewal of the permit to conduct a pharmacy shall be fixed by the board at an amount not to exceed fifty dollars ($50) for each pharmacy.

(c) The annual fee for a permit for a general dealer in a rural district shall be fixed by the board at an amount not to exceed five dollars ($5).

(d) The fee for any applicant for registration shall be fixed by the board at an amount not to exceed seventy-five dollars ($75).

(e) The additional fee for the issuance of a certificate to any licentiate, who is found by the board on examination to be entitled to a certificate, shall be fixed by the board at an amount not to exceed twenty-five dollars ($25), except that, if the certificate is issued less than one year before the next succeeding regular renewal date, the fee shall not exceed fifteen dollars ($15). The board may, by regulation, provide for the waiver or refund of the additional fee for the issuance of a certificate where the certificate is issued less than 45 days before the next succeeding regular renewal date.

(f) The fee for the reissuance of a certificate shall be fixed by the board at an amount not to exceed fifteen dollars ($15).

(g) Except as otherwise provided in this subdivision, the renewal fee for a registered pharmacist may be fixed by the board as follows:

(1) For the renewal period beginning on July 1, 1962, and ending on October 31, 1963, at an amount not to exceed ten dollars ($10).

(2) For the renewal period beginning on November 1, 1963, and ending on October 31, 1965, and for each biennial renewal period thereafter, at an amount not to exceed fifty dollars ($50)

(h) The fee for a wholesaler shall be fixed by the board at an amount not to exceed two hundred dollars ($200).

(i) The fee for a manufacturer shall be fixed by the board at an amount not to exceed two hundred dollars ($200).

(j) The fee for a hypodermic license shall be fixed by the board at an amount not to exceed five dollars ($5).

(k) The fee for renewal of a hypnotic license shall be fixed by the board at an amount not to exceed twenty dollars ($20). The fee for original issuance of the license shall be fixed by the board at an amount not to exceed twenty-five dollars ($25) if the license is issued not less than one year before the next succeeding regular renewal date, and at an amount not to exceed fifteen dollars ($15) if the license is issued less than one year before the next succeeding regular renewal date. The board may, by regulation, provide for the waiver or refund of the fee for original issuance of the license where the license is issued less than 45 days before the next succeeding regular renewal date.

(*l*) The penalty for failure to pay any renewal fee may be fixed by the board at an amount not to exceed the sum of ten dollars ($10) for each year of delinquency.

(m) The fee for the reissuance of any permit, license, or certificate, or renewal thereof, except as provided by subdivision (f), which has been lost or destroyed or which must be reissued because of a change in the information appearing thereon is five dollars ($5).

(n) The fee for an application for exemption under Section 4050.6 shall be fixed by the board at an amount not to exceed twenty-five dollars ($25). Such fee shall be paid at the time the application is filed and shall not be refunded. If, after investigation or examination of the person or persons upon the basis of whose qualifications the exemption is sought, the board finds that the applicant is entitled to the exemption, it shall issue to him, upon payment of an additional fee fixed by the board at an amount not to exceed twenty-five dollars ($25), a certificate of exemption naming the person or persons upon the basis of whose qualifications the exemption is granted. Such certificate shall be renewed annually on or before the 31st day of December upon payment of a renewal fee fixed by the board at an amount not to exceed twenty-five dollars ($25).

CHAPTER 1430

An act to add Part 5.1 (commencing with Section 5100) to Division 2 of the Water Code, relating to diversions of water.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Part 5.1 (commencing with Section 5100) is added to Division 2 of the Water Code, to read:

PART 5.1. STATEMENTS OF WATER DIVERSIONS AND USE

5100. As used in this part:

(a) "Person" means all persons whether natural or artificial, including the United States of America, State of California, and all political subdivisions, districts, municipalities and public agencies.

(b) "Diversion" means taking water by gravity or pumping from a surface stream or subterranean stream flowing through a known and definite channel, or other body of surface water, into a canal, pipeline or other conduit, and includes impoundment of water in a reservoir.

5101. Each person who, after December 31, 1965, diverts water and does not have on file with the board an application, permit or license to appropriate such water, or whose diversion is not regulated by a watermaster appointed by the department, shall file with the board, prior to July 1 of the succeeding year, a statement of his diversion and use.

5102. The statement may be filed either by the person who is diverting water or, on his behalf, by an agency which he designates and which supervises or controls the diversion and maintains a record of the water diverted. A separate statement shall be filed for each point of diversion.

5103. Each statement shall be typewritten or legibly written in ink on a form provided by the board and shall include:

(a) The name and address of the person who diverted water and of the person filing the statement.

(b) The name of the stream or other source from which water was diverted, and the name of the next major stream or other body of water to which the source is tributary.

(c) The place of diversion. If a public land survey has been made, location of diversion works shall be described to the nearest 40-acre subdivision. If not, it shall be described by reference to nearest local landmarks or other recorded surveys

(d) The capacity of the diversion works and of the storage reservoir, if any, and the months in which water was used

during the preceding calendar year. Those who maintain water-measuring devices and keep monthly records of water diversions shall state the quantity of water diverted by months during the preceding calendar year. Others shall state the acreage of each crop irrigated, the average number of people served with water, the average number of stock watered, and the nature and extent of any other use during the preceding calendar year, or such other equivalent information tending to indicate the quantity of water used as may be prescribed by the board.

(e) The purpose of use.

(f) A general description of the area in which the water was used. If the water was used on an area within the 1/16 section containing the point of diversion, a statement to that effect will suffice; otherwise a description or sketch of the general area of use shall be given.

(g) The year in which the diversion was commenced as near as is known.

5104. Supplemental statements shall be filed at three-year intervals, prior to July 1 of the year next succeeding the end of each three-year interval. They shall contain the quantity of water diverted and the rate of diversion by months in each of the preceding three calendar years and any change in the other information contained in the preceding statement.

5105. Upon failure of any person to file a statement required by this part, the board may, at the expense of such person, investigate and determine in writing the facts required by either Sections 5103 or 5104, provided the board first gives such person written notice of its intention to investigate and determine the facts and 60 days in which to file the statement without penalty.

5106. Neither the statements nor the determination of facts by the board pursuant to Section 5105 shall establish or constitute evidence of a right to divert or use water or constitute a claim of right to divert or use water; provided however, that in any proceeding before the board to determine whether an application for a permit to appropriate water should be approved, any such statement or determination shall be evidence of the facts stated therein.

5107. The making of any willful misstatement pursuant to this part is a misdemeanor, punishable by a fine not exceeding five hundred dollars ($500) or by imprisonment in the county jail for not to exceed six months, or both.

5108. Statements filed pursuant to this part shall be for informational purposes only, and neither the failure to file a statement nor any error in the information filed shall have any legal consequences whatsoever other than those specified in this part.

CHAPTER 1431

An act to repeal and add Article 10 (commencing with Section 427) of Chapter 2 of Division 1 of the Health and Safety Code, relating to alcoholism, and making an appropriation therefor.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Article 10 (commencing with Section 427) of Chapter 2 of Division 1 of the Health and Safety Code is repealed.

SEC. 2. Article 10 (commencing with Section 427) is added to Chapter 2 of Division 1 of said code, to read:

Article 10. Alcoholism

427. Alcoholism and problems associated with misuse of alcoholic beverages impair the life and health of a large segment of the population of California and impose great burdens of cost and indirect expense on the people and industry of the state and on local and the state governments. The purpose of this article is to assign responsibility and grant authority for planning, establishment and conduct of state efforts directed toward lessening the extent and gravity of alcoholism and misuse of alcoholic beverages in California.

427.1. There shall be a division established within the State Department of Public Health which shall be known as the Division of Alcoholism. The division shall be responsible for the development and maintenance of a statewide comprehensive plan for the conduct of programs for prevention, treatment and control of alcoholism; for providing assistance and guidance in the development and conduct of programs for prevention, treatment, and control of other social problems associated with the use of alcoholic beverages; for assisting and guiding the cities and counties of the state in the development of integrated, comprehensive local programs for prevention, treatment, and control of alcoholism; for encouraging and promoting effective use of facilities, resources, and funds in the planning and conduct of programs and activities for prevention, treatment, and control of alcoholism; and for reporting periodically to the Governor and the Legislature on the status of alcoholism and related matters in the state and on the progress of efforts to prevent and control alcoholism.

In the discharge of this responsibility, the department through its Division of Alcoholism shall cooperate with and utilize to the maximum possible extent the resources and services of federal, state, and local agencies, including those within the Health and Welfare Agency.

The Division of Alcoholism is the successor to the Alcoholic Rehabilitation Division. Whenever a reference is made in any statute or contract to the Alcoholic Rehabilitation Division it shall be construed as the Division of Alcoholism.

427.2. The State Department of Public Health through its Division of Alcoholism shall plan, promote, and assist in the support of alcoholism prevention, treatment, and control programs; shall conduct, sponsor, and support investigations and studies, including evaluation, of all phases of alcoholism; shall assist in the development of educational and training programs; and shall carry on programs to assist the public, and technical and professional groups, in becoming fully informed about alcoholism.

The department shall promote, develop, and financially assist, where necessary, alcoholism programs administered by local health departments within a comprehensive local plan, including, but not limited to, the following services as defined by regulations adopted by the State Board of Public Health:

(a) Services for Individuals.

(1) Casefinding (including court screening).

(2) Diagnosis-evaluation-referral.

(3) Medical and counselling, both acute and continuing.

(4) Psychiatric.

(5) Vocational rehabilitation and employment.

(b) Services for the Community.

(1) Continuing measurement of local problem and resources.

(2) Development and coordination of local program.

(3) Public information and education.

(4) Consultation and guidance to other local agencies and groups.

(5) Evaluation.

The department shall promote, develop, and financially assist such other services as may be required by the State Board of Public Health.

Local health departments conducting such programs shall maintain records and submit periodic reports as required by the State Department of Public Health.

427.3. Local programs for control and prevention of alcoholism, conducted under authority of this article, or to carry out the purposes of this article, shall be administered under such standards and regulations which the State Board of Public Health determines are reasonably necessary to carry out the purposes of this article and consistent with the provisions of Section 427.2.

427.4. To be eligible for state reimbursement, a local health department shall develop and submit to the State Department of Public Health an initial plan for a communitywide program which provides comprehensive, integrated services for the prevention, treatment and control of alcoholism and alcohol problems. The plan shall specify those services for which state reimbursement is requested, and provide a budget of

proposed expenditures. A local health department plan may provide for direct operation of the required services, or furnishing of these services by other appropriate agencies, groups and individuals, or a combination of both.

The State Department of Public Health shall review the plan for conformance to provisions of this article and for compliance with standards adopted by the State Board of Public Health under Section 427.3, and upon approval shall fix the amount, within available funds, subject to state reimbursement, except that programs subsidized during fiscal year 1964–65 shall, upon approval of a plan for required services, be permitted to receive state reimbursement under previously existing contractual arrangements, and shall not be required to meet State Board of Public Health standards until July 1, 1966.

Continuing support of local health department programs will be based on annual submission and approval of an updated community plan, and on evaluation by the State Department of Public Health of local health department performance of state-reimbursed services.

Reimbursement for any fiscal year shall be limited to the amount fixed by the State Department of Public Health when the local health department plan is approved, unless additional expenditure is authorized after submission and approval of a supplementary plan.

No expenditures shall be reimbursed which are not included in the approved plan, or which fail to comply with standards adopted by the State Board of Public Health under Section 427.3. The financial assistance provided by the state under Section 427 4 shall not be less than 75 percent of the total cost of such programs, and in no event shall the cost to a county pursuant to this article during fiscal year 1965–66 be required to exceed the cost to the county during fiscal year 1964–65 for any similar program of alcoholism prevention, treatment, control, and rehabilitation.

427.5. The department may, through reimbursement contract, interagency agreement or otherwise, make available funds to other governmental agencies and to voluntary, nonprofit organizations, or individuals, to carry out the provisions of this article. Such contracts shall be drawn only after submission and approval of an application which fulfills requirements established by the State Department of Public Health.

427.6. In order that maximum utilization be made of federal and other funds made available to the Department of Rehabilitation, the State Department of Public Health may contract with the Department of Rehabilitation to provide vocational rehabilitation services for clients eligible for these services and may make available for this purpose state funds appropriated for administration of this article. Services provided by the Department of Rehabilitation may include individual rehabilitation services as defined in the statutes gov-

erning the Department of Rehabilitation, which will assist in the client's rehabilitation.

427.7. Local health departments, or local agencies or organizations, may make charges to patients or clients served, such revenue to be used to defray the expenses of the program. In the event such revenue exceeds the local expenditures for the program, such excess collections shall be reimbursed to the state.

427.8. A Coordinating Council on Alcohol Problems, consisting of directors of state departments or other state agencies, shall be appointed by the Governor. The Director of Public Health shall serve as the chairman. The council shall review, assess, and promote optimal use of local, state and federal resources applicable to alcohol problems. The council shall annually report its findings and recommendations to the Governor.

427.9. The Director of Public Health may appoint annually an advisory committee consisting of not more than 15 members to advise him and the department in the performance of the duties imposed by this article, and shall serve as the chairman. The committee shall be solely advisory in character and shall not be delegated any administrative authority or responsibility. Committee members shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in connection with the performance of their duties.

427.10. In addition to any other authority prescribed by this article, the board of supervisors of any county may establish and staff a county department to prescribe and conduct or supervise a program for the rehabilitation of alcoholics confined in any county jail, industrial farm, road camp, or in any other county institution, and to further prescribe, conduct, or supervise programs of continuing such rehabilitation on a voluntary basis after the discharge from custody of any inmate of any such county institution, except, that if funds under this article participate, such programs shall meet the standards established under the authority of Section 427.3 of this article. No program under the provisions of this section shall be activated in any county jail, or other institutions maintained or operated under the jurisdiction of the sheriff, without the advice and consent of the sheriff.

427.11. This article shall remain in effect until March 1, 1967, and shall have no force or effect after that date. The Department of Public Health shall, by not later than the fifth legislative day of the 1967 Regular Session of the Legislature, report to the Legislature as to its recommendations of ways and means of developing a permanent program of alcoholism prevention, treatment, control, and rehabilitation.

SEC. 3. There is hereby appropriated the sum of one million three hundred thirty-eight thousand two hundred thirty-one dollars ($1,338,231) from the General Fund in the State Treasury for the support during the 1965–1966 fiscal year of

the Division of Alcoholism in the Department of Public Health in administering the provisions of Article 10 (commencing with Section 427) of Chapter 2 of Division 1 of the Health and Safety Code; provided that to the extent an appropriation for such purpose is made in the Budget Act of 1965, an equivalent amount of the appropriation made by this section shall lapse and revert to the General Fund.

CHAPTER 1432

An act authorizing a grant pursuant to the Davis-Grunsky Act to the City of Salinas and County of Monterey, jointly, in connection with the Alisal-Gabilan Watershed Project in Monterey County.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 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 City of Salinas and the County of Monterey, 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 three million dollars ($3,000,000), for enhancement of fish and wildlife and recreation in connection with the construction of the Alisal-Gabilan Watershed Project in Monterey County.

No further legislative approval shall be required with respect to the grant authorized to be made to the city and county by this act, but such grant shall not be made to the city and county until they 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 City of Salinas and County of Monterey, jointly, by the department pursuant to subdivision (3) of paragraph (c) of Section 12880 of the Water Code for initial water supply and sanitary facilities.

CHAPTER 1433

An act to amend Section 27551 of the Government Code, relating to county surveyors.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 27551 of the Government Code is amended to read:

27551. The surveyor shall make any survey that is required by order of court or the board of supervisors. He shall keep a correct and fair record of all surveys made by him, number them in the order made, and preserve a copy of the field notes and calculations of each survey, and shall endorse thereon its proper number. A copy of the survey and a fair and accurate plat, together with a certificate of survey, shall be furnished by him to any person upon application and payment of the fees allowed by law.

CHAPTER 1434

An act to add Section 1249.2 to the Code of Civil Procedure, relating to condemnation of crops.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1249.2 is added to the Code of Civil Procedure, to read:

1249.2. The condemning agency may permit the owner of the property sought to be taken to harvest and retain the financial benefit for crops planted before or after the service of summons in any eminent domain proceeding if the owner in writing agrees to assume the responsibility for the completion of the growing process and the harvesting and marketing of the crops.

If the condemning agency takes possession of the property sought to be condemned at a time when such action prevents the property owner from harvesting and marketing crops planted before or after the service of summons in an eminent domain proceeding, then the value of such crops shall be included in the compensation awarded for the property taken.

CHAPTER 1435

An act to amend Sections 634, 976, 976.5, and 2606 of, and to add Section 677 to the Unemployment Insurance Code, relating to disability insurance for hospital employees.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 634 of the Unemployment Insurance Code is amended to read:

634. (a) "Employment," except as provided by Section 2606, does not include service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office and which is exempt from income tax under Section 501(a) of the Internal Revenue Code of 1954.

(b) Service performed in the employ of an organization operated for the primary purpose of carrying on a trade or business all of the profits of which are payable to one or more organizations described in subdivision (a) is not exempt under this section. For purposes of this subdivision, "trade or business" shall not include the rental by an organization of its real property (including personal property leased with the real property).

SEC. 2. Section 677 is added to said code, to read:

677. "Employer" means any employing unit which is a corporation, community chest, fund, or foundation, organized and operated exclusively as a hospital as defined in Section 1401 of the Health and Safety Code including the institutions described in subdivisions (c), (e), and (f) of Section 1415 of the Health and Safety Code but not including those described in subdivisions (a), (b), and (g) of Section 1415 of the Health and Safety Code, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office and which is exempt from income tax under Section 501(a) of the Internal Revenue Code of 1954, and which, for some portion of a day, has within the current calendar year or had within the preceding calen-

dar year one or more individuals performing service in its employ and pays wages for such service in excess of one hundred dollars ($100) during any calendar quarter.

SEC. 3. Section 976 of said code is amended to read:

976. Employer contributions to the Unemployment Fund shall accrue and become payable by every employer, except an employer as defined by Sections 676 and 677, for each calendar year with respect to wages paid for employment. The contributions are due and shall be paid to the department for the Unemployment Fund by each employer in accordance with this division and shall not be deducted in whole or in part from the wages of individuals in his employ.

SEC. 4. Section 976.5 of said code is amended to read:

976.5. In addition to other contributions required by this division, every employer, except an employer as defined by Sections 676 and 677, shall pay into the Unemployment Fund contributions for each calendar year with respect to wages paid for employment at the rate of five-tenths of 1 percent (0.5%).

SEC. 5. Section 2606 of said code is amended to read:

2606. "Employment" for the purposes of this part means:

(a) Service included in "employment" as defined by Part 1 of this division.

(b) Service in agricultural labor, including agricultural labor for an agricultural or horticultural organization.

(c) Notwithstanding any other provision of this division, all service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively as a hospital as defined in Section 1401 of the Health and Safety Code including the institutions described in subdivisions (c), (e), and (f) of Section 1415 of the Health and Safety Code but not including those described in subdivisions (a), (b), and (g) of Section 1415 of the Health and Safety Code, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office and which is exempt from income tax under Section 501(a) of the Internal Revenue Code of 1954, except service performed by an individual as a duly ordained priest, clergyman, rabbi, rector, vicar, pastor, or minister of religion, or by a practitioner who heals the sick by prayer in the practice of religion, or by a reader whose duty it is to conduct regular religious services of a religious organization, or by a member of a religious order in the exercise of duties required by the order, or by any other individual performing service in the practice of religion by designation of the governing body of a religious organization and subject to discipline by, including removal by, such governing body.

SEC. 6. The provisions of the Unemployment Insurance Code added and amended by this act shall be operative with respect to wages paid on and after October 1, 1965. The provisions of sections of the Unemployment Insurance Code amended by this act as in effect prior to such amendments shall continue to be applicable to wages paid prior to October 1, 1965.

CHAPTER 1436

An act to amend Sections 3110, 3111, 3112, 3113, and 3117 of, and to add Section 3112.5 to, the Streets and Highways Code, relating to assessment districts.

[Approved by Governor July 15, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 3110 of the Streets and Highways Code is amended to read:

3110. The proposed boundaries of the assessment district to be assessed in proceedings shall be described by resolution or ordinance adopted by the legislative body prior to the hearing on the formation or extent of such district. The description of the proposed boundaries shall be by reference to a map of the assessment district showing the lots, pieces or parcels of land proposed to be assessed and which shall indicate by a boundary line the extent of the territory included in the proposed assessment district and such map shall govern for all details as to the extent of such district. Such map shall also contain the name of the city and a distinctive designation, in words or by number, of the district shown thereon.

The map shall be legibly drawn, printed or reproduced by a process that provides a permanent record. Each sheet of paper or other material used for such map shall be eighteen (18) by twenty-six (26) inches in size, shall have clearly shown therein the particular number of the sheet, the total number of sheets comprising the map, and its relation to each adjoining sheet, and shall have encompassing its border a line that leaves a blank margin one inch in width.

SEC. 2. Section 3111 of said code is amended to read:

3111. On the original and on at least one copy of the map of the assessment district, the clerk of the legislative body shall endorse his certificate evidencing the date and adoption of the resolution or ordinance describing the proposed boundaries of such district. The clerk shall file the original of such map in his office and, within 15 days after the adoption of the resolution or ordinance fixing the time and place of the hearing on the formation or extent of such district and in no event later than 15 days prior to such hearing, shall file, without charge, a copy thereof with the county recorder of each county in

which all or any part of such proposed assessment district is located.

SEC. 3. Section 3112 of said code is amended to read:

3112. The county recorder shall endorse on the copy of the map of the assessment district the time and date of the filing and shall fasten the same securely in a book of maps of assessment districts which he shall keep in his office. The county recorder shall index such maps by name of the city conducting the proceedings and by the distinctive designation of the district as shown on each such map.

SEC. 4. Section 3112.5 is added to said code, to read:

3112.5. The county clerk of any county in whose office maps of proposed assessment districts are filed shall transmit the maps to the county recorder, who shall receive the maps with the same effect and manner as maps filed with him pursuant to Section 3112.

SEC. 5. Section 3113 of said code is amended to read:

3113. The legislative body shall not order a modification in the boundaries of an assessment district shown on a previously filed map of the assessment district unless it shall describe such proposed modification by reference to a revised map of the assessment district and the clerk of the legislative body shall have filed such revised map with the county recorder at least 10 days prior to the adoption of any such order.

SEC. 6. Section 3117 of said code is amended to read:

3117. If any proceedings are abandoned by the legislative body, the clerk of the legislative body, forthwith upon such abandonment, shall file a certified copy of the resolution of abandonment with the county recorder of each county in which all or any part of the assessment district is located. The certificate of the clerk of the legislative body attached to such resolution shall include a reference to the date of the resolution of abandonment, the date of the original resolution of intention, and the date the map of the assessment district pertaining thereto was filed with the county recorder. The county recorder shall index such resolution in the book containing the index of the maps of assessment districts.

CHAPTER 1437

An act to amend Sections 17052 and 17101 of the Education Code, relating to school expenditures.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 17052 of the Education Code is amended to read:

17052. The cafeteria fund shall be used only for such expenditures as are necessary for the operation of school cafe-

terias. However, when the governing board deems it necessary, they may make expenditures from the cafeteria fund for the lease or purchase of additional cafeteria equipment for the central food processing plant, and of vending machines and their installation and housing.

The governing board of any school district, or of two or more school districts governed by governing boards of identical personnel, having an average daily attendance of 400,000 or more as shown by the annual report of the county superintendent of schools for the preceding year, may also make expenditures from the cafeteria fund for the construction, alteration, or improvement of a central food processing plant and for the installation of additional cafeteria equipment for the central food processing plant.

SEC. 2. Section 17101 of said code is amended to read:

17101. The cost of housing and equipping cafeterias is a charge against the funds of the school district. However, when the governing board of a school district deems it necessary, the governing board may make the cost of the lease or purchase of additional cafeteria equipment for a central food processing plant, and of vending machines and their installation and housing, a charge against cafeteria funds. If school district funds are expended for the lease or purchase of additional cafeteria equipment for a central food processing plant, or for the lease, purchase, installation, or housing of vending machines, the governing board may at any time within five years after such expenditure reimburse school district funds from cafeteria funds.

The governing board of a school district may by resolution make the cost of maintenance of the physical plant used in connection with cafeterias, the cost of replacement of equipment and the cost of telephone charges, water, electricity, gas, coal, wood, fuel oil, and garbage disposal a charge against the funds of the school district.

The governing board of any school district, or of two or more school districts governed by governing boards of identical personnel, having an average daily attendance of 400,000 or more as shown by the annual report of the county superintendent of schools for the preceding year, may also make the cost of the construction, alteration, or improvement of a central food processing plant and the installation of additional cafeteria equipment a charge against cafeteria funds. If district funds are expended for these purposes, the governing board also may at any time within five years after such expenditure reimburse district funds from cafeteria funds.

CHAPTER 1438

An act to amend Section 13708 of the Education Code, relating to the compensation of members of school district personnel commissions.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 13708 of the Education Code is amended to read:

13708. Members of the commission may be paid fifteen dollars ($15) per meeting but not over seventy-five dollars ($75) per month, except that in any unified and junior college districts governed by the same governing board in which the average daily attendance of both districts combined is in excess of 400,000 members of the commission may be paid thirty dollars ($30) per meeting but not over one hundred fifty dollars ($150) per month.

CHAPTER 1439

An act to add Section 9158 to the Education Code, relating to county superintendents of schools.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 9158 is added to the Education Code, to read:

9158. The county board of education may enter into agreements with the governing boards of any of the school districts under the jurisdiction of the office of the county superintendent of schools for the conduct, under the direction of that office, of centralized in-service training programs for both certificated and classified employees of the school districts and of that office.

Centralized in-service training program operations of the office of the county superintendent of schools shall be financed through the county school service fund, and shall be included in the budget prepared pursuant to Article 16 (commencing with Section 18351) of Chapter 3 of Division 14.

CHAPTER 1440

An act to add Section 217 to the Revenue and Taxation Code, relating to property tax exemptions.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 217 is added to the Revenue and Taxation Code, to read:

217. (a) Except as provided in subdivision (d), the following articles of personal property which have been made available for display in a publicly owned art gallery or museum for a minimum period of 90 days during the preceding year shall be exempt from taxation:

(1) Original paintings in oil, mineral, water, vitreous enamel, or other colors, pastels, original mosaics, original drawings and sketches in pen, ink, pencil, or watercolors, or works of the free fine arts in any other media including applied paper and other materials, manufactured or otherwise, such as are used on collages, artists' proof etchings unbound, and engravings and woodcuts unbound, lithographs, or prints made by other hand transfer processes unbound, original sculptures or statuary. As used in this subdivision:

(A) "Sculpture" and "statuary" shall be understood to include professional productions of sculptors only whether in round or in relief, in bronze, marble, stone, terra cotta, ivory, wood, metal, or other materials, or whether cut, carved, or otherwise wrought by hand from the solid block or mass of marble, stone, alabaster, or from metal, or other materials, or cast in bronze or other metal or substance, or from wax or plaster, or constructed from any material or made in any form as the professional productions of sculptors, only.

(B) "Original" when used to modify the words "sculptures" and "statuary" shall be understood to include the original work or model and the first 10 castings, replicas, or reproductions made from the sculptor's original work or model with or without a change in scale and regardless of whether or not the sculptor is alive at the time the castings, replicas, or reproductions are completed.

(C) "Painting," "mosaic," "drawing," "work of the free fine arts," "sketch," "sculpture," and "statuary" shall not be understood to include any articles of utility or for industrial use, nor such as are made wholly or in part by stenciling or any other mechanical process.

(D) "Etchings," "engravings," and "woodcuts," "lithographs," or "prints made by other hand transfer processes," shall be understood to include only such as are printed by hand from plates, stones or blocks etched, drawn, or engraved with handtools and not such as are printed from plates, stones

or blocks etched, drawn or engraved by photochemical or other mechanical processes.

(2) Original works of the free fine arts, not provided for in paragraph (1) of this subdivision, subject to such regulations as the board may prescribe as to proof that the article represents some school, kind or medium of the free fine arts. As used in this paragraph "original works of the free fine arts" shall not be understood to include any article of utility or for industrial use.

(b) When making a claim for an exemption pursuant to this section, a person claiming the exemption shall appear before the assessor, shall give all information required and answer all questions in an affidavit, and shall subscribe and swear to the affidavit before the assessor. The assessor may require other proof of the facts stated before allowing the exemption. The affidavit shall be accompanied by a certificate of the director of the art gallery or museum in which the property for which an exemption is claimed under this section was made available for display that the property was available for public display in the art gallery or museum for a period of 90 days or more during the preceding calendar year.

(c) The provisions of Sections 255 and 260 shall be applicable to the exemption provided by this section.

(d) The exemption provided by subdivision (a) shall not apply to any work of art loaned by any person who holds works of art primarily for purposes of sale.

CHAPTER 1441

An act to amend Sections 18221 and 18460 of, and to add Section 18456.2 to, the Education Code, relating to educationally handicapped minors, and making an appropriation therefor.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 18221 of the Education Code is amended to read:

18221. (a) The Superintendent of Public Instruction shall allow to each school district and county superintendent of schools an amount equal to the excess current expense of education to such district or county superintendent of schools for educating educationally handicapped minor pupils who come within the provisions of subdivisions (a), (b), and (d) of Section 6751 but not in excess of the maximum allowance for each unit of average daily attendance of educationally handi-

capped minors during the next preceding fiscal year as set forth in the following schedule:

(1) Special day class (elementary and secondary)	$910
(2) Learning disability groups (elementary and secondary)	910
(3) Home and hospital instruction	910

(b) The Superintendent of Public Instruction shall compute for each applicant school district and county superintendent of schools the total current expense incurred by the district and the county superintendent of schools, during the preceding year, in providing in such year a program of specialized consultation to teachers, counselors and supervisors for educationally handicapped minors who come within the provisions of subdivision (c) of Section 6751 but not to exceed the total amount computed for the district or county superintendent of schools in accordance with this section. The total amount computed shall not exceed an amount equal to the product of the average daily attendance of pupils enrolled in such programs in subdivision (a) of this section and twenty dollars ($20).

SEC. 2. Section 18456.2 is added to said code, to read:

18456.2. If the total amount allowed from the State School Fund to all districts and county school service funds under Sections 18221 and 18222, on account of average daily attendance during the fiscal year is more than the total amount provided by law for such purposes, the total amount allowed each such district and each such county school service fund from the State School Fund pursuant to said sections shall be reduced by reducing the maximum reimbursement figures in those sections successively by increments of 1 percent until the deficit is removed.

SEC. 3. Section 18460 of said code is amended to read:

18460. If the total amount allowed county school service funds under Sections 18351 to 18354, inclusive, is less than the amounts provided by Section 18352 the balance shall be added to the balances resulting from the application of Sections 18061, 18452, 18453, and subdivision (b) of Section 17404. Only so much of the total of such balances as is actually necessary shall be used as follows:

(a) First, to restore proportionately the amounts reduced under Section 18455.

(b) Second, to restore, in the order herein listed, the amounts reduced under Section 18456 and subdivision (a) of Section 18061.

(c) Third, to restore proportionately the amounts reduced under Section 18456.2.

Any remaining balances otherwise transferable under subdivision (b) of Section 17301 shall remain in the General Fund, but shall be considered, to the extent applicable, pursuant to subdivision (c) of Section 17301 in determining the

total amount available to meet deficits in computed apportionments for the purposes set forth in Sections 17303 and 17303.5 in subsequent fiscal years.

CHAPTER 1442

An act to amend Section 170.6 of the Code of Civil Procedure, relating to challenge of judges for prejudice.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 170.6 of the Code of Civil Procedure is amended to read:

170.6 (1) No judge of any superior, municipal or justice court of the State of California shall try any civil or criminal action or special proceeding of any kind or character nor hear any matter therein which involves a contested issue of law or fact when it shall be established as hereinafter provided that such judge is prejudiced against any party or attorney or the interest of any party or attorney appearing in such action or proceeding.

(2) Any party to or any attorney appearing in any such action or proceeding may establish such prejudice by an oral or written motion without notice supported by affidavit or an oral statement under oath that the judge before whom such action or proceeding is pending or to whom it is assigned is prejudiced against any such party or attorney or the interest of such party or attorney so that such party or attorney cannot or believes that he cannot have a fair and impartial trial or hearing before such judge. Where the judge assigned to or who is scheduled to try the cause or hear the matter is known at least 10 days before the date set for trial or hearing, the motion shall be made at least five days before that date. If directed to the trial of a cause where there is a master calendar, the motion shall be made to the judge supervising the master calendar not later than the time the cause is assigned for trial. In no event shall any judge entertain such motion if it be made after the drawing of the name of the first juror, or if there be no jury, after the making of an opening statement by counsel for plaintiff, or if there be no such statement, then after swearing in the first witness or the giving of any evidence or after trial of the cause has otherwise commenced. If the motion is directed to a hearing (other than the trial of a cause), the motion must be made not later than the commencement of the hearing. In the case of trials or hearings not herein specifically provided for, the procedure herein specified shall be followed as nearly as may be. The fact that a judge has presided at or acted in connection with a pretrial conference or other hearing,

proceeding or motion prior to trial and not involving a determination of contested fact issues relating to the merits shall not preclude the later making of the motion provided for herein at the time and in the manner hereinbefore provided.

(3) If such motion is duly presented and such affidavit is duly filed or such oral statement under oath is duly made, thereupon and without any further act or proof, the judge supervising the master calendar, if any, shall assign some other judge to try the cause or hear the matter. In other cases, the trial of the cause or the hearing of the matter shall be assigned, or transferred to another judge of the court in which the trial or matter is pending or, if there is no other judge of the court in which the trial or matter is pending, the chairman of the judicial council shall assign some other judge to try such cause or hear such matter as promptly as possible. Under no circumstances shall a party or attorney be permitted to make more than one such motion in any one action or special proceeding pursuant to this section; and in actions or special proceedings where there may be more than one plaintiff or similar party or more than one defendant or similar party appearing in the action or special proceeding, only one motion for each side may be made in any one action or special proceeding.

(4) Unless required for the convenience of the court or unless good cause is shown, a continuance of the trial or hearing shall not be granted by reason of the making of a motion under this section. If a continuance is granted, the cause or matter shall be continued from day to day or for other limited periods upon the trial or other calendar and shall be reassigned or transferred for trial or hearing as promptly as possible.

(5) Any affidavit filed pursuant to this section shall be in substantially the following form:

(Here set forth court and cause)

State of California }
County of } ss.

_____, being first duly sworn, deposes and says: That he is a party (or attorney for a party) to the within action (or special proceeding). That _____ the judge before whom the trial of the (or a hearing in the) aforesaid action (or special proceeding) is pending (or to whom it is assigned), is prejudiced against the party (or his attorney) or the interest of the party (or his attorney) so that affiant cannot or believes that he cannot have a fair and impartial trial or hearing before such judge.

_____

Subscribed and sworn to before me
this _____ day of _____, 19___.

(Clerk or notary public or other
officer administering oath)

(6) Any oral statement under oath made pursuant to this section shall include substantially the same contents as the affidavit above.

(7) Nothing in this section shall affect or limit the provisions of Section 170 and Title 4, Part 2, of this code and this section shall be construed as cumulative thereto.

(8) If any provision of this section or the application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the section which can be given effect without the invalid provision or application and to this end the provisions of this section are declared to be severable.

CHAPTER 1443

An act to add Chapter 7 (commencing with Section 51200) to Part 1 of Division 1 of Title 5 of the Government Code, relating to agricultural land conservation.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 7 (commencing with Section 51200) is added to Part 1 of Division 1 of Title 5 of the Government Code, to read:

CHAPTER 7. AGRICULTURAL LAND

Article 1. General Provisions

51200. This chapter shall be known as the California Land Conservation Act of 1965.

51201. As used in this chapter, unless otherwise apparent from the context:

(a) "Agricultural commodity" means any and all plant and animal products produced in this state for commercial purposes.

(b) "Agricultural use" means use of land for the purpose of producing an agricultural commodity for commercial purposes.

(c) "Prime agricultural land" means (1) all land which qualifies for rating as class I or as class II in the Soil Conservation Service Land Use capability classifications, or (2) land which has returned from the production of unprocessed agricultural plant products an annual gross value of not less than two hundred dollars ($200) per acre for three of the previous five years.

(d) "Agricultural preserve" means an area devoted to agricultural and compatible uses as designated by a city or county, and established in the same manner as a general plan referred to in Section 65460 of the Government Code. Such preserves, when established, shall be for the purpose of subsequently placing restrictions upon the use of land within them, or supplementing existing restrictions, pursuant to the pur-

poses of this chapter. Such preserve may contain land other than prime agricultural land, but the use of any land not under contract within the preserve shall subsequently be restricted in such a way as to not be incompatible with the agricultural use of the prime agricultural land the use of which is limited by contract in accordance with this chapter. Such preserve may also be established even if it contains no prime agricultural land, provided that the land within the preserve is subsequently restricted to agricultural and compatible uses by agreement as provided in Section 51255, or by any other suitable means.

(e) Except as otherwise defined by this act, "compatible use" shall be determined by the city or county administering the agricultural preserve according to uniform rules. "Compatible use" shall include the erection, construction, alteration, or maintenance of gas, electric, water, or communication utility facilities, unless the governing board makes a finding after notice and hearing that any or all such facilities are not a compatible use. No land occupied by gas, electric, water, or communication utility facilities shall be excluded from a preserve by reason of such use.

(f) "Uniform rules" means rules that are adopted by a city or county administering an agricultural preserve and which shall be uniform throughout that preserve.

Article 2. Declaration

51220. The Legislature finds:

(a) That the preservation of a maximum amount of the limited supply of prime agricultural land is necessary to the conservation of the state's economic resources, and is necessary not only to the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for future residents of this state and nation.

(b) That the discouragement of premature and unnecessary conversion of prime agricultural land to urban uses is a matter of public interest and will be of benefit to urban dwellers themselves in that it will discourage discontiguous urban development patterns which unnecessarily increase the costs of community services to community residents.

(c) That in a rapidly urbanizing society agricultural lands have a definite public value as open space, and the preservation in agricultural production of such lands, the use of which may be limited under the provisions of this chapter, constitutes an important physical, social, esthetic and economic asset to existing or pending urban or metropolitan developments.

(d) For these reasons, this chapter is necessary for the promotion of the general welfare and the protection of the public interest in prime agricultural land.

51221. The Legislature further declares that the expenditure of public funds under the provisions of this chapter is

in the public interest and is necessary to the accomplishment of the purposes herein set forth.

51222. The limitation of the use of prime agricultural land pursuant to contract under this chapter is a determination by the contracting parties, and by the state, that the highest and best use of such land during the life of the contract is for agricultural uses, except as otherwise provided in this chapter.

51223. The limitation of the use of any agricultural land pursuant to agreements under this chapter is declared to be in the public interest insofar as any such agreements tend to maintain the agricultural economy of the state, prevent premature and unnecessary conversion of land from agricultural uses, assist in the preservation of prime agricultural lands, or are otherwise consistent with the purposes of this chapter.

Article 3. Contracts

51240. Any city or county may by contract, and through the expenditure of public funds, limit the use of prime agricultural land for the purpose of preserving such land pursuant and subject to the conditions set forth in the contract and in this chapter.

51241. If such a contract is made with any landowner, the city or county shall offer such a contract under similar terms to every other owner of prime agricultural land within the agricultural preserve in question.

51242. No city or county may contract with respect to any land pursuant to this chapter unless the land:

(a) Is devoted to agricultural use.

(b) Is located within an area designated by a city or county as an agricultural preserve containing not less than 100 acres.

(c) Is classified as prime agricultural land.

51243. Every such contract shall:

(a) Provide for the exclusion of uses other than agricultural, and other than those related to or compatible with agricultural use, for the duration of the contract.

(b) Be transferred from the contracting city or county to any succeeding city or county acquiring jurisdiction over the land under contract, and from the contracting owner to any succeeding owner. On the annexation by a city of any land under contract with a county, the city shall succeed to all rights, duties, and powers of the county under such contract.

51244. The term of each contract shall be 10 years. The contract shall be automatically renewed at the end of each year for an additional 10-year period, unless notice of nonrenewal is given as provided in Section 51245.

Notice of renewal and the new termination date shall be recorded with the county recorder and from and after the time of such recording shall constitute such notice to all persons as is afforded by the recording laws of this state.

51245. If either the landowner or the city or county desires in any year not to renew the contract, that party shall serve

written notice of nonrenewal of the contract upon the other party in advance of the annual renewal date of the contract. Unless such written notice is served by the landowner at least 90 days prior to the renewal date or by the city or county at least 60 days prior to the renewal date, the contract shall be considered renewed for 10 years as provided in Section 51244.

51246. If the landowner serves notice of his intent in any year not to renew the contract, the existing contract shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract, as the case may be.

51247. If the landowner does not serve notice of intent not to renew the contract and the city or county does not renew it by the annual renewal date, the existing contract shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract, as the case may be.

51248. If at any time during the existence of a contract which has not been renewed, the contracting city or county serves notice upon the landowner of its desire to renew the contract, the landowner may renew the contract within 90 days from the date of such notice. The renewal shall extend the contract for a period of 10 years from and after the date of the renewal. Notice of such renewal and the new termination date shall be recorded with the county recorder and such recordation shall have the same effect as provided in Section 51244.

51249. The landowner shall furnish the city or county with such information as the city or county shall require in order to enable it to determine the eligibility of the land involved and the payments which the landowner should receive under the contract.

51250. Whenever a city or county enters into a contract with a landowner pursuant to this chapter, it shall record with the county recorder and file with the Director of Agriculture a copy of the contract, which shall describe the land subject thereto, together with a reference to the map showing the location of the agricultural preserve in which the property lies, and the latter must approve such contract before it becomes effective and operative, but from and after the time of such recordation such contract shall impart such notice thereof to all persons as is afforded by the recording laws of this state.

51251. Whenever an agricultural preserve is established, and so long as it shall be in effect, a map of such agricultural preserve and the ordinance or resolution under which the preserve was established, together with any other ordinance or resolution directly affecting land use within the preserve, shall also be filed and kept current by the city or county with the county recorder and the Director of Agriculture.

51252. The state may bring any action in court necessary to enforce any contract including, but not limited to, an action to enforce the contract by an action for specific performance or injunction relief.

51253. The city council of any city or the board of supervisors of any county entering into a contract may appoint an advisory board the majority of whose members shall be landowners within an agricultural preserve. The members of the advisory board shall serve at the pleasure of the city council or board of supervisors and shall be paid their expenses. They shall advise the city council or board of supervisors on the administration of the agricultural preserves in the city or county and on any matters relating to contracts entered into pursuant to this chapter.

Article 3.5. Agreements

51255. Notwithstanding Section 51242, any city or county may, by agreement, but without payment to the landowner of public funds, limit the use of any land within an agricultural preserve to agricultural or compatible uses. The city or county, upon entering into any such agreement, shall file a copy of the agreement with the Director of Agriculture and shall record the original or a copy thereof, which shall describe the land subject thereto, with the county recorder. From and after the time of such recordation such agreement shall impart such notice thereof to all persons as is afforded by the recording laws of this state.

51256. Any city or county which offers any such agreement to any owner of land in agricultural use within a preserve shall offer agreements on similar terms to any other such owner within the preserve upon his request. Each agreement as to land within a preserve may be made mutually dependent upon any other agreement as to land within that preserve. The length, terms, conditions, and restrictions of such agreements shall be determined by negotiation between the city or county and the landowner. It shall be the policy of the city or county to secure agreements under which there is no reasonable prob ability of the removal or modification of the limitation or restriction within the near future. However, the provisions of this section shall not be construed to require that all agreements entered into upon lands within a preserve be identical, so long as such differences as exist are related to differences in the location and circumstances of the owners of land in agricultural or compatible uses, or pursuant to uniform rules adopted by the city or county.

Article 4. Compensation

51260. The state shall, through the Department of Agriculture, make an annual payment to each city or county which has land under contract pursuant to this chapter as of July 1 of each year, in an amount equal to one dollar ($1) for each acre of land under such a contract. Such payments may be used by the city or county for its costs of administration in carrying out the purposes of this chapter and to make or assist

in making any additional payments to the owners of parcels of land under contract.

For the purposes of this article, the city or county shall annually submit to the Director of Agriculture a map showing each agricultural preserve in the city or county and a description of each parcel of land in the preserve that is under contract, the date of each contract, and the amount of payments which will be due under each contract pursuant to this article for the ensuing year.

51261. Payments to any landowner by a city or county pursuant to a contract entered into under this chapter shall be an annual payment of five cents ($0.05) for each one dollar ($1) of the assessed value of the land under contract.

The landowner, however, may waive the obligation of a city or county to make any such payments. Such waiver shall be expressed in the original contract or any subsequent renewals thereof, and shall be in effect for the original or renewal term of the contract. A county or city may require such a waiver by a landowner up to the amount of the assessed valuation of the property at the time of initially entering into the contract, as a condition on entering into the contract. All waivers so required must be pursuant to a uniform rule applicable to all contracts.

51262. The payment scale for the remaining period of an unrenewed contract shall be that percentage of the amount that the landowner would otherwise have been entitled to pursuant to Section 51261 if the contract had been renewed, as shown by the following:

Year	If owner does not renew	If city or county does not renew
1	100%	100%
2	90%	100%
3	80%	100%
4	70%	100%
5	60%	100%
6	50%	100%
7	40%	80%
8	30%	60%
9	20%	40%
10	10%	20%

51263. If the land under contract should, during the term of the contract, no longer qualify as prime agricultural land, or not be devoted to an agricultural use, payments under the contract to the landowner shall be suspended and shall not be resumed until the land again should so qualify and be so devoted during the term of the contract.

Article 5. Cancellation

51280 It is hereby declared that the purpose of this article is to provide relief from the provisions of contracts entered into pursuant to this chapter only when the continued dedication of land under such contracts to agricultural use is neither necessary nor desirable for the purposes of this chapter.

51281. A contract may be canceled on the mutual agreement of all parties to the contract, and the state, as provided in this article.

51282. The cancellation of any contract shall not be effective until approved by the Director of Agriculture, upon the recommendation of the State Board of Agriculture. The director shall act only on the request of the parties to the contract as represented by the receipt of the acknowledged cancellation agreement of the landowner and a resolution of the governing body of the city or county.

The State Board of Agriculture may recommend and the Director of Agriculture may approve the cancellation of a contract only if they find:

(a) The cancellation is not inconsistent with the purposes of this chapter.

(b) The cancellation is in the public interest.

The existence of an opportunity for another use of the land involved shall not be sufficient reason for the cancellation of a contract. A potential alternative use of the land may be considered only if there is no proximate, noncontracted land suitable for the use to which it is proposed the contracted land be put.

The uneconomic character of an existing agricultural use shall likewise not be sufficient reason for cancellation of the contract. The uneconomic character of the existing use may be considered only if there is no other reasonable or comparable agricultural use to which the land may be put

51283. (a) Upon the cancellation of any contract, and as soon thereafter as the land to which it relates is reassessed by the assessor, the landowner shall pay to the city or county an amount equal to 50 percent of the new assessed valuation of the property.

(b) If the State Board of Agriculture recommends that it is in the public interest to do so, and the Director of Agriculture so finds, the director may waive any such payment or any portion thereof, or may make such payment or a portion thereof contingent upon the future use made of the land and its economic return to the landowner for a period of time not to exceed the unexpired period of the contract, had it not been canceled, provided:

(1) The cancellation is caused by an involuntary transfer or change in the use which may be made of the land and the land is not immediately suitable, nor will be immediately used, for a purpose which produces a greater economic return to the owner; and

(2) The city or county has recommended to the State Board of Agriculture that no such payment be required, or that the deferment of such payment or portion thereof be allowed, and the board has determined it is in the best interests of the program to conserve agricultural land use that such payment be either deferred or not required.

51284. No contract may be canceled until after the city or county has given notice of, and has held, a public hearing on the matter. Notice of the hearing shall be mailed to each and every owner of property under contract within the agricultural preserve in which the contracted property is located and shall be published pursuant to Section 6061 of the Government Code.

51285. No contract may be canceled if at the hearing, or prior thereto, the owners of 51 percent of the contracted acreage in the agricultural preserve protest such cancellation to the city or county conducting the hearing.

51286. Notice of cancellation of any contract, executed by the city or county and the Director of Agriculture, shall be recorded with the county recorder. It shall thereafter be conclusively presumed in favor of any bona fide purchaser or encumbrancer that there has been compliance with all the provisions of this article to cancel such contract.

Article 6. Eminent Domain or Other Acquisition

51290. (a) It is the policy of the state to avoid, whenever practicable, the location of any state or local public improvements and any improvements of public utilities, and the acquisition of land therefor, in agricultural preserves.

(b) It is further the policy of the state that whenever it is necessary to locate such improvement within an agricultural preserve, such improvement shall, whenever practicable, be located upon land other than land under a contract pursuant to this chapter.

(c) It is further the policy of the state that any agency or entity proposing to locate such an improvement shall, in considering the relative costs of parcels of land and development of improvements, give consideration to the value to the public, as indicated in Article 2 (commencing with Section 51220), of land (and particularly prime agricultural land) within an agricultural preserve.

51291. (a) As used in this section, Section 51292, and Section 51295 "public agency" means the state, or any department or agency thereof, and any county, city, school district, or other local public district, agency, or entity; and "person" means any person authorized by Section 1001 of the Civil Code to acquire property by eminent domain.

(b) Whenever it appears that land within an agricultural preserve may be required by a public agency or person for a public use, the public agency or person shall advise the Director of Agriculture and the local governing body responsible

for the administration of the preserve of the intention to consider the location of a public improvement within the preserve.

Within 30 days thereafter the Director of Agriculture and the local governing body shall forward to the public agency or person concerned their comments with respect to the effect of the location of the public improvement on the land within the agricultural preserve and such comments shall be considered by the public agency or person. Failure of any public agency or person to comply with the requirements of this section shall not invalidate any action by such agency or person to locate a public improvement within an agricultural preserve. However, such failure by any person or any public agency other than a state agency shall be admissible in evidence in any litigation for the acquisition of such land or involving the allocation of funds or the construction of the public improvement.

51292. (a) No public agency or person shall locate a public improvement within an agricultural preserve based primarily on a consideration of the lower cost of acquiring land in an agricultural preserve.

(b) No public agency or person shall acquire prime agricultural land covered under a contract pursuant to this chapter for any public improvement if there is other land within or outside the preserve on which it is reasonably feasible to locate the public improvement.

51293. Section 51292 shall not apply to:

(a) The location or construction of improvements, where the Director of Agriculture or the local governing body administering the agricultural preserve (other than the local governing body proposing to locate the improvement, except as to locations involving only the acquisition of easements within its own boundaries) approves or agrees to the location thereof. In addition, the approval by the Public Utilities Commission of the location of a public utility improvement shall exempt such improvement from the provisions of Section 51292.

(b) The location or construction of the following types of improvements, which are hereby determined to be compatible with or to enhance land within an agricultural preserve:

(1) Flood control works, including channel rectification and alteration.

(2) Public works required for fish and wildlife enhancement and preservation.

(3) Improvements for the primary benefit of the lands within the preserve.

(c) Improvements for which the site or route has been specified by the Legislature in such a manner as to make it impossible to avoid the acquisition of land under contract.

(d) All state highways on routes as described in Sections 301 to 622, inclusive, of the Streets and Highways Code, as said sections read on October 1, 1965.

(e) All facilities which are part of the State Water Facilities as described in subdivision (d) of Section 12934 of the

Water Code, except facilities under paragraph (6) of said subdivision (d).

(f) Land upon which condemnation proceedings have been commenced prior to October 1, 1965.

51294. Section 51292 shall be enforceable only by mandamus proceedings by the local governing body administering the agricultural preserve or the Director of Agriculture. However, as applied to condemnors whose determination of necessity is not conclusive by statute, evidence as to the compliance of the condemnor with Section 51292 shall be admissible in any action otherwise authorized to be brought by the landowner or by way of defense in an action against him.

51295. When any permissible action in eminent domain for the condemnation of the fee title of any land under contract is filed or when such land is acquired in lieu of eminent domain for a public improvement by a public agency or person, such contract is null and void as to the land actually being condemned or acquired as of the date the action is filed and thereafter the contract shall not be binding on any party to it.

CHAPTER 1444

An act to amend Section 448.5 of the Welfare and Institutions Code and Section 11158 of Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill 1682 of the 1965 Regular Session, relating to public assistance.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 448.5 of the Welfare and Institutions Code is amended to read:

448.5. The Legislature recognizes that certain property and rights owned by a recipient are of negligible value in enabling the recipient to meet his present needs, and cannot be classified as available resources of the recipient. The Legislature also recognizes that the present value of such property and rights is at most nominal when considered for the purpose of computing the net worth of the individual. It is the purpose of this section to designate such property and rights, and to place a value thereon.

For the purposes of evaluating the personal property of a recipient, the following items, in the aggregate, whether acquired prior to or after the effective date of this section, shall be deemed to have a monetary value of thirty-five dollars ($35) if the amount paid for the same does not exceed six hundred fifty dollars ($650), or fifty dollars ($50) if the

amount paid for the same does not exceed one thousand dollars ($1,000):

(a) Money placed in trust for funeral, cremation, or interment expenses

(b) Life or burial insurance purchased for funeral, cremation, or interment expense.

For the purposes of evaluating the personal property of a recipient, interment plots as defined in Section 7022 of the Health and Safety Code shall be deemed to have no value.

The provisions of this section shall be operative only to the extent permitted by federal law

SEC. 2. Section 11158 of Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill 1682 of the 1965 Regular Session is amended to read:

11158. The Legislature recognizes that certain property and rights owned by a recipient, including a recipient of aid to families with dependent children, are of negligible value in enabling the recipient to meet his present needs, and cannot be classified as available resources of the recipient. The Legislature also recognizes that the present value of such property and rights is at most nominal when considered for the purpose of computing the net worth of the individual. It is the purpose of this section to designate such property and rights, and to place a value thereon.

For the purposes of evaluating the personal property of a recipient, the following items, in the aggregate, shall be deemed to have a monetary value of thirty-five dollars ($35) if the amount paid for the same does not exceed six hundred fifty dollars ($650), or fifty dollars ($50) if the amount paid for the same does not exceed one thousand dollars ($1,000):

(a) Money placed in trust for funeral, cremation, or interment expenses.

(b) Life or burial insurance purchased for funeral, cremation, or interment expense.

For the purposes of evaluating the personal property of a recipient, interment plots as defined in Section 7022 of the Health and Safety Code shall be deemed to have no value.

SEC. 3. Section 2 of this act shall become operative only if the revision of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No. 1682 takes effect; at which time Section 448.5 of the Welfare and Institutions Code as amended by Section 1 of this act is repealed.

CHAPTER 1445

An act to amend Sections 12804 and 12816 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 12804 of the Vehicle Code is amended to read:

12804. (a) The examination shall include a test of the applicant's knowledge and understanding of the provisions of this code governing the operation of vehicles upon the highways, the ability to read and understand simple English used in highway traffic and directional signs, his understanding of traffic signs and signals and the applicant shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by driving the same under the supervision of an examining officer and submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive. The examination shall also include a test of the hearing and eyesight of the applicant and such other matters as may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license under this code. The examination for a class 1 or class 2 license under subdivision (b) of this section shall also include a doctor's report of a medical examination of the applicant. In establishing the requirements consideration may be given to the standards presently required of motor carrier drivers by the Interstate Commerce Commission. Any physical defect of the applicant which in the opinion of the department is compensated to insure safe driving ability shall not prevent the issuance of a license to the applicant.

(b) Any applicant for a driver's license shall be required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles he desires a license to drive in accordance with the following classifications:

(1) Class 1. Any combination of vehicles and includes the operation of all vehicles under class 2 and class 3.

(2) Class 2. Any bus, any "farm labor truck", any single vehicle with three or more axles, any such vehicles towing another vehicle weighing less than 6,000 pounds gross, and all vehicles covered under class 3, except that a person holding a valid class 3 license on the effective date of this act may drive a bus designed to carry not more than 15 passengers until such time as the license expired without obtaining a class 2 license.

(3) Class 3. Any two-axle vehicle, except a bus or "farm labor truck", and such vehicles towing another vehicle weighing less than 6,000 pounds gross.

(c) The department may accept a certificate of driving experience in lieu of a driving test on class 1 or 2 applications when such certificate is issued by an employer of the applicant provided the applicant has first qualified for a class 3 license and also met the other examination requirements for the license for which he is applying. Such certificate may be submitted as evidence of the applicant's experience or training in the operation of the types of equipment covered by the license for which he is applying.

SEC. 2. Section 12816 of said code is amended to read:

12816. (a) Every original driver's license issued after January 1, 1966, shall expire on the third birthday of the applicant following the date of the application for the license.

(b) Renewal of any driver's license shall be made for a term which shall expire on the fourth birthday of the applicant following the expiration of the license renewed except that such renewal of a license shall expire on the third birthday of the applicant following the expiration of the license renewed if within the past two years the applicant has:

(1) Except for parking violations, and violations committed as a pedestrian or bicyclist, been convicted of three or more violations of Division 10 (commencing with Section 20000) or of Division 11 (commencing with Section 21000) of this code, or

(2) Been convicted of any felony in the commission of which a motor vehicle was used.

(c) The department may accept application for a renewal of a driver's license made not more than six months prior to the date of expiration and the renewal license when issued shall expire as stated in subdivision (b) above. If renewal is not applied for within 90 days after expiration of the license, the application and fee shall be considered the same as an application for an original license to be issued for the term indicated in subdivision (a) above.

CHAPTER 1446

An act to add Section 18743.3 to the Business and Professions Code, relating to wrestling.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 18743.3 is added to the Business and Professions Code, to read:

18743.3. Referees of wrestling exhibitions who are duly licensed by the commission may be appointed by the promoters of such exhibitions from the list offered by the commission.

CHAPTER 1447

An act to add Section 3074.5 to the Labor Code, relating to payment of costs of instruction.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 3074.5 is added to the Labor Code, to read:

3074.5. The Bureau of Industrial Education of the Department of Education may advance or reimburse to a local school district its added cost of providing related instruction classes to apprentices whenever the average daily attendance of any such class is at least 5 but not more than 15.

CHAPTER 1448

An act to add Sections 14.3, 14.4, 14.5, 14.6, 14.7, 14.8, 14.9, 14.10, 14.11, 14.12, 14.13, 14.14, 14.15, 14.16 and 14.17 to, and to amend Sections 12.1, 14, 15, 15.1, 15.8, 15.9 and 17 of, the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), relating to the establishment of improvement districts and the authorization of bonds therefor.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 12.1 of the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961) is amended to read:

Sec. 12.1. No works or improvements shall be undertaken by the agency, including proceedings pursuant to either Section 16 or Section 14.4 of this act, unless an investigation and report has been made and a hearing has been held thereon as provided in either this section or Section 14.6.

The board shall make or cause to be made an engineering study and report upon the proposed works or improvements, together with estimates of the cost thereof. The board may, after reviewing the report and estimates of cost, thereafter adopt a resolution declaring its intention to proceed with the proposed works or improvements, briefly describing the same and describing the area which will be benefited thereby, whether all or part of the agency or any one or more of the member units therein. The resolution shall further declare that a public hearing will be held thereon at a specified day, hour and place, where all persons interested may appear and be heard.

The resolution shall be published in a newspaper of general circulation within the area to be benefited by the proposed work or improvement once a week for two weeks, and the last day of publication shall be not less than seven days before the day fixed for the public hearing.

At any time before or during the public hearing, any holder of title to real property in the area to be benefited may file a written protest thereto with the secretary of the board. If before the conclusion of said hearing written protests have been filed by a majority in number of the holders of title to the real property in the area benefited and who are also the holders in title to a majority of the real property in the said area according to assessed valuation as shown by the last equalized assessment roll, then the board shall not proceed further with the proposed work or improvement until proceedings are commenced and completed hereunder without such protest; provided, that such proceedings shall not be commenced for a period of six months after the date of any such majority protest.

SEC 2 Section 14 of said act is amended to read:

Sec. 14. If from any cause, the revenues of the agency shall be, or in the judgment of the board are likely to be, inadequate to pay the expenses, costs, liabilities and indebtedness of the agency, the board shall have the power in any year to levy an ad valorem tax upon all taxable property in the agency to pay the costs and expenses of the agency to carry out the provisions of this act, except that the aggregate taxes or assessments levied for any one fiscal year shall not exceed five cents ($0.05) on each one hundred dollars ($100) of the assessed valuation of the taxable property in the agency.

The foregoing limitations shall be exclusive of any tax levied pursuant to Section 14.1, 14.2, 14.13, 15, 15.9, 16 and 17 of this act.

SEC. 3. Section 14 3 is added to said act, to read:

Sec. 14.3. Improvement districts may be formed to undertake projects to investigate, study, analyze, appraise, finance, acquire, and carry out any of the objects or purposes of this act of special benefit to such improvement districts, including, without limitation, projects to construct, operate, maintain, extend, repair or improve any works or improvement of special benefit to such improvement districts.

SEC 4. Section 14.4 is added to said act, to read:

Sec. 14.4. The formation of an improvement district shall be instituted by a resolution of the board which shall contain the following:

(a) A description of the boundaries of the improvement district proposed to be formed;

(b) A brief general description of the project to be undertaken within such improvement district;

(c) A finding that the project will be a special benefit to such improvement district;

(d) A statement of the board's intention to undertake the project;

(e) An estimate of the cost of the project;

(f) The method by which the project is proposed to be financed. To the extent that the project is to be financed by taxes levied in such improvement district, for purposes other than the payment of the principal of and interest on bonds, the proposed maximum amount of such tax which may be levied in any year;

(g) The time and place for a hearing by the board on the formation of the proposed improvement district, on the boundaries thereof, on the project proposed to be undertaken therein and on the method by which the project is proposed to be financed.

SEC. 5. Section 14.5 is added to said act, to read:

Sec. 14.5. Notice of the time and place of the hearing shall be published pursuant to Section 6063 of the Government Code in a newspaper of general circulation within the proposed improvement district, but if there is no such newspaper, then one within the agency. The notice shall contain a copy of the resolution and a designation of a public place within the agency where a copy of a map of the proposed improvement district may be seen by any interested persons.

SEC. 6. Section 14.6 is added to said act, to read:

Sec. 14.6. At the time and place fixed for the hearing, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing and shall consider all written and oral objections to any matters set forth in the resolution. Any person may appear at the hearing and present any matters material to the subject thereof.

SEC. 7. Section 14.7 is added to said act, to read:

Sec. 14.7. If prior to the conclusion of the hearing written protests against the formation of the proposed improvement district and the proposed project signed by a majority in number of the holders of title to taxable property within the proposed improvement district and who are also the holders of title to not less than 51 percent of the area thereof are filed with the board, further proceedings relating to the proposed improvement district and the proposed project shall be terminated and no proceedings for the formation of any improvement district to undertake the proposed project shall be instituted for a period of not less than six months following the date of the conclusion of the hearing.

SEC. 8. Section 14.8 is added to said act, to read:

Sec. 14.8. In all matters referred to in Section 14.7, the last equalized assessment roll of the county shall be prima facie evidence as to the ownership of taxable property, the names and number of the persons who are the holders of title, or assessable rights therein, and as to the assessed valuation of taxable property within the proposed improvement district.

SEC. 9. Section 14.9 is added to said act, to read:

Sec. 14.9. If at any time prior to the conclusion of the hearing any district, not lying wholly within any other district within the agency, files with the secretary of the board a resolution adopted by a majority vote of the governing body of said district requesting the exclusion from the proposed improvement district of the lands within said district, the board shall exclude from the proposed improvement district all of said lands.

SEC. 10. Section 14.10 is added to said act, to read:

Sec. 14 10. At the conclusion of the hearing if proceedings relating to the proposed improvement district have not been terminated in the manner set forth in Section 14.7 the board may, after excluding any land which it finds will not be benefited by the proposed project and any land required to be excluded pursuant to Section 14.9 and if it finds and determines that the project is feasible, economically sound and for the best interests of the agency and the proposed improvement district, declare, by resolution, that the proposed improvement district is formed.

SEC. 11 Section 14.11 is added to said act, to read:

Sec. 14.11. The resolution declaring an improvement district to be formed shall contain:

(a) A description of the boundaries thereof and the name of such improvement district which shall thereupon constitute and be known as "Improvement District No. _____ of Kern County Water Agency."

(b) A brief description of the project which may be undertaken within the improvement district.

(c) The maximum amount of any improvement district tax, exclusive of taxes for the payment of principal and of interest on bonds, which may be levied in any year, which maximum amount shall not exceed the amount estimated in the resolution adopted pursuant to Section 14.4.

SEC. 12. Section 14.12 is added to said act, to read:

Sec. 14.12. Except as limited by Section 14.9, the boundaries of an improvement district determined and established by the board in the resolution declaring the improvement district to be formed may be the whole or a part of the proposed improvement district described in the resolution adopted pursuant to Section 14.4 and may include such additional lands, the owners of which have, by written petition filed with the board, requested to be included within the improvement district. Also, except as limited by Section 14.9, the territory of an improvement district need not be contiguous, may include either or both incorporated and unincorporated lands, may include lands within any member units and lands within any other improvement district, but must be entirely within the agency.

SEC. 13. Section 14.13 is added to said act, to read:

Sec. 14.13. After the formation of an improvement district if any portion of the cost of the project proposed therefor is

to be financed by the issuance of bonds by the agency on behalf of the improvement district, proceedings may be taken by the board for the authorization, issuance, and sale of bonds of the agency on behalf of the improvement district pursuant to Sections 15, 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, 15.9, 16 and 17 of this act.

SEC. 14. Section 14.14 is added to said act, to read:

Sec. 14.14. Subject to such limitations as may be contained in the resolution declaring the improvement district to be formed, the board shall have the power in any year to cause taxes to be levied and collected in any improvement district to finance any project of such improvement district or to pay the principal of and interest on bonds issued by the agency on behalf of such improvement district for the purpose of financing any project in such improvement district, and to pay the costs of administration, maintenance, and operation of any works or facilities of or for said improvement district.

SEC. 15. Section 14.15 is added to said act, to read:

Sec. 14.15. The procedure for levying and collecting taxes in any improvement district shall be the same as that provided for in this act for the levying and collecting of agency taxes.

SEC. 16. Section 14.16 is added to said act, to read:

Sec. 14.16. All the taxes collected pursuant to Section 14.13 of this act shall be expended only for the payment of bond principal and interest or only for the improvement district projects for which levied, except that any surplus tax proceeds levied otherwise than for payment of bond principal and interest which remain after the completion of any improvement district project for which levied shall be transferred to the bond interest and redemption fund of such improvement district, if any, otherwise to the agency's general fund.

SEC. 17. Section 14.17 is added to said act, to read:

Sec. 14.17. For the purpose of any tax levied under Section 14.13 of this act the properties within any improvement district shall be deemed to be equally benefited.

SEC. 18. Section 15 of said act is amended to read:

Sec. 15. (a) Whenever the board determines that a bonded indebtedness should be incurred to pay the cost of any work of improvement for the benefit of any member unit, as determined in any agreement between the agency and the member unit, or for the benefit of any improvement district, it may determine and declare by resolution the amount of bonds necessary to be issued in each such member unit or improvement district affected for such work of improvement. The board shall cause a copy of the resolution duly certified by the clerk to be filed for record in the office of the Recorder of Kern County if the improvement is for the benefit of an improvement district and with the governing board of such member unit if the improvement is for the benefit of any member unit.

(b) After such resolution has been filed, the board shall call a special bond election in each said member unit or

improvement district to submit to the qualified electors of each such member unit or improvement district the question whether or not bonds shall be issued in the amount and for the purposes stated in the resolution.

(c) The special bond election shall be called by ordinance and the board shall submit to the qualified electors of each member unit or improvement district, the proposition of incurring a bonded debt in the member unit or member units or improvement district in the amount and for the purposes stated in the resolution and shall recite therein the purposes for which the indebtedness is proposed to be incurred, except that it shall be sufficient to give a brief, general description of such purposes, and refer to the copy of the resolution on file with the office of the Recorder of Kern County or with the governing body of the member unit. The ordinance may state that no bonds authorized at the election will be sold until contracts have been executed with member units within the area to be benefited by the improvement which will provide for payments by such member units to the agency sufficient to pay the principal and interest on any such bonds issued. If such a provision is included in the ordinance, no bonds authorized at the election shall be issued until such contracts have been executed. The ordinance shall also state the estimated cost of the proposed work and improvements, the amount of the principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on the indebtedness and shall fix the date on which the special election shall be held, and the form and contents of the ballot to be used. The rate of interest to be paid on the indebtedness shall not exceed five percent (5%) per annum. For the purposes of the election, the board shall establish special bond election precincts within the boundaries of each member unit or improvement district and may form election precincts by consolidating the precincts established for general elections in the agency, not to exceed six general precincts for each such special bond election precinct. In addition, the ordinance shall designate a polling place and appoint one inspector, one judge and one clerk for each special bond election precinct.

The special bond election shall be held as nearly as practicable in conformity with the general election laws of the state except as otherwise provided in this act.

The board shall cause a map or maps to be prepared covering a general description of the work to be done, which map shall show the location of the proposed works and improvements and shall cause the map to be posted in a prominent place in the office of the agency and the office of the governing body of the member unit affected, if such bonds are for an improvement for the benefit of any member unit, for public inspection at least thirty (30) days before the date of the election.

Said ordinance calling for the special bond election shall be published prior to the date set for such election in a newspaper

of general circulation, circulated in the improvement district or member unit or member units affected for six consecutive times if published in a daily newspaper of general circulation, or two times if published in a weekly newspaper of general circulation. The last publication of the ordinance must be at least fourteen (14) days before the election, and if there be no such newspaper, then the ordinance shall be posted in five public places designated by the board in the improvement district and in each said affected member unit for at least thirty (30) days before the date of the election. No other notice of election need be given nor need polling place cards be issued.

Any defect or irregularity in the proceedings prior to the calling of the special bond election shall not affect the validity of the bonds authorized by said election. If at such election three-fifths ($\frac{3}{5}$) of the votes cast are in favor of incurring such bonded indebtedness, then bonds for such improvement district or member unit for the amount stated in the proceedings shall be issued and sold as provided in this act.

SEC. 19. Section 15.1 of said act is amended to read:

Sec. 15.1. The board shall prescribe by resolution the form of the bonds which shall include a designation of the improvement district or member units affected, and the form of the interest coupons attached to the bonds. Said bonds shall be payable annually or semiannually, at the discretion of the board, at a day and at a place designated in the bonds, together with the interest on all sums unpaid on such date until the whole of said indebtedness is paid.

The board may divide the principal amount of any issue into two or more series, and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series. The maturity of each series shall comply with this section. The board may fix a date, not more than five years from the date of issuance, for the earliest maturity of each issue or series of bonds. The final maturity date shall not exceed forty (40) years from the time of incurring the indebtedness evidenced by each issue or series.

The bonds shall be issued in such denominations as the board may determine, and shall be payable on the days and at the place fixed in said bonds, and with interest at the rate specified in such bonds, which rate shall not be in excess of five per centum (5%) per annum, and shall be made payable annually or semiannually, and said bonds shall be numbered consecutively and shall be signed by the chairman of the board, and countersigned by the secretary of said agency and the seal of said agency shall be affixed thereto by the secretary of the board. Either or both such signatures may be printed, engraved or lithographed. The interest coupons of said bonds shall be numbered consecutively and signed by the said secretary by his printed, engraved, or lithographed signature. In case any such officer 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 bonds and coupons, and signatures or countersignatures shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery of the bonds.

SEC. 20. Section 15.8 of said act is amended to read:

Sec. 15.8. The board may issue and sell the bonds of such improvement district or member units at not less than par value, and the proceeds of the sale of such bonds shall be placed in the treasury of the agency to the credit of the respective improvement district or member units thereof, for the uses and purposes of the improvement district or member unit or member units voting said bonds; and the proper record of such transactions shall be placed upon the books of the agency, and said respective improvement district or member unit funds shall be applied exclusively to the purposes and objects mentioned in the ordinance calling such special bond election.

SEC. 21. Section 15.9 of said act is amended to read:

Sec. 15.9. Any bonds issued pursuant to Section 15 of this act, and the interest thereon, shall be paid from revenue received from member units pursuant to any contracts which may be required with such member units by the ordinance passed pursuant to subdivision (c) of Section 15, and from revenue derived from any taxes levied pursuant to Section 14.1 to raise the amount of delinquencies, if any, of such member units on such contracts, to the extent that such revenues are available. To the extent that such revenues are or are estimated by the board to be insufficient to pay such bonds and interest, or if no such contracts with member units are required by said ordinance, then any bonds issued pursuant to Section 15 of this act, and the interest thereon, shall be paid by revenue derived from an annual tax or assessment levied upon all taxable property, exclusive of mineral rights, within each improvement district or member unit for which such bonds were issued. No member unit nor the property therein nor other lands within the agency shall be liable for the share of bonded indebtedness of any other member unit or improvement district for which bonds are issued under this act, nor shall any moneys derived from taxation or assessments in any of the several member units or improvement districts be used in payment of principal and interest or otherwise of the share of the bonded indebtedness chargeable to any other improvement district or member unit.

SEC. 22. Section 17 of said act is amended to read:

Sec. 17. If the board by resolution determines that a bonded indebtedness to pay for the acquisition or construction of any works for any purposes of the agency or for refunding any outstanding bonds should be incurred, and can be repaid and liquidated as to both principal and interest from revenues designated by the board, the agency is authorized and shall have the power to define such works as an "enterprise"

and to issue revenue bonds all in the manner and as provided in the Revenue Bond Law of 1941, Chapter 6 (commencing at Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code and for such purpose the agency shall be considered a "local agency" as defined by Section 54307 of said code.

The board may issue revenue bonds under the Revenue Bond Law of 1941 on behalf of any portion of the agency created as an improvement district pursuant to this act and any election for the issuance of such revenue bonds shall be limited to the area of such improvement district.

CHAPTER 1449

An act to add Section 3095 to the Labor Code, relating to apprenticeships.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 3095 is added to the Labor Code, to read:

3095. It shall be unlawful for any person to discriminate in any recruitment or apprenticeship program on the basis of race, creed, color, or national origin.

CHAPTER 1450

An act to add Section 74.5 to the Streets and Highways Code, relating to state highways.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 74.5 is added to the Streets and Highways Code, to read:

74.5. The planning commission and legislative body of a city or county shall, prior to recommending the adoption of a state highway route, conduct a public hearing on the subject.

CHAPTER 1451

An act to amend Section 2400 of the Vehicle Code, and to amend Section 1463 of the Penal Code, relating to traffic law enforcement and the disposition of fines therefrom.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 2400 of the Vehicle Code is amended to read:

2400. The commissioner shall administer Chapter 4 (commencing with Section 10850) of Division 4, Article 3 (commencing with Section 17300) of Chapter 1 of Division 9, Division 10 (commencing with Section 20000), Division 11 (commencing with Section 21000), except Chapter 11 (commencing with Section 22950), Division 12 (commencing with Section 24000), Division 13 (commencing with Section 29000), Division 14 (commencing with Section 31600), Division 14.8 (commencing with Section 34500), Division 15 (commencing with Section 35000), and Division 16 (commencing with Section 36000) except Chapter 2 (commencing with Section 36100) and Chapter 3 (commencing with Section 36300).

The commissioner shall enforce all laws regulating the operation of vehicles and the use of the highways.

The commissioner shall have full responsibility and primary jurisdiction for the administration and enforcement of such provisions and laws, and for the investigation of traffic accidents, on all state highways constructed as freeways within incorporated areas of the state, provided, however, that city police officers while engaged primarily in general law enforcement duties may incidentally enforce state and local traffic laws and ordinances on state freeways. In any city having either a population in excess of 2,000,000 or an area of more than 300 square miles city police officers shall have full responsibility and primary jurisdiction for the administration and enforcement of such laws and ordinances, unless the city council of any such city shall by resolution request administration and enforcement of such laws by the commissioner.

SEC. 2. 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 for-

feitures 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) Except as otherwise provided in this subdivision, 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.

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 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 on a state highway constructed as a freeway whereon city police officers enforced the provisions of the Vehicle Code on or before April 1, 1965, within the limits of a city within the county which is set forth in the schedule appearing in subparagraph (c) of this paragraph (1).

(c) Once a month there shall be transferred into the general fund of the county an amount equal to that percentage of the fines and forfeitures collected during the preceding month upon conviction or upon the forfeiture of bail following arrests made by officers or other persons employed by each city in the county which is set forth in the following schedule:

County and City	Percentage
Alameda	
Alameda	18
Albany	29
Berkeley	19
Emeryville	13
Hayward	10
Livermore	7
Oakland	22
Piedmont	44
Pleasanton	17
San Leandro	9
County percentage	21
Amador	
Amador	25
Ione	25
Jackson	25
Plymouth	25
Sutter Creek	25
County percentage	29
Butte	
Biggs	75
Chico	22
Gridley	49
Oroville	9
County percentage	20
Calaveras	
Angels	62
County percentage	62
Colusa	
Colusa	13
Williams	17
County percentage	16

County and City	Percentage
Contra Costa	
Antioch	11
Brentwood	24
Concord	18
El Cerrito	19
Hercules	14
Martinez	22
Pinole	22
Pittsburg	5
Richmond	14
San Pablo	12
Walnut Creek	24
County percentage	14
Del Norte	
Crescent City	19
County percentage	19
El Dorado	
Placerville	14
County percentage	14
Fresno	
Clovis	23
Coalinga	21
Firebaugh	16
Fowler	34
Fresno	26
Huron	24
Kerman	14
Kingsburg	34
Mendota	11
Orange Cove	24
Parlier	21
Reedley	30
Sanger	29
San Joaquin	15
Selma	14
County percentage	24
Glenn	
Orland	27
Willows	36
County percentage	32
Humboldt	
Arcata	9
Blue Lake	26
Eureka	11
Ferndale	30
Fortuna	17
Trinidad	11
County percentage	11
Imperial	
Brawley	8
Calexico	10
Calipatria	30
El Centro	5
Holtville	16
Imperial	6
Westmorland	12
County percentage	8
Inyo	
Bishop	25
County percentage	25
Kern	
Bakersfield	10
Delano	13
Maricopa	36
Shafter	15
Taft	19
Tehachapi	12
Wasco	28
County percentage	12
Kings	
Corcoran	31
Hanford	21
Lemoore	25
County percentage	25
Lake	
Lakeport	33
County percentage	33
Lassen	
Susanville	21
County percentage	21
Los Angeles	
Alhambra	13
Arcadia	11
Avalon	54
Azusa	11
Bell	11
Beverly Hills	14
Burbank	14
Claremont	5
Compton	16
Covina	11
Culver City	10
El Monte	11
El Segundo	11
Gardena	22
Glendale	16
Glendora	12
Hawthorne	7
Hermosa Beach	14
Huntington Park	12
Inglewood	16

County and City	Percentage
Los Angeles—Continued	
La Verne	14
Long Beach	14
Los Angeles	8
Lynwood	9
Manhattan Beach	13
Maywood	15
Monrovia	11
Montebello	11
Monterey Park	11
Palos Verdes Estates	10
Pasadena	9
Pomona	12
Redondo Beach	15
San Fernando	17
San Gabriel	16
San Marino	5
Santa Monica	11
Sierra Madre	11
Signal Hill	24
South Gate	13
South Pasadena	9
Torrance	16
Vernon	25
West Covina	11
Whittier	11
County percentage	11
Madera	
Chowchilla	17
Madera	16
County percentage	17
Marin	
Belvedere	16
Corte Madera	12
Fairfax	30
Larkspur	30
Mill Valley	13
Ross	18
San Anselmo	11
San Rafael	13
Sausalito	21
County percentage	16
Mendocino	
Fort Bragg	19
Point Arena	40
Ukiah	10
Willits	24
County percentage	17
Merced	
Atwater	23
Dos Palos	21
Gustine	23
Livington	14
Los Banos	13
Merced	18
County percentage	18
Modoc	
Alturas	42
County percentage	42
Monterey	
Carmel	17
Gonzales	10
Greenfield	13
King City	36
Monterey	13
Pacific Grove	22
Salinas	36
Soledad	16
County percentage	23
Napa	
Calistoga	37
Napa	11
St. Helena	12
County percentage	14
Nevada	
Grass Valley	7
Nevada City	17
County percentage	9
Orange	
County percentage	15
Placer	
Auburn	18
Colfax	8
Lincoln	26
Rocklin	16
Roseville	10
County percentage	14
Plumas	
Portola	19
County percentage	19
Riverside	
Banning	35
Beaumont	15
Blythe	9
Coachella	12
Corona	12
Elsinore	10
Hemet	35
Indio	16
Palm Springs	35
Perris	14

County and City	Percentage
Riverside—Continued	
Riverside	16
San Jacinto	41
County percentage	35
Sacramento	
Folsom	31
Galt	25
Isleton	13
North Sacramento	10
Sacramento	21
County percentage	26
San Benito	
Hollister	9
San Juan Bautista	28
County percentage	11
San Bernardino	
Barstow	23
Chino	14
Colton	21
Fontana	15
Needles	33
Ontario	20
Redlands	28
Rialto	15
San Bernardino	20
Upland	14
County percentage	20
San Diego	
Carlsbad	8
Chula Vista	23
Coronado	25
Del Mar	8
El Cajon	17
Escondido	16
Imperial Beach	8
La Mesa	23
National City	14
Oceanside	15
San Marcos	8
Vista	8
San Diego	6
County percentage	25
San Joaquin	
Lodi	18
Manteca	8
Ripon	11
Stockton	14
Tracy	15
County percentage	14
San Luis Obispo	
Arroyo Grande	9

County and City	Percentage
San Luis Obispo—Continued	
Paso Robles	26
Pismo Beach	8
San Luis Obispo	21
County percentage	16
San Mateo	
Atherton	27
Belmont	7
Burlingame	38
Colma	40
Daly City	24
Hillsborough	75
Menlo Park	12
Millbrae	16
Redwood City	27
San Bruno	13
San Carlos	8
San Mateo	42
South San Francisco	12
County percentage	21
Santa Barbara	
Guadalupe	28
Lompoc	16
Santa Barbara	11
Santa Maria	12
County percentage	13
Santa Clara	
Alviso	75
Campbell	16
Gilroy	28
Los Altos	16
Los Gatos	30
Morgan Hill	11
Mountain View	13
Palo Alto	21
San Jose	13
Santa Clara	16
Sunnyvale	26
County percentage	16
Santa Cruz	
Capitola	21
Santa Cruz	23
Watsonville	21
County percentage	22
Shasta	
Redding	22
County percentage	22
Sierra	
Loyalton	75
County percentage	75

County and City	Percentage
Siskiyou	
Dorris	18
Dunsmuir	29
Etna	18
Fort Jones	46
Montague	75
Mount Shasta	37
Tulelake	33
Yreka	30
County percentage	29
Solano	
Benicia	17
Dixon	28
Fairfield	31
Rio Vista	19
Suisun	7
Vacaville	15
Vallejo	18
County percentage	19
Sonoma	
Cloverdale	37
Healdsburg	33
Petaluma	24
Santa Rosa	14
Sebastopol	28
Sonoma	28
County percentage	19
Stanislaus	
Ceres	14
Modesto	15
Newman	10
Oakdale	15
Patterson	20
Riverbank	18
Turlock	19
County percentage	15
Sutter	
Live Oak	17
Yuba City	17
County percentage	17
Tehama	
Corning	26
Red Bluff	39
Tehama	10
County percentage	31
Tulare	
Dinuba	21
Exeter	23
Lindsay	24
Porterville	26
Tulare	20
Visalia	17
Woodlake	15
County percentage	21
Tuolumne	
Sonora	23
County percentage	23
Ventura	
Fillmore	16
Ojai	16
Oxnard	16
Port Hueneme	16
Santa Paula	16
Ventura	16
County percentage	16
Yolo	
Davis	22
Winters	19
Woodland	20
County percentage	20
Yuba	
Marysville	15
Wheatland	38
County percentage	15

In any county for which a county percentage is set forth in the above schedule and which contains a city which is not listed or which is hereafter created, there shall be transferred to the county general fund the county percentage. In any county for which no county percentage is set forth, and in which a city is hereafter created, there shall be transferred to the county general fund 15 percent.

(d) Once a month there shall be transferred to each city in the county an amount equal to the total sum remaining after the transfers provided for in subparagraphs (b) and (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 per-

sons employed by such city or arrests made by state officers for misdemeanor violations of the Vehicle Code.

(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 1452

An act to add Section 172.6 to the Penal Code, relating to alcoholic beverages.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 172.6 is added to the Penal Code, to read:

172.6. The provisions of Section 172 of this code shall not apply to the sale, gift, or exposing or offering for sale of alcoholic beverages by a licensee under the Alcoholic Beverage Control Act within the premises occupied by any bona fide club which is situated within 2,000 feet of San Quentin Prison in Marin County, provided the club meets all the following requirements:

(a) The club shall have been organized and have existed in the County of Marin for not less than 25 years continuously.

(b) The club shall have a bona fide membership of not less than 1,000 persons.

(c) The premises occupied by the club are owned by the club or by club members.

CHAPTER 1453

An act to amend Section 17577 of, and to add Section 17580.5 to, the Revenue and Taxation Code, relating to personal income taxes.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 17577 of the Revenue and Taxation Code is amended to read:

17577. (a) Under regulations prescribed by the Franchise Tax Board, a person who regularly sells or otherwise disposes of personal property on the installment plan may return as income therefrom in any taxable year that proportion of the installment payments actually received in that year which the gross profit, realized or to be realized when payment is completed, bears to the total contract price.

(b) For purposes of subdivision (a), the total contract price of all sales of personal property on the installment plan includes the amount of carrying charges or interest which is determined with respect to the sales and is added on the books of account of the seller to the established cash selling price of the property. This subdivision shall not apply with respect to sales of personal property under a revolving credit type plan or with respect to sales or other dispositions of property the income from which is, under Section 17578, returned on the basis and in the manner prescribed in subdivision (a).

(c) The amendments in this section shall apply with respect to sales made in taxable years beginning after December 31, 1963.

SEC. 2. Section 17580.5 is added to the code, to read:

17580.5. (a) If the carrying charges or interest with respect to sales of personal property, the income from which is returned under subdivision (a) of Section 17577, is not included in the total contract price, payments received with respect to such sales shall be treated as applying first against the carrying charges or interest. This section shall not apply with respect to sales or other dispositions of property the income from which is, under Section 17578, returned on the basis and in the manner prescribed in subdivision (a) of Section 17577.

(b) This section shall apply with respect to sales made during taxable years beginning after December 31, 1963.

CHAPTER 1454

An act to add Section 105 5 to the Streets and Highways Code, relating to freeways.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 105 5 is added to the Streets and Highways Code, to read:

105.5. Upon the request of a public agency, as defined by Section 6500 of the Government Code, the department may enter into an agreement with such agency for the construction and maintenance by or on behalf of such agency of facilities for pedestrian, bicycle and other nonmotorized traffic along but outside of the freeway right-of-way where no other suitable facility for such traffic exists and where the department has determined that such facility will not constitute a safety hazard or interfere with the normal flow of traffic. The total cost of construction and maintenance of such facility, the cost of installing and maintaining necessary fences and traffic control devices, and the cost of administering this program by the department shall be borne by the public agency that initiated the request for such facilities. In no event shall the cost of this program be expended from funds that would otherwise be available for state highway construction or maintenance. The right of eminent domain shall not be exercised to acquire property, or any interest in property, for the facilities contemplated pursuant to this section.

CHAPTER 1455

An act to amend Section 6732 1 of the Business and Professions Code, relating to the practice of engineering.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 6732.1 of the Business and Professions Code is amended to read:

6732.1. Any person who has been engaged in the practice of engineering exempt from the provisions of the chapter and who submits proof satisfactory to the board that he has engaged in the activities of a "consulting engineer" in private practice for a period of five years prior to the effective date of the amendments made to this section at the 1965 Regular Session shall be exempt from the provisions of Section 6732 as it restricts the use of the title "consulting engineer" if he

files application with the board before June 30, 1966, and pays the application fee prescribed by this chapter for registration as a professional engineer, for permission to use that title. Such application shall disclose, under oath, information on the practice and use of the title by the applicant in a recognized engineering activity which has an established curriculum in one or more engineering schools or colleges approved by the board.

The board shall grant an acknowledgment of the filing for the purposes of this section if it finds that the applicant qualified for the exemption provided in this section, and such exemption shall apply so long as the applicant remains in practice and advises the board of any change of address within 30 days of such change. The board may adopt such rules under provisions of the Administrative Procedure Act as are necessary to implement this section.

A person who has been granted permission to use the title "consulting engineer" pursuant to legislation enacted in 1963 shall not be required to apply again pursuant to the amendments to this section enacted at the 1965 Regular Session.

The provisions of Articles 5 (commencing with Section 6775), 6 (commencing with Section 6785), and 7 (commencing with Section 6795) of this chapter shall apply to all persons who are granted permission to use the title "consulting engineer" pursuant to legislation enacted in 1963 and the amendments to this section enacted at the 1965 Regular Session.

SEC. 2. Any revenues derived from the fees or assessments provided by this act shall not be available for expenditure until appropriated.

CHAPTER 1456

An act to add Article 2.3 (commencing with Section 2123) to Chapter 5 of Division 2 of the Business and Professions Code, and to amend Section 11501 of the Government Code, relating to medicine.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Article 2.3 (commencing with Section 2123) is added to Chapter 5 of Division 2 of the Business and Professions Code, to read:

Article 2.3. District Review Committees

2123. As used in this article:

(a) "Board" means the Board of Medical Examiners of the State of California.

(b) "Committee" means a district review committee created by this article.

(c) "District" means a district established by Section 2123.1.

2123.1. The state is divided, for the purposes of this article, into the following five districts:

(a) The first district consists of the Counties of San Francisco, Marin, Sonoma, Napa, Solano, Lake, Mendocino, Humboldt, Del Norte, Contra Costa, Alameda, San Mateo, Santa Clara, Santa Cruz, Monterey, and San Benito.

(b) The second district consists of the Counties of San Luis Obispo, Santa Barbara, Ventura, and Los Angeles.

(c) The third district consists of the Counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Yolo, Placer, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Alpine, and Mono.

(d) The fourth district consists of the Counties of Inyo, San Bernardino, Riverside, Orange, San Diego, and Imperial.

(e) The fifth district consists of the Counties of Stanislaus, Tuolumne, Merced, Mariposa, Madera, Fresno, Kings, Tulare, and Kern.

2123.2. A district review committee is hereby created within the jurisdiction of the Board of Medical Examiners of the State of California for each of the districts established by Section 2123.1. Each committee shall be composed of five persons appointed by the Governor from among the residents of the district, except as provided in Section 2123.3, who hold valid physician's and surgeon's certificates.

2123.3. Each member of each committee, except the initial members, shall be appointed by the Governor for a term of four years.

The Governor shall appoint three of the members of each committee from among not less than 10 nominations for members of such committee which are submitted to him by professional medical societies within the district which represent the profession at large. He shall appoint one member of each committee from the faculty of a clinical department of an approved medical school of the state. Such faculty members need not reside in the district and shall be appointed from among not less than 10 nominations submitted to the Governor by the deans of the approved medical schools of the state. The remaining member of each committee shall be appointed by the Governor, from among not less than 10 nominations which are submitted to him by the board. Each member shall hold office until the appointment and qualification of his successor, or until six months have elapsed since the expiration of the term for which he was appointed, whichever first occurs.

The initial members of each committee shall classify themselves by lot, so that one of them shall serve a term which expires on September 1, 1967, two of them shall serve terms

which expire on September 1, 1968, and two of them shall serve terms which expire on September 1, 1969.

2123.4. The Governor may remove any member of a committee for neglect of any duty required by this chapter, incompetency, or unprofessional conduct.

Vacancies in the membership of any committee shall be filled by the Governor by appointment from nominees submitted as provided in Section 2123.3 and with due regard for the proportional makeup of the committee as provided therein.

2123.5. Each member of a committee shall receive a per diem and expenses, as provided in Section 103.

2123.6. Each member of a committee is subject to the same rules and regulations as if he were a member of the board.

2123.7. Each committee shall hear all matters assigned to it by the board, including, but not limited to, any contested case which is assigned to it by the board.

2123.8. Except as otherwise provided in this article, all hearings which are conducted by a committee shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

If a contested case is heard by a committee, the hearing officer who presided at the hearing shall be present during the committee's consideration of the case and, if requested, shall assist and advise the committee.

2123.9. At the conclusion of any hearing which is conducted by a committee, the committee shall prepare a proposed decision, in such form that it may be adopted by the board as the decision in the case, and shall transmit it to the board.

2124. The board may adopt the proposed decision of a committee in any case in its entirety, reduce the proposed sanction and adopt the balance of the proposed decision, dismiss the case, return the case to the committee or to a hearing officer of the Office of Administrative Procedure for reconsideration, assign the case to any other committee or to a hearing officer of the Office of Administrative Procedure for rehearing, or grant a complete hearing de novo before the board.

2124.1. Except as otherwise provided in this article, any hearing de novo before the board shall be conducted in accordance with the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code.

2124.2. Any action of the board pursuant to this article is final, except that:

(a) The board may, on its own motion or on petition of any party, within the time and in the manner prescribed in Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, order a reconsideration of all or any part of a case

2124.3. The board may adopt, amend, or repeal, in accordance with the provisions of Chapter 4.5 (commencing with Section 11371), Part 1, Division 3, Title 2 of the Government

Code, such regulations as may reasonably be necessary to enable it to carry into effect the provisions of this article.

SEC. 2. Section 11501 of the Government Code is amended to read:

11501. (a) The procedure of any agency shall be conducted pursuant to the provisions of this chapter only as to those functions to which this chapter is made applicable by the statutes relating to the particular agency.

(b) The enumerated agencies referred to in Section 11500 are:

Board of Dental Examiners of California.

Board of Medical Examiners of the State of California and the district review committees.

Board of Osteopathic Examiners of the State of California.

California Board of Nursing Education and Nurse Registration.

State Board of Optometry.

California State Board of Pharmacy.

State Department of Public Health.

State Board of Public Health.

Board of Examiners in Veterinary Medicine.

State Board of Accountancy.

California State Board of Architectural Examiners.

State Board of Barber Examiners.

State Board of Registration for Civil and Professional Engineers.

Registrar of Contractors.

State Board of Cosmetology.

State Board of Funeral Directors and Embalmers.

Structural Pest Control Board.

Yacht and Ship Brokers Commission.

Director of Professional and Vocational Standards.

Collection Agency Licensing Bureau.

State Fire Marshal.

State Geologist.

Director of Agriculture.

Labor Commissioner.

Real Estate Commissioner.

Commissioner of Corporations.

Department of Social Welfare.

Social Welfare Board.

Department of Mental Hygiene.

Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.

Board of Pilot Commissioners for Humboldt Bay and Bar.

Board of Pilot Commissioners for the Harbor of San Diego.

Fish and Game Commission.

State Board of Education.

Insurance Commissioner.

Savings and Loan Commissioner.

State Board of Dry Cleaners.

Board of Social Work Examiners of the State of California.

State Board of Chiropractic Examiners.
State Board of Guide Dogs for the Blind.
Division of Aeronautics.
Board of Administration, State Employees' Retirement System.
Department of Motor Vehicles.
Bureau of Furniture and Bedding Inspection.
Cemetery Board.
Department of Conservation.
Department of Water Resources acting pursuant to Section 414 of the Water Code.
Board of Vocational Nurse Examiners of the State of California.
Certified Shorthand Reporters Board.
Bureau of Private Investigators and Adjusters.
California State Board of Landscape Architects.
Department of Alcoholic Beverage Control.
California Horse Racing Board.
School districts under Section 13444 of the Education Code.
State Fair Employment Practice Commission.

CHAPTER 1457

An act to amend Section 2458 of the Business and Professions Code, relating to fees charged by the Board of Medical Examiners.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 2458 of the Business and Professions Code is amended to read:

2458. The amount of fees and refunds prescribed by this chapter in connection with physicians and surgeons certificates, certificates to practice podiatry, certificates to practice midwifery, and certificates of drugless practitioners is that fixed by the following schedule:

(a) The fee for each applicant for a certificate by written examination, unless otherwise provided in this chapter, shall be fixed annually by the board at an amount not to exceed fifty dollars ($50) nor less than fifteen dollars ($15). If the applicant's credentials are insufficient or if he does not desire to take the examination, the sum of ten dollars ($10) shall be retained and the remainder of the fee is returnable on application.

(b) Each applicant for a certificate based upon a national board diplomate certificate, and each applicant for a reciprocity certificate, shall pay an application fee in the sum of ten dollars ($10) at the time his application is filed. If the applicant

qualifies for a certificate, he shall be notified and, in addition to the initial license fee, shall pay a fee which shall be fixed annually by the board at a sum not in excess of one hundred dollars ($100) nor less than five dollars ($5) for the issuance of the certificate.

(c) Each applicant for a certificate under Article 6 shall pay an application fee in the sum of ten dollars ($10) at the time his application is filed. If the applicant qualifies for a certificate, he shall be notified and, in addition to the initial license fee, shall pay a fee which shall be fixed annually by the board at a sum not in excess of forty dollars ($40) nor less than five dollars ($5) for the issuance of the certificate.

(d) The renewal fee shall be fixed by the board at a sum not in excess of forty dollars ($40) nor less than four dollars ($4).

(e) The delinquency fee is ten dollars ($10).

(f) The duplicate certificate fee is two dollars ($2).

(g) The endorsement fee is five dollars ($5).

(h) The fee for issuance of a duplicate certificate upon a change of name authorized by law of a person holding a certificate under this chapter shall be two dollars ($2).

(i) The initial license fee is an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the license is issued, except that if the license will expire less than one year after its issuance, then the initial license fee is an amount equal to fifty percent (50%) of the renewal fee in effect on the last regular renewal date before the date on which the license is issued.

SEC. 2. Revenues derived from the increase in fees or assessments or from new fees or assessments provided in this act shall not be available until appropriated.

CHAPTER 1458

An act to amend Sections 2360, 2361, 2372, 2376.5, 2379, 2390, and 2411 of, to add Section 2372.5 to, and to repeal Section 2378 of, the Business and Professions Code, and to amend Section 11523 of the Government Code, relating to the healing arts.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 2360 of the Business and Professions Code is amended to read:

2360. Every certificate issued may be suspended or revoked. The board shall refuse a certificate to any applicant guilty of unprofessional conduct. The proceedings under this article shall be conducted in accordance with Chapter 5 (com-

mencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

SEC. 2. Section 2361 of said code is amended to read:

2361. The board shall take action against any holder of a certificate, who is guilty of unprofessional conduct which has been brought to its attention, or whose certificate has been procured by fraud or misrepresentation or issued by mistake.

Unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision or term of this chapter.

(b) Gross negligence.

(c) Gross incompetence.

(d) Gross immorality.

(e) The commission of any act involving moral turpitude, dishonesty, or corruption, whether the act is committed in the course of the individual's activities as a certificate holder, or otherwise, or whether the act is a felony or a misdemeanor.

(f) Any action or conduct which would have warranted the denial of the certificate

SEC. 3. Section 2372 of said code is amended to read:

2372. The board shall discipline the holder of any certificate, whose default has been entered or who has been heard by the board and found guilty, by any of the following methods:

(a) Suspending judgment.

(b) Placing him upon probation.

(c) Suspending his right to practice for a period not exceeding one year.

(d) Revoking his certificate.

(e) Taking such other action in relation to disciplining him as the board in its discretion may deem proper.

SEC. 4. Section 2372.5 is added to said code, to read:

2372.5. The authority of the board to discipline the holder of a certificate by placing him on probation includes, but is not limited to, the following:

(a) Requiring the certificate holder to obtain additional medical training and to pass an examination upon the completion of the training. The examination may be written or oral, or both, and may be a practical or clinical examination, or both, at the option of the board.

(b) Requiring the certificate holder to submit to a complete diagnostic examination by one or more physicians and surgeons appointed by the board. If the board requires the certificate holders to submit to such an examination, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians of the certificate holder's choice.

(c) Restricting or limiting the extent, scope, or type of practice of the certificate holder.

SEC. 5. Section 2376.5 of said code is amended to read:

2376.5. A person, whose certificate has been revoked or suspended for more than one year, may petition the board to reinstate the certificate after a period of not less than one year has elapsed from the date of the revocation or suspension.

The petition shall state such facts as may be required by the board. The petition shall be accompanied by two or more verified recommendations from physicians and surgeons licensed by the board to which the petition is addressed and by two or more recommendations from citizens each having personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed. The petition shall be heard at the next regular meeting of the board, held not earlier than 30 days after the petition was filed. The hearing may be continued from time to time as the board finds necessary. No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which he is on probation or parole.

In determining whether the disciplinary penalty should be set aside and the terms and conditions, if any, which should be imposed if the disciplinary penalty is set aside, the board may investigate and consider all activities of the petitioner since the disciplinary action was taken against him, the offense for which he was disciplined, his activity during the time his certificate was in good standing, his general reputation for truth, professional ability and good character, and may require the petitioner to pass an oral or written examination, or both, at the option of the board. The affirmative vote of at least seven of the members of the board is necessary to set aside a penalty and to restore a certificate with or without terms, conditions and restrictions. The board may grant or deny, without a hearing or argument, any petition filed pursuant to this section, where the petitioner has been afforded a hearing upon any petition filed pursuant to this section within a period of two years immediately preceding the filing of such petition.

The secretary-treasurer shall enter in his records of the case all actions of the board in setting aside a disciplinary penalty under this section and he shall certify notices to the proper county clerk. The county clerk shall make such changes on his records as may be necessary.

SEC. 6. Section 2378 of said code is repealed.

SEC. 7. Section 2379 of said code is amended to read:

2379. The willful betraying of a professional secret constitutes unprofessional conduct within the meaning of this chapter. Neither this section nor any other provision of law making communication between a physician and surgeon and his patient a privileged communication shall apply to investigations or proceedings conducted under this act. The board, its employees, agents and representatives must keep in confidence during the course of investigations under this act, the names of any patients whose records are reviewed and may

not disclose or reveal such names unless and until proceedings are instituted. The board's authority to examine records of patients in the office of a physician and surgeon is limited to records of patients who have complained to the board about the particular physician and surgeon.

Waiver of privilege shall not apply to investigations under Section 2417.

SEC. 8. Section 2390 of said code is amended to read:

2390. The use or prescribing for or administering to himself, of any of the narcotics specified in Sections 11001 or 11002 of the Health and Safety Code; or the use of any of the dangerous drugs specified in Section 4211 of this code, or of alcoholic beverages to the extent, or in such manner as to be dangerous or injurious to a person holding a certificate under this chapter, or to any other person or to the public, or to the extent that such use impairs the ability of such person so holding such a certificate to conduct with safety to the public the practice authorized by such certificate or the conviction of more than one misdemeanor or any felony involving the use, consumption or self-administration of any of the substances referred to in this section or any combination thereof, constitutes unprofessional conduct within the meaning of this chapter.

SEC. 9. Section 2411 of said code is amended to read:

2411. Knowingly making or signing any certificate or other document directly or indirectly related to the practice of medicine which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct within the meaning of this chapter.

SEC. 10. Section 11523 of the Government Code is amended to read:

11523. Judicial review may be had by filing a petition for a writ of mandate in accordance with the provisions of the Code of Civil Procedure, subject, however, to the statutes relating to the particular agency. Except as otherwise provided in this section any such petition shall be filed within 30 days after the last day on which reconsideration can be ordered. The right to petition shall not be affected by the failure to seek reconsideration before the agency. The complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the agency and shall be delivered to petitioner, within 30 days after a request therefor by him, upon the payment of the fee specified in Section 69950 of the Government Code as now or hereinafter amended for the transcript, the cost of preparation of other portions of the record and for certification thereof. The complete record includes the pleadings, all notices and orders issued by the agency, any proposed decision by a hearing officer, the final decision, a transcript of all proceedings, the exhibits admitted or rejected, the written evidence and any other papers in the case. Where petitioner, within 10 days after the last day on which reconsideration can be ordered, requests the agency to

prepare all or any part of the record the time within which a petition may be filed shall be extended until five days after its delivery to him. The agency may file with the court the original of any document in the record in lieu of a copy thereof.

CHAPTER 1459

An act to add Article 13.5 (commencing with Section 2415) to Chapter 5 of Division 2 of, and to repeal Section 2385 of, the Business and Professions Code, relating to the healing arts.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 2385 of the Business and Professions Code is repealed.

SEC. 2. Article 13.5 (commencing with Section 2415) is added to Chapter 5 of Division 2 of said code, to read:

Article 13.5. Mental Illness

2415. The proceedings under Section 2417 of this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

2416. The adjudication of insanity or mental illness, or the voluntary commitment or admission to a state hospital of any licentiate for a mental illness shall operate as a suspension of the right to practice of any certificate holder under this chapter, such suspension to continue until restoration to or declaration of sanity or mental competence. The record of adjudication, judgment or order of voluntary commitment is conclusive evidence of such insanity or mental illness, and upon receipt of a certified copy of any such adjudication, judgment, voluntary commitment or order by the board it shall immediately suspend the certificate of the person adjudicated or committed. The board shall not restore such certificate to good standing until it shall receive competent evidence of restoration to or declaration of sanity and until it is satisfied that, with due regard for the public interest, said person's right to practice may be safely reinstated. Before reinstating such person, the board may require the person to pass an oral or written examination, or both, to determine his present fitness to resume his practice.

2417. If a certificate holder becomes mentally ill to the extent that he requires supervision or restraint or if a certificate holder becomes mentally ill to the extent that he is dangerous

to himself or to the person or property of others and is in need of supervision or restraint, the board may take action against him by any one of the following methods:

(a) Suspending judgment.

(b) Placing him upon probation.

(c) Suspending his right to practice for a period not exceeding one year.

(d) Revoking his certificate.

(e) Taking such other action in relation to the certificate as the board in its discretion deems proper.

The board shall not restore such certificate to good standing until it shall receive competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard to the public interest the person's right to practice may be safely reinstated.

Before reinstating such a person, the board may require the person to pass an oral or written examination, or both, to determine his present fitness to resume his practice.

2418. The board may proceed against a certificate holder under either Section 2416 or Section 2417.

2419. In setting aside action taken under Section 2416 or under Section 2417, the board may impose terms and conditions to be followed by the certificate holder after his certificate has been reinstated The authority of the board to impose terms and conditions includes, but is not limited to, the following:

(a) Requiring the certificate holder to obtain additional medical training and to pass an examination upon the completion of the training. The examination may be written or oral, or both, and may be a practical or clinical examination, or both, at the option of the board.

(b) Requiring the certificate holder to submit to a complete diagnostic examination by one or more physicians and surgeons appointed by the board. If the board requires the certificate holder to submit to such an examination, the board shall receive and consider any other report of a complete diagnostic examination given by one or more physicians of the certificate holder's choice.

(c) Restricting or limiting the extent, scope, or type of practice of the certificate holder.

CHAPTER 1460

An act to add Sections 2122.5, 2392.5 and 2392.6 to the Business and Professions Code, relating to the healing arts.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 2122.5 is added to the Business and Professions Code, to read:

2122.5. Each member of the board or each member of a district review committee may inspect a licensed general or specialized hospital or require reports therefrom to determine if the hospital has adopted and is complying with the rules specified in Sections 2392.5 and 2392.6. This authority to inspect or require written reports may not be delegated by either a member of the board or by a member of a district review committee to any person other than a licensed physician and surgeon.

Subject to the provisions of Section 2379, each member of the board or each member of a district review committee may inspect medical staff and patient hospital medical records, but this authority may not be delegated by either a member of the board or by a member of a district review committee to any person other than a licensed physician and surgeon.

SEC. 2. Section 2392.5 is added to said code, to read:

2392.5. The regular treatment of or prescribing for patients in a licensed general or specialized hospital having five or more physicians and surgeons on the medical staff which does not have rules established by the board of directors thereof to govern the operation of the hospital, which rules include, among other provisions, all the following, constitutes unprofessional conduct within the meaning of this chapter:

(a) Provision for the organization of physicians and surgeons licensed to practice in this state who are permitted to practice in the hospital into a formal medical staff with appropriate officers and bylaws and with staff appointments on an annual basis.

(b) Provision that membership on the medical staff shall be restricted to physicians and surgeons and other licensed practitioners competent in their respective fields, worthy in character and in professional ethics, and in this latter connection the practice of division of fees under any guise whatsoever shall be prohibited and any such division of fees shall be cause for exclusion from the staff.

(c) Provision that the medical staff shall be self-governing with respect to the professional work performed in the hospital; that the medical staff shall meet periodically and review and analyze at regular intervals their clinical experience; and that the medical records of the patients shall be the basis for such review and analysis.

(d) Provision that adequate and accurate medical records be prepared and maintained for all patients.

SEC. 3. Section 2392.6 is added to said code, to read:

2392.6. The regular treatment of or prescribing for patients in a licensed general or specialized hospital having less than five physicians and surgeons on the medical staff, which does not have rules established by the board of directors thereof to govern the operation of the hospital, which rules include,

among other provisions, all of the following, constitutes unprofessional conduct within the meaning of this chapter:

(a) Provision that membership on the medical staff shall be restricted to physicians and surgeons and other licensed practitioners competent in their respective fields, worthy in character and in professional ethics, and in this latter connection the practice of division of fees under any guise whatsoever shall be prohibited and any such division of fees shall be cause for exclusion from the staff.

(b) Provision that adequate and accurate medical records be prepared and maintained for all patients.

CHAPTER 1461

An act to add Section 1422.1 to the Labor Code, relating to the Fair Employment Practice Commission.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1422.1 is added to the Labor Code, to read:

1422.1. The commission shall cause any verified complaint filed under the provisions of this part to be served, either personally or by certified mail with return receipt requested, upon the person, employer, labor organization, or employment agency alleged to have committed the unlawful employment practice complained of. Service shall be made at the time of initial contact with said person, employer, labor organization, or employment agency or the agents thereof, or within 45 days, whichever first occurs.

CHAPTER 1462

An act to amend Section 1423 of the Labor Code, relating to the Fair Employment Practice Commission.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1423 of the Labor Code is amended to read:

1423. After the filing of any complaint alleging facts sufficient to constitute a violation of any of the provisions of Section 1420, an investigation shall be made as provided in Section 1421 and, where warranted by the evidence, an at-

tempt to eliminate such practice shall be made as provided in Section 1421, unless such attempt has previously been made.

In case of failure to eliminate such practice, or in advance thereof if in the judgment of the commissioner making the investigation, circumstances warrant, the latter shall cause to be issued and served in the name of the commission, a written accusation, together with a copy of such complaint, as the same may have been amended, requiring the person, employer, labor organization or employment agency named in such accusation, hereinafter referred to as "respondent," to answer the charges of such accusation at a hearing.

CHAPTER 1463

An act to add Section 1421.1 to the Labor Code, relating to the Fair Employment Practice Commission.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1421.1 is added to the Labor Code, to read:

1421.1. When contacted by the commission or its staff, employers, unions or employment agencies shall be informed whether a particular discussion, or portion thereof, constitutes either: (a) endeavors at conference, conciliation and persuasion which may not be disclosed by the commission or received in evidence in any formal hearing or court action; or (b) investigative processes, which are not so protected.

CHAPTER 1464

An act to add Section 1426.5 to the Labor Code, relating to the Fair Employment Practice Commission.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1426.5 is added to the Labor Code, to read:

1426.5. If, at any time during the proceedings described in this part, after a complaint has been served on a respondent, the complaint is withdrawn by the complainant or dismissed by the commission, or an investigation is terminated or closed by the commission, notice of this fact shall be given to the respondent and the complainant without undue delay.

CHAPTER 1465

An act to amend Section 4166 of the Public Resources Code, and to amend Section 4119 of the Public Resources Code as proposed by Senate Bill No. 710 of the 1965 Regular Session, relating to the enforcement of state laws by the State Forester.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 4166 of the Public Resources Code is amended to read:

4166. It shall be the duty of the State Forester or his duly authorized agent, to enforce the state forest and fire laws and he shall have authority to inspect all properties, except the interior of dwellings, subject to the state forest and fire laws, for the purpose of ascertaining compliance therewith.

SEC. 2. Section 4119 of the Public Resources Code as proposed by Senate Bill No. 710 of the 1965 Regular Session is amended to read:

4119. The State Forester, or his duly authorized agent, shall enforce the state forest and fire laws. He may inspect all properties, except the interior of dwellings, subject to the state forest and fire laws, for the purpose of ascertaining compliance with such laws.

SEC. 3. Section 2 of this act shall become operative only if Senate Bill No. 710 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Senate Bill No. 710 takes effect, at which time Section 4166 of the Public Resources Code as amended by Section 1 of this act is repealed

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CHAPTER 1466

An act to amend Sections 5, 26.1, 26.5, 26.6, 26.8, 26.9, 26.13, and 26.16 of, and to add Sections 26.17 to, the Santa Clara County Flood Control and Water District Act (Chapter 1405, Statutes 1951), relating to flood control and water conservation, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 5 of the Santa Clara County Flood Control and Water District Act (Chapter 1405, Statutes 1951) is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the following powers:

1. To have perpetual succession.

2. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

3. To adopt a seal and alter it at pleasure.

4. To acquire by grant, purchase, lease, gift, devise, contract, condemnation, construction, or otherwise, and to hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges, and to construct, maintain, alter and operate any and all works or improvements, within or without the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers, and to complete, extend, add to, alter, remove, repair or otherwise improve any works, or improvements, or property acquired by it as authorized by this act.

5. To store water in surface or underground reservoirs within or outside of the district for the common benefit of the district or of any zone or zones affected; to conserve and reclaim water for present and future use within the district; to appropriate and acquire water and water rights, and import water into the district and to conserve within or outside of the district, water for any purpose useful to the district; and to do any and every lawful act necessary to be done that sufficient water may be available for any present or future beneficial use or uses of the lands or inhabitants within the district, including but not limited to, the acquisition, storage and distribution of water for irrigation, domestic, fire protection, municipal, commercial, industrial, and all other beneficial uses; to distribute, sell, or otherwise dispose of, outside the district, any waters not needed for beneficial uses within the district; to commence, maintain, intervene in, defend or compromise, in the name of the district in behalf of the landowners therein, or otherwise, and to assume the costs and expenses of any action or proceeding involving or affecting the ownership or use of waters or water rights within or without the district, used or useful for any purpose of the district or of common benefit to any land situated therein, or involving the wasteful use of water therein; to commence, maintain, intervene in, defend and compromise and to assume the cost and expenses of any and all actions and proceedings now or hereafter begun; to prevent interference with or diminution of, or to declare rights in the natural flow of any stream or surface or subterranean supply of water used or useful for any purpose of the district or of common benefit to the lands within the district or to its inhabitants; to prevent unlawful exportation of water from said district; to prevent contamination, pollution or otherwise rendering unfit for beneficial use the surface or sub-

surface water used or useful in said district, and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger or damage the inhabitants, lands, or use of water in, or flowing into, the district; provided, however, that said district shall not have power to intervene or take part in, or to pay the costs or expenses of, actions or controversies between the owners of lands or water rights which do not affect the interests of the district.

6. To control the flood and storm waters of said district and the flood and storm waters of streams that have their sources outside of said district, but which streams and the floodwaters thereof, flow into said district, and to conserve such waters for beneficial and useful purposes of said district by spreading, storing, retaining and causing to percolate into the soil within or without said district, or to save or conserve in any manner all or any of such waters and protect from damage from such flood or storm waters the watercourses, watersheds, public highways, life and property in said district, and the watercourses outside of the district of streams flowing into the district.

7. To enter upon any land, to make surveys and locate the necessary works of improvement and the lines for channels, conduits, canals, pipelines, roadways and other rights-of-way; to acquire by purchase, lease, contract, condemnation, gift, devise, or other legal means all lands and water and water rights and other property necessary or convenient for the construction, use, supply, maintenance, repair and improvement of said works, including works constructed and being constructed by private owners, lands for reservoirs for storage of necessary water, and all necessary appurtenances, and also where necessary or convenient to said end, and for said purposes and uses, to acquire and to hold in the name of the state, the capital stock of any mutual water company or corporation, domestic or foreign, owning water or water rights, canals, waterworks, franchises, concessions, or rights, when the ownership of such stock is necessary to secure a water supply required by the district or any part thereof, upon the condition that when holding such stock, the district shall be entitled to all the rights, powers and privileges, and shall be subject to all the obligations and liabilities conferred or imposed by law upon other holders of such stock in the same company; to cooperate with, act in conjunction with, enter into and to do any acts necessary for the proper performance of any agreement with the State of California, or any of its engineers, officers, boards, commissions, departments, or agencies, or with the government of the United States, or any of its engineers, officers, boards, commissions, departments, or agencies, or with any state, city and county, city, county, district of any kind, public or private corporation, association, firm or individual, or any number of them, for the ownership, joint acquisition, leasing, disposition, use, management, construc-

tion, installation, extension, maintenance, repair, or operation of any rights, works, or other property of a kind which might lawfully be acquired or owned by the Santa Clara County Flood Control and Water District or for the lawful performance of any power or purpose of said district provided for in this act including, but not limited to, the granting of the right to the use of any water or the right to store such water in any reservoir of the district or to carrying such water through any tunnel, canal, ditch or conduit of the district or for the delivery, sale, or exchange of any water right, water supply or water pumped, stored, appropriated or otherwise acquired or secured for the use of said district, or for controlling drainage waters, or flood or storm waters of streams in or running into said district, or for the protection of life or property therein, or for the purpose of conserving any waters for the beneficial use within said district, or in any other works, uses, or purposes provided for in this act; and to adopt and carry out any definite plan or system for accomplishing, facilitating and/or financing all work which may lawfully be accomplished by the Santa Clara County Flood Control and Water District and to enforce said plan or system by resolution or ordinance.

8. To carry on technical and other necessary investigations, make measurements, collect data, make analyses, studies, and inspections pertaining to water supply, water rights, control of flood and storm waters, and use of water both within and without said district relating to watercourses or streams flowing in or into said district, and in all cases where land may be required for public use by said district, the district, or its agents in charge of such use, shall have the right of access to all properties within the district and elsewhere relating to watercourses and streams flowing in or into said district and may survey and locate the same; but such must be located in a manner which will be most compatible with the greatest public good and the least private injury. The district, or its agents in charge of such public use may enter upon such lands and make examinations, surveys, and maps thereof.

9. To prescribe, revise and collect fees and charges for facilities furnished or to be furnished to any new building, improvement or structure by the use of any flood control or storm drainage system constructed or to be constructed in a zone of the district, and whenever a drainage or flood control problem is referred to the district by the County of Santa Clara, or any incorporated city therein, to require the installation of drainage or flood control improvements necessary and/or convenient for needs of the zone, including but not limited to, residential, subdivision, commercial and industrial drainage and flood control needs, said county and cities being hereby authorized to refer all drainage and flood control problems, arising under the Subdivision Map Act or otherwise, to the Santa Clara County Flood Control and Water District for solution. Revenues derived under this section shall be used for the acquisition, construction, reconstruction, maintenance and operation of

the flood control or storm drainage facilities of the said zone, to reduce the principal or interest of any bonded indebtedness thereof, or to replace funds expended on behalf of said zone derived from the fund created under authority of Section 13, subdivision 1.

10. To incur indebtedness, and to issue bonds in the manner herein provided.

11. To cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and to carry out any of the purposes of this act, in the manner hereinafter provided.

12. To make contracts, and to employ labor, and to do all acts necessary for the full exercise of all powers vested in said district or any of the officers thereof, by this act.

13. To have the power and right to 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 one-half cent ($0.005) for each one hundred dollars ($100) of assessed valuation of such district.

14. To pay to any city, public agency or district a portion of the cost of water imported by such city, public agency or district into, for use within, and of benefit to the Santa Clara County Flood Control and Water District.

15. To establish designated floodways in accordance with the provisions of the Cobey-Alquist Flood Plain Management Act (Chapter 4 (commencing with Section 8400), Part 2, Division 5 of the Water Code).

SEC. 2. Section 26.1 of said act is amended to read:

Sec. 26.1. As used in connection with the ground water charge, the following words shall mean:

"Person," "owner" 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, or, if not separately assessed, the person who owns the land upon which a water-producing facility is located.

"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.

"Production" or "producing" means the act of extracting ground water by pumping or otherwise.

"Water-producing facility" means any device or method, mechanical or otherwise, for the production of water from the ground water supplies within the district or a zone thereof.

"Accumulated overdraft" means the amount of ground water necessary to be replaced in the ground water basins or zones of the district to prevent the movement of saline water

into the fresh ground water body, or to prevent ground water quality degradation from other sources, or to prevent subsidence of the land.

"Average annual overdraft" means the amount of ground water equal to the average annual decrease in the amount of ground water in storage that occurs during a long-term base hydrologic period under the particular set of physical conditions presently affecting the supply, use, and disposal of water in the ground water basins and the zones.

"Annual water supply surplus or deficiency" means the amount by which the summation of the items of water supply exceeds or is smaller than the summation of the items of water disposal under actual conditions in the area and during the year under consideration.

"Water year" means July 1st of one calendar year to June 30th of the following calendar year.

"Agricultural water" means water first used on lands in the production of plant crops or livestock for market.

SEC. 3. Section 26.5 of said act is amended to read:

Sec. 26.5. The district engineer shall annually prepare an investigation and report upon ground water conditions of the ground water basins or the zones of the district. The investigation and report shall include, among other information which the district may desire, information for the consideration of the board in its determination of the annual water supply surplus or deficiency, the accumulated overdraft, the production of ground water, and the configuration of the ground water table at the end of the preceding water year for the ground water basins or zones of the district, an estimate of the annual water supply surplus or deficiency and ground water production for the current water year and ensuing water year for the ground water basins or zones of the district; and the amount of water the district is obligated to purchase during the ensuing water year.

SEC. 4. Section 26.6 of said act is amended to read:

Sec. 26 6. On the second Tuesday in March of each year the engineering investigation and report shall be delivered to the clerk of the district board in writing. Said clerk shall publish, pursuant to Section 6061 of the Government Code, a notice of the receipt of such report and of the public hearing to be held on the second Tuesday of April 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 regarding said engineering investigation and report shall be held. Said 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 offices of the district to examine said engineering investigation and report.

There shall be held by the board on the second Tuesday of April of each year, in the chambers of the board, a public hearing at which time any operator of a water-producing facil-

ity within the district, or any person interested in the condition of the ground water supplies or the 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 said written engineering investigation and report. The board shall, before the levy of the ground water charge, find and determine for each ground water basin or zone of the district the annual water supply surplus or deficiency for the preceding water year; the estimated annual water supply surplus or deficiency for the current water year and ensuing water year; the accumulated overdraft as of the end of the preceding water year; the amount of ground water extracted in the preceding water year; the estimated amount of ground water to be extracted during the current water year and ensuing water year; the configuration of the ground water table at the end of the preceding water year and changes from the previous year; and the amount of water the district is obligated by contract to purchase in the ensuing water year.

Said findings and determinations by the board shall be conclusive and binding upon all persons and parties.

SEC. 5. Section 26.8 of said act is amended to read:

Sec 26.8. The district, after the levying of the ground water charge, shall give notice thereof to each owner or operator of each water-producing facility in the zone or zones as disclosed by the records of said 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. Said notice may be sent by postal card or by other first-class mail and with postage prepaid by the district.

SEC. 6. Section 26.9 of said act is amended to read:

Sec. 26 9. After the establishment of a zone in which a ground water charge may be levied, each owner or operator of a water-producing facility within said zone, until such time as said 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-months period (excluding the month in which the statement is due), a general description or number locating each water-producing facility, the method or basis of the computation of such water production, and the amount of the ground water charge based on such computation. If no water has been produced from said water-producing facility during the preceding six-months period, said statement shall be filed as provided for herein, setting forth that no water has been produced during said period. Said statement shall be verified by a written declaration that it is made under the penalties of perjury. The ground water charge is payable to the district on or before the last date upon

which the water production statements shall 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. At such time as any said water-producing facility has been permanently abandoned, the operator thereof shall give written notice of such abandonment to the district. If any operator of a water-producing facility shall fail 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.

Should any owner or operator of a water-producing facility fail to register each water-producing facility, or fail to file the water production statements as required by this act, the district shall, in addition to charging interest as provided herein, assess a penalty charge against such owner or operator in an amount of ten percent (10%) of the amount found by said district to be due, except in those cases where payment in the proper amount has been made within the time required by this act and the failure to register the water-producing facility or to file the water production statement within the time required by this act resulted, in the opinion of the board, from excusable and justifiable circumstances, in which case the board may reduce the penalty to an amount of not less than one percent (1%) of said amount found to be due.

When a water-measuring device is permanently attached to a water-producing facility, the record of production as disclosed by such water-measuring device shall be presumed to be accurate and shall be used as the basis for computing the water production of said water-producing facility in completing the water production statement, unless it can be shown that the water-measuring device is not measuring accurately.

When a water-measuring device is not permanently attached to a water-producing facility, the board may establish a method or methods to be used in computing the amount of water produced from such water-producing facilities.

Such methods may be based upon any, or all, or a combination of some of the following criteria: the minimum charge sufficient to cover administrative costs of collection, size of water-producing facility discharge opening, area served by the water-producing facility, number of persons served by the water-producing facility, use of land served by the water-producing facility, crops grown on land served by the water-producing facility, or any other criteria which may be used to determine with reasonable accuracy the amount of water produced from such water-producing facility.

SEC. 7. Section 26.13 of said act is amended to read:

Sec. 26.13. 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 each such water-producing facility. The district may fix the amount of water production from any such water-producing facility at an amount not to exceed the maximum production capacity of such water-producing facility; provided, however, where a water-measuring device is permanently attached thereto, the record of production, as disclosed by such water-measuring device, shall be presumed to be accurate.

After such determination has been made by the district, a written notice thereof shall be mailed to the person operating such water-producing facility at his address as shown by the district's records. Any such determination made by the district shall be conclusive on all persons having an interest in such water-producing facility, and the ground water charge, interest and penalties thereon, shall be paid forthwith, unless such person files with the board within 10 days after the mailing of such notice, a written protest setting forth the ground or grounds for protesting the amount of production so fixed. Upon the filing of such protest, the board thereafter shall hold a hearing at which time the total amount of the water production and the ground water charge thereon shall be determined, which shall be conclusive if based upon substantial evidence. A notice of such 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 shall be mailed to each protestant, who shall have 20 days from the date of mailing to pay the ground water charge, interest or penalties provided by the provisions of this act.

Notice as required in this section 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.

SEC. 8. Section 26.16 of said act is amended to read:

Sec. 26.16. 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 this act, so as to cause said water-measuring device to improperly or inaccurately measure and record said water production, or any person who willfully does not file with the district a water production statement as prescribed and within the time required by this act, or any person who willfully removes or breaks a seal attached to an abandoned water-producing facility, or any person who with intent to evade any provision or requirement of this act files with the district any false or fraudulent water production statement is guilty of a misdemeanor and is punishable by a fine not to

exceed five hundred dollars ($500), or imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

SEC. 9. Section 26.17 is added to said act, to read:

Sec 26.17. In implementing the enforcement of the provisions of this act relating to ground water charges, the district shall have the power, in addition to the powers enumerated elsewhere in this act:

1. To install and maintain water-measuring devices, and other devices which will aid in determining accurate water production, on water-producing facilities not owned by the district.

2. To affix seals to water-producing facilities which the owner or operator thereof has declared to be abandoned, or are in fact permanently abandoned.

3. To enter on to any land for the purposes enumerated in this section and for the purpose of making investigations relating to water production.

SEC. 10. Section 1 of this act shall become operative only if the Cobey-Alquist Flood Plain Management Act (Ch. 4 (commencing with Section 8400), Part 2, Division 5 of the Water Code) as proposed by Senate Bill No. 777 and Assembly Bill No. 968 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as such act becomes effective.

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 financial stability of the district to which this act relates will be substantially impaired unless the amendments proposed by this act are in effect prior to July 1 when the time for collection of ground water charges begins.

CHAPTER 1467

An act to amend Section 5501 of the Welfare and Institutions Code, relating to the commitment of mentally disordered sex offenders

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 5501 of the Welfare and Institutions Code is amended to read:

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 ap-

plication 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 a person is a mentally disordered sex offender within the meaning of this chapter, 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 chapter. 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 chapter.

(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 chapter.

(d) When a person over the age of 16 years has been found by the juvenile court to be a person described by Section 601 or 602 of this code and adjudged to be a ward of the court, the juvenile court judge on his own motion, or on motion of the probation officer, or on application by affidavit by or on behalf of the ward, 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 chapter, may adjourn the proceeding 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 chapter.

When an affidavit is filed under (a) or (d) it shall be substantially in the form specified for the affidavit of mental illness in Section 5049 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 chapter.

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 chapter in cases certified under (a) or (d), 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 5050.1 of this code for the apprehension of a person alleged to be mentally ill.

CHAPTER 1468

An act to add Section 14011 to the Government Code, relating to public works.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 14011 is added to the Government Code, to read:

14011. The director may sell or lease excess right-of-way parcels to municipalities or other local agencies for public purposes, and may accept as all or part of the consideration for such sale or lease any substantial benefits the state will derive from the municipality or other local agency's undertaking maintenance or landscaping costs which would otherwise be the obligation of the state.

CHAPTER 1469

An act to amend Section 2690 of the Penal Code, relating to state prisoners.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 2690 of the Penal 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 for purposes of cooperating voluntarily in medical research which cannot be performed at the prison or institution.

The director may also authorize temporary removal or temporary release of any inmate under custody for the purpose of furnishing to the inmate medical treatment not available at the prison or institution or for purposes preparatory to a scheduled parole. Removal or release for purposes preparatory to a scheduled parole shall not be effected earlier than 90 days before the parole release date. When an inmate is temporarily removed or temporarily released for a purpose preparatory to parole, the director may require the inmate to reimburse the state, in whole or part, for expenses incurred by the state in connection therewith.

Except in the case of removal for medical treatment or for a purpose preparatory to release on parole, such removal shall not be for a period longer than one day

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CHAPTER 1470

An act to add Section 13197.8 to the Education Code, relating to the public schools.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 13197.8 is added to the Education Code, to read:

13197.8. Notwithstanding the provisions of Section 13197.5, the State Board of Education may issue a special designated subjects teaching credential in a modern foreign language (the language to be designated) to any person who

demonstrates a foreign language fluency and who desires to teach that foreign language in the public schools.

The special credential shall be limited to persons teaching a modern foreign language in the elementary grades to and including grade 8 in any school district. The special credential shall authorize the teaching in the public schools of the modern foreign language designated on the credential. The special credential shall be issued for two-year periods and may be renewed for two-year periods by the State Board of Education upon the request of the special credential holder and with the recommendation of the school district. A special credential shall not be renewed more than twice.

The State Department of Education shall prescribe appropriate rules and regulations for application for the special credential, except that in no case shall the applicant be required to meet other than the following academic requirements:

(a) Competence in aural understanding, speaking, reading, and writing the foreign language named in the credential, demonstrated by passing an examination or examinations as the State Board of Education shall provide; or, alternatively, upon the certification of the department chairman of any approved college or university offering graduate courses for credit in that foreign language that such person demonstrates such competency; or, alternatively, the successful completion in an approved institution of coursework in the speaking, reading, and writing of the language in an amount of not less than 30 semester hours; and

(b) A baccalaureate or higher degree from an institution approved by the State Board of Education, here or abroad; and

(c) Reasonable competence in, and understanding of, the English language.

It is the intent of the Legislature in enacting this section to facilitate the purposes of Section 7604(c)(2) of the Education Code, (which requires instruction in a foreign language or languages in grades 6, 7 and 8) by enabling and authorizing school districts to obtain the services of qualified, capable individuals, fluent in a modern foreign language, who desire to teach that language; but who cannot otherwise be employed without fulfilling certain teacher credential requirements. It is the further intent of the Legislature that the provisions of this act be liberally construed to the end that maximum employment of qualified applicants for the special credential authorized by this act may be encouraged, consistent with sound educational standards.

CHAPTER 1471

An act to amend Section 9154 of the Education Code, relating to county school research programs.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 9154 of the Education Code is amended to read:

9154. The county superintendent of schools may, with the approval of the county board of education, employ personnel to conduct research in connection with the activities of the county superintendent of schools, and to develop systems, procedures and methods for applying such research findings to improve the effectiveness of those activities.

CHAPTER 1472

An act to amend Sections 73076, 73084.1, 73084.2, 73084.3, 73084.4, 73084.5, 73085.1, 73085.2, 73085.3, 73085.4, 73085.5, 73085.6, 73086, 73087, 73089, 73090 and 73090.1 of the Government Code, relating to salaries of municipal court attachés.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 73076 of the Government Code is amended to read:

73076. The following salary schedule shall apply to all persons employed by municipal courts in Alameda County:

Salary Schedule

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
27	$325	$341	$358	$376	$395
27.5	333	349	367	385	405
28	341	358	376	395	415
28.5	349	367	385	405	425
29	358	376	395	415	436
29.5	367	385	405	425	447
30	376	395	415	436	458
30.5	385	405	425	447	469
31	395	415	436	458	481
31.5	405	425	447	469	493
32	415	436	458	481	505
32.5	425	447	469	493	517
33	436	458	481	505	530

Schedule number	Step 1	Step 2	Step 3	Step 4	Step 5
33.5	447	469	493	517	543
34	458	481	505	530	556
34.5	469	493	517	543	570
35	481	505	530	556	584
35.5	493	517	543	570	598
36	505	530	556	584	613
36.5	517	543	570	598	628
37	530	556	584	613	644
37.5	543	570	598	628	660
38	556	584	613	644	676
38.5	570	598	628	660	693
39	584	613	644	676	710
39.5	598	628	660	693	727
40	613	644	676	710	745
40.5	628	660	693	727	763
41	644	676	710	745	782
41.5	660	693	727	763	801
42	676	710	745	782	821
42.5	693	727	763	801	841
43	710	745	782	821	862
43.5	727	763	801	841	883
44	745	782	821	862	905
44.5	763	801	841	883	927
45	782	821	862	905	950
45.5	801	841	883	927	974
46	821	862	905	950	998
46.5	841	883	927	974	1,023
47	862	905	950	998	1,048
47.5	883	927	974	1,023	1,074
48	905	950	998	1,048	1,100
48.5	927	974	1,023	1,074	1,127
49	950	998	1,048	1,100	1,155
49.5	974	1,023	1,074	1,127	1,184
50	998	1,048	1,100	1,155	1,213
50.5	1,023	1,074	1,127	1,184	1,243
51	1,048	1,100	1,155	1,213	1,274
51.5	1,074	1,127	1,184	1,243	1,306
52	1,100	1,155	1,213	1,274	1,338
52.5	1,127	1,184	1,243	1,306	1,371
53	1,155	1,213	1,274	1,338	1,405

SEC. 2. Section 73084.1 of said code is amended to read:

73084.1. The clerk of the municipal court for the Oakland Piedmont Judicial District shall receive a monthly salary at the rate specified in schedule number 50.5 of the salary schedule

SEC. 2.5. Section 73084.2 of said code is amended to read:

73084.2. The clerk of the municipal court for the Alameda Judicial District shall receive a monthly salary at the rate specified in schedule number 43.5 of the salary schedule.

SEC. 3. Section 73084.3 of said code is amended to read:

73084.3 The clerk of the municipal court for the Berkeley-Albany Judicial District shall receive a monthly salary at the rate specified in schedule number 46.5 of the salary schedule.

SEC. 4. Section 73084.4 of said code is amended to read:

73084.4. The clerk of the municipal court for the San Leandro-Hayward Judicial District shall receive a monthly salary at the rate specified in schedule number 46.5 of the salary schedule. Effective upon the appointment of a third judge, the Clerk of the Municipal Court for the San Leandro-Hayward Judicial District shall receive a monthly salary at the rate specified in schedule number 47.5 of the salary schedule.

SEC. 5. Section 73084.5 of said code is amended to read:

73084.5. The clerk of the municipal court for the Fremont-Newark-Union City Judicial District shall receive a monthly salary at the rate specified by schedule number 43.5 of the salary schedule.

SEC. 6. Section 73085.1 of said code is amended to read:

73085.1. Deputy clerks, division chiefs, shall receive a monthly salary at the rate specified in schedule number 44.5 of the salary schedule.

SEC. 7. Section 73085.2 of said code is amended to read:

73085 2. Deputy clerks, chief deputies, shall receive a monthly salary at the rate specified in schedule number 41.5 of the salary schedule.

SEC. 8. Section 73085.3 of said code is amended to read:

73085.3. Deputy clerks grade IV shall receive a monthly salary at the rate specified in schedule number 39.5 of the salary schedule.

SEC. 9. Section 73085.4 of said code is amended to read:

73085 4. Deputy clerks grade III shall receive a monthly salary at the rate specified in schedule number 37.5 of the salary schedule.

SEC. 10. Section 73085.5 of said code is amended to read:

73085 5. Deputy clerks grade II shall receive a monthly salary at the rate specified in schedule number 33.5 of the salary schedule, except as otherwise provided in Section 73089.

SEC. 11. Section 73085.6 of said code is amended to read.

73085.6. Deputy clerks grade I shall receive a monthly salary at the rate specified in schedule number 29.5 of the salary schedule. Appointments to such position shall be at step 2 of the schedule.

SEC. 12. Section 73086 of said code is amended to read:

73086. Notwithstanding any other provision of this article, until 90 days after the adjournment of the 1967 Regular Session of the Legislature, whenever a higher compensation is provided for positions in the class of clerk II in the Alameda County classified service, each person holding a position in the class of deputy clerk I specified in this article shall receive correspondingly higher compensation up to but not exceeding four steps on the pay schedule provided in Section 73076,

payable at the same time as that higher compensation provided in the salary ordinance of Alameda County; and whenever a higher compensation is provided for positions in the class of superior court clerk I in the Alameda County classified service, each person holding a position in the class of deputy clerk II specified in this article shall receive correspondingly higher compensation up to but not exceeding four steps on the pay schedule provided in Section 73076, payable at the same time as that higher compensation provided in the salary ordinance of Alameda County; and whenever a higher compensation is provided for positions in the class of superior court clerk II in the Alameda County classified service, each person holding a position in the classes of deputy clerk III, deputy clerk IV, chief deputy clerk, division chief and clerk specified in this article shall receive correspondingly higher compensation up to but not exceeding four steps on the pay schedule provided in Section 73076, payable at the same time as that higher compensation provided in the salary ordinance of Alameda County.

SEC 13. Section 73087 of said code is amended to read:

73087. The clerk of the municipal court for the Alameda Judicial District may appoint the following deputy clerks:

(a) One deputy clerk grade IV who shall act as chief deputy.

(b) Three deputy clerks grade III.

(c) Three deputy clerks grade II.

(d) Two deputy clerks grade I.

SEC. 14 Section 73089 of said code is amended to read:

73089 The clerk of the municipal court for the Oakland-Piedmont Judicial District may appoint the following deputy clerks:

(a) Four deputy clerks, division chiefs, who shall be in charge of the civil division, criminal division, traffic division and accounting division.

(b) Seventeen deputy clerks grade IV.

(c) Fourteen deputy clerks grade III.

(d) Twenty-nine deputy clerks grade II; provided, that not to exceed nine (9) such deputy clerks may be assigned to perform duties as bail office tellers at the additional compensation of two schedule numbers.

(e) Eighteen deputy clerks grade I.

SEC. 15. Section 73090 of said code is amended to read:

73090. The clerk of the municipal court for the San Leandro-Hayward Judicial District may appoint the following deputy clerks:

(a) One chief deputy clerk.

(b) Five deputy clerks grade IV.

(c) Four deputy clerks grade III.

(d) Eleven deputy clerks grade II.

(e) Three deputy clerks grade I.

SEC. 16. Section 73090.1 of said code is amended to read:

73090.1. The clerk of the municipal court for the Fremont-Newark-Union City Judicial District may appoint the following deputy clerks:

(a) One deputy clerk grade IV, who shall act as chief deputy.

(b) Three deputy clerks grade III.

(c) Four deputy clerks grade II.

(d) Two deputy clerks grade I.

CHAPTER 1473

An act to add Section 13199 to the Education Code, relating to public schools.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 13199 is added to the Education Code, to read:

13199. Notwithstanding any other provision of this code to the contrary, the minimum requirements for the standard teacher credential with a specialization in elementary teaching, secondary teaching or junior college teaching may be met by compliance with all of the following:

(a) Four years or its equivalent of university or college education.

(b) A baccalaureate degree or higher degree from an institution approved by State Board of Education.

(c) A major and a minor, one of which shall be in an academic subject matter, and one of which may be in a non-academic subject matter area, normally taught in the public schools.

(d) Certification by the institution that the applicant has satisfactorily completed all academic subject matter courses which he would otherwise have had to complete to be issued a standard teacher credential with the specified specialization applied for.

(e) Certification by the Director of the Peace Corps of the United States that the applicant has satisfactorily completed not less than eighteen (18) months in a Peace Corps assignment in a foreign country, during which time fifty percent (50%) or more of the duties consisted of teaching resident children or adults of the foreign country.

An applicant meeting the requirements of this section shall not be required to complete any education or methodology courses or meet any other requirement relating to education or training.

CHAPTER 1474

An act to amend Sections 22810 and 22840 of the Government Code, relating to medical and hospital care for state officers and employees under the Meyers-Geddes Act.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 22810 of the Government Code is amended to read:

22810. Any employee or annuitant may, in the manner, and under such eligibility rules as the board may by regulation prescribe, enroll in an approved health benefits plan, either as an individual or for self and family. The regulations may provide for the exclusion of employees on the basis of the nature and type of their employment or conditions pertaining thereto, such as, but not limited to, short-term appointments, seasonal or intermittent employment, and employment of a like nature, but no employee or group of employees shall be excluded solely on the basis of the hazardous nature of the employment. Any such enrollment shall authorize the deduction of the contributions required under this part from the employee's or annuitant's salary or retirement allowance.

Any annuitant who, at the time he became an annuitant was enrolled in a health benefits plan, may continue his enrollment as provided by regulations of the board, without discrimination as to premium rates or benefit coverage.

The board shall, by rule and regulation, make such provision as it deems necessary to eliminate or minimize the impact of adverse selection which would affect any plans approved or contracted for, because of enrollment of annuitants.

Enrollments in a health benefits plan under this part may not be effective prior to January 1, 1962. If any employee or annuitant is participating in an approved plan immediately prior to his enrollment under this part, and if he chooses to enroll in the same plan, his enrollment for purposes of the state's contribution shall not interrupt continuous coverage under the plan.

SEC. 2. Section 22840 of said code is amended to read:

22840. For all plans which the state has approved or entered into a contract there shall be maintained in the State Treasury a State Employees' Contingency Reserve Fund to which shall be credited, from time to time as determined by the board, amounts determined by the board and contributed under Section 22826 to provide an adequate contingency reserve. The income derived from any dividends, rate adjustments, or other refunds by a plan shall be credited to the fund.

The board may invest funds in the State Employees' Contingency Reserve Fund in accordance with the provisions of law governing its investment of the retirement fund.

The State Employees' Contingency Reserve Fund may be utilized to defray increases in future rates, to reduce the contributions of employees and annuitants and the state, or to increase the benefits provided by any plan to the extent that amounts in the account are derived from that plan, as determined from time to time by the board. Said fund is appropriated for such purposes to the extent of all amounts credited to it other than the state's contribution for administrative expenses, and for administrative expense to the extent of the state's contribution for such purpose.

The total amount to be credited to the State Employees' Contingency Reserve Fund for all purposes other than administrative expense for any one fiscal year shall not exceed 3 percent of the total of all contributions of the state and employees and annuitants during any fiscal year.

The total credited to the State Employees' Contingency Reserve Fund at any time, for all purposes other than administrative expense, shall be limited, in the manner and to the extent the board may find to be most practical, to a maximum of 10 percent of the total of the contributions of the state and employees and annuitants in any fiscal year. The board may undertake such action as will insure that the maximum amount prescribed for the fund is approximately maintained.

Board rules adopted pursuant to Section 22810 to minimize the impact of adverse selection because of enrollment of annuitants may provide for deposit in and disbursement to carriers from the State Employees' Contingency Reserve Fund of such portion of the contributions otherwise payable directly to the carriers by the Controller under Section 22841 as may be required for such purpose. The fund is appropriated for such purpose in addition to the other purposes specified in this section. Such deposits shall not be included in applying the limitations, prescribed in this section, on total amounts which may be deposited in or credited to the fund.

SEC. 3. This act shall become operative on October 1, 1965.

CHAPTER 1475

An act to add Chapter 3.6 (commencing with Section 31240) to Division 22 of the Education Code, relating to fellowships for graduate study.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 3.6 (commencing with Section 31240) is added to Division 22 of the Education Code, to read:

CHAPTER 3.6. FELLOWSHIPS FOR GRADUATE STUDY

31240. There is hereby created a state competitive graduate fellowship program with fellowships to be provided by the state and used by award winners for graduate study in colleges and universities located in California and accredited by the Western Association of Schools and Colleges. As used in this section "graduate study" shall mean that phase of education coming after the completion of the baccalaureate degree and leading toward a recognized graduate degree.

31241. The general purposes of the fellowship program are to afford opportunity for graduate study to unusually able persons giving promise in the scholarly world and to produce a greater supply of competent teachers. The primary emphasis of the fellowship program shall be to produce a larger number of college and university teachers for all subject fields, but particularly for those subject fields experiencing a critical shortage of teachers. The awards shall be tenable for graduate work in the sciences, social sciences, humanities, the arts, mathematics, engineering, business, education, and any other related discipline determined by the administering body of the graduate fellowship program to be experiencing a shortage of teachers. The relative shortage of qualified college and university teachers in a particular field shall be considered by the commission in granting awards.

31242. The program for granting fellowships for graduate study shall be conducted under the general supervision of the State Scholarship Commission, with the aid and advice of a committee of nine members appointed by the commission and composed of college and university teachers and graduate deans from the colleges and universities in California accredited by the Western Association of Schools and Colleges.

The State Scholarship Commission shall prescribe the forms for all applications and certificates required in connection with the fellowship program. The State Scholarship Commission shall, from time to time, adopt such rules and regulations as it may determine not in conflict with this chapter as may be necessary, or appropriate, for effecting the provisions of this chapter.

31243. Awards shall be for one academic year of graduate study, plus one summer term if necessary to the student's program except that the graduate fellowship may be renewed under extraordinary circumstances as determined by the State Scholarship Commission. Awards of graduate fellowships shall be made upon a competitive basis. The State Scholarship Commission may take into account such factors as the following:

(a) Grades at the undergraduate level in the subject field in which the student wishes to do graduate work.

(b) Grades in the total undergraduate program.

(c) Aptitude for graduate work in the subject field, insofar as it is measurable.

(d) General aptitude for graduate study, insofar as it is measurable.

(e) Financial need of the student as an individual, independent in his own right.

31244. The graduate study fellowships shall be awarded:

(a) Without regard to race, religion, creed or sex.

(b) Only to students who indicate by declaration their intent to teach in higher education in California.

(c) For not more than one academic year, plus one summer term if necessary, except as provided in Section 31243.

31245. No person shall be granted a fellowship unless:

(a) He is a resident of California.

(b) He has received, or will have received, a baccalaureate degree prior to time of enrollment in a graduate school.

31246. Candidates for the awards shall apply for the awards to the State Scholarship Commission and comply with all of the rules and regulations adopted by the State Scholarship Commission for the award, regulation and administration of the state graduate fellowship program pursuant to this chapter.

31247. There shall be graduate fellowships for the academic year 1966–1967, and each academic year thereafter, equal in number to 1 percent of the total number of baccalaureate degrees awarded during the next preceding academic year by colleges and universities located in California and accredited by the Western Association of Schools and Colleges. The amount of each award shall be calculated according to the following stipulations based upon the applicant's financial need, independent in his own right, not to exceed full cost of tuition and regular fees for one year at the institution which the student attends.

31248. Awards shall be made for full-time graduate study, as defined by the institution which the student attends. Fellowship holders may receive an additional maximum income of one thousand eight hundred dollars ($1,800) per academic year through teaching assistantships and other fellowships. Any income received through teaching assistantships or other fellowships in excess of one thousand eight hundred dollars ($1,800) will be deducted from the basic stipend as determined by the State Scholarship Commission.

31249. The candidates for the award must apply for the awards to the State Scholarship Commission and comply with all the rules and regulations adopted by the State Scholarship Commission for the award regulation and the administration of the state graduate fellowship program pursuant to this chapter.

31250. The award may be in a lump sum or in periodic payments as determined by the commission.

31251. The Legislature hereby declares that it regards the furtherance of a greater supply of competent teachers in higher education to be a public purpose of great importance, and further declares the establishment of graduate fellowships pursuant to this chapter to be desirable and a necessary method of increasing the number of faculty who will teach in higher education in California. The Legislature declares that it is to the benefit of the state to assist in the development of the talents of able students in graduate education.

CHAPTER 1476

An act to amend Section 21114 of the Education Code, relating to public school employees.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 21114 of the Education Code is amended to read:

21114. Orders for the payment of wages and payroll orders for the payment of wages of employees employed full time in positions not requiring certification qualifications shall be drawn twice during each calendar month on days designated in advance by the governing board of each school district to which this section is made applicable. Labor performed between the 1st and 15th days, inclusive, of any calendar month shall be paid for between the 16th and 26th day of the month during which the labor was performed, and labor performed between the 16th and the last day inclusive, of any calendar month, shall be paid for between the 1st and 10th day of the following month.

The governing board of each school district which has an average daily attendance of 5,000 or more, and the governing board of each school district with an average daily attendance of less than 5,000 in a county with a population in excess of 4,000,000 persons as determined by the 1960 federal census, shall make the provisions of this section applicable to the board, whenever a majority of the employees of the district employed full time in positions not requiring certification qualifications petition the board in writing to do so.

The governing board of a school district which has an average daily attendance of less than 5,000, other than such a school district situated in a county with a population in excess of 4,000,000 persons as determined by the 1960 federal census, may, on the petition in writing of a majority of the employees of the district employed full time in positions not requiring certification qualifications, make the provisions of this section applicable to the board.

CHAPTER 1477

An act to amend Section 1120 of the Probate Code, relating to testamentary trusts.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1120 of the Probate Code is amended to read:

1120. When a trust created by a will continues after distribution, the superior court shall not lose jurisdiction of the estate by final distribution, but shall retain jurisdiction for the purpose of determining to whom the property shall pass and be delivered upon final or partial termination of the trust, to the extent that such determination is not concluded by the decree of distribution, of settling the accounts and passing upon the acts of the trustee, of authorizing the trustee to accept additions to the trust from sources other than the estate of the decedent, and for the other purposes hereinafter set forth. Any trustee appointed by will, or appointed to execute a trust created by will, may, from time to time pending the execution of his trust, or at the termination thereof, render for settlement his accounts and report his acts as such trustee, before the superior court in which the will was probated. For that purpose, the trustee, or, in the case of his death, his legal representatives, shall present to the court his verified account and report, setting forth his accounts in detail, reporting his acts as trustee, and showing the condition of the trust estate.

The trustee may also petition such court, from time to time, for instructions as to the administration of the trust and for authority to accept additions to the trust from any source or sources other than the estate of the decedent. The court may hear any such petition and instruct or authorize the trustee by order rendered before or after any distribution to him. When the trustee files any such petition before any distribution of the estate to him, he shall, in addition to any other notice required, cause notice of the hearing to be mailed to the personal representative and shall further cause notice of the hearing to be mailed to all persons, including heirs, legatees and devisees, at their last known address, to whom the court may order such notice given, and shall, upon filing

the petition and before giving notice thereof, secure from the court an order designating the persons in addition to the personal representative and the beneficiaries to whom the court requires that notice be given, or an order that notice to the personal representative and the beneficiaries is the only notice that shall be required.

When it appears from the allegations of the petition that the trustee seeks instructions to exercise a power not conferred upon him the petition shall set forth the particulars of and the necessity for the action sought to be taken.

The clerk shall set the hearing upon the account and report or petition for settlement or instructions and give notice thereof for the period and in the manner required by Section 1200 of this code. The trustee shall cause notice of the hearing to be mailed to the beneficiaries, including all persons in being who shall or may participate in the corpus or income of the trust, at their last known addresses, as provided in said Section 1200, whether they have requested special notice or given notice of appearance or not. In addition to the above notice, when the petition relates to the exercise of a power not conferred, a copy of the petition shall be attached to and mailed with copies of the notice which are mailed and the court or judge shall, at least 10 days before such return day, appoint a suitable person who shall appear and act as guardian ad litem of any person or persons of a designated class, who are not ascertained, or who are not in being, and who may become beneficiaries or may so participate in the trust. None of the provisions of Section 373 of the Code of Civil Procedure shall apply to such appointment.

CHAPTER 1478

An act to amend Sections 73778 and 73783 of, and to repeal Sections 73772, 73773, and 73777 of, and to add Sections 73772 and 73773 to, the Government Code, relating to municipal court.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 73772 of the Government Code is repealed.

SEC. 2. Section 73772 is added to said code, to read:

73772. There shall be one clerk, who shall be secretary of the court and who shall receive a salary of one thousand one hundred sixty-six dollars and sixty-seven cents ($1,166.67) monthly during the first 12 months following the effective date of this section with an increment of forty-one dollars and sixty-six cents ($41.66) to a maximum of one thousand two

hundred eight dollars and thirty-three cents ($1,208.33) monthly thereafter.

SEC. 3. Section 73773 of said code is repealed.

SEC. 4. Section 73773 is added to said code, to read:

73773. The clerk, with the approval of the judges of said court, may appoint:

(a) One chief deputy clerk who shall receive a minimum salary of seven hundred fifty-three dollars ($753) monthly with increments of thirty-seven dollars ($37), thirty-nine dollars ($39), forty-one dollars ($41), forty-four dollars ($44) to a maximum of nine hundred fourteen dollars ($914) monthly.

(b) Ten deputy clerks grade V, each of whom shall receive a minimum salary of five hundred ten dollars ($510) monthly with increments of twenty-six dollars ($26), twenty-six dollars ($26), twenty-eight dollars ($28), and twenty-nine dollars ($29) to a maximum of six hundred nineteen dollars ($619) monthly.

(c) Four deputy clerks grade IV, each of whom shall receive a minimum salary of four hundred eighty-six dollars ($486) monthly with increments of twenty-four dollars ($24), twenty-six dollars ($26), twenty-six dollars ($26) and twenty-eight dollars ($28) to a maximum of five hundred ninety dollars ($590) monthly.

(d) Ten deputy clerks grade III, each of whom shall receive a minimum salary of four hundred forty dollars ($440) monthly with increments of twenty-three dollars ($23), twenty-three dollars ($23), twenty-four dollars ($24), and twenty-six dollars ($26) to a maximum of five hundred thirty-six dollars ($536) monthly.

(e) Nine deputy clerks grade II, each of whom shall receive a minimum salary of three hundred ninety-nine dollars ($399) monthly with increments of twenty dollars ($20), twenty-one dollars ($21), twenty-three dollars ($23), and twenty-three dollars ($23) to a maximum of four hundred eighty-six dollars ($486) monthly.

(f) Seven deputy clerks grade I, each of whom shall receive a minimum salary of three hundred eighty dollars ($380) monthly with increments of nineteen dollars ($19), twenty dollars ($20), twenty-one dollars ($21), and twenty-three dollars ($23) to a maximum of four hundred sixty-three dollars ($463) monthly.

(g) Two intermediate typist-clerks, each of whom shall receive a minimum salary of three hundred forty-five dollars ($345) monthly with increments of seventeen dollars ($17), eighteen dollars ($18), nineteen dollars ($19), and twenty dollars ($20) to a maximum of four hundred nineteen dollars ($419) monthly.

In the application of the provisions of this section to existing officers and attachés of the court on the effective date hereof, the allocations of ranges and increments shall be made in the manner provided in Section 73778.

SEC. 5. Section 73777 of said code is repealed.

SEC. 6. Section 73778 of said code is amended to read:

73778. The allocations of the ranges and increments for the persons appointed by the clerk pursuant to this article on the effective date of the 1965 amendments to this section shall be made, subject to the provisions of this article, by the clerk, with the approval of the majority of the judges.

SEC. 7. Section 73783 of said code is amended to read:

73783. In addition to the compensation provided in this article, the clerk, deputy clerks and other attachés of the municipal court shall receive, and they shall be entitled to, the same vacations, sick leaves, and similar privileges and benefits as are now, or may hereafter be provided for the employees of the County of Marin, including the right to participate in any group accident, health or life insurance plan adopted by the board of supervisors of said county and including all rights afforded county employees by the Marin County Merit System Ordinance.

CHAPTER 1479

An act to add Section 4049.6 to the Business and Professions Code, relating to the practice of pharmacy.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 4049.6 is added to the Business and Professions Code, to read:

4049.6. This chapter constitutes, and may be cited as, the Pharmacy Law.

CHAPTER 1480

An act to amend Sections 6366 and 6366.1 of the Revenue and Taxation Code, relating to the sales and use tax.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 6366 of the Revenue and Taxation Code is amended to read:

6366. There are exempted from the taxes imposed by this part the gross receipts from the sale of and the storage, use, or other consumption of aircraft sold to persons using such aircraft as common carriers of persons or property under authority of the laws of this state, of the United States or any foreign government, or sold to any foreign government for use by such government outside of this state, or sold to persons who are

not residents of this state and who will not use such aircraft in this state otherwise than in the removal of such aircraft from this state.

SEC. 2. Section 6366.1 of said code is amended to read:

6366.1. (a) There are exempted from the taxes imposed by this part, the gross receipts from the sale of and the storage, use, or other consumption in this state of aircraft which are leased, or are sold to persons for the purpose of leasing, to lessees using such aircraft as common carriers of persons or property under authority of the laws of this state, of the United States or any foreign government, or to any foreign government as lessees for use by such government outside the state, or to persons as lessees who are not residents of this state and who will not use such aircraft in this state otherwise than in the removal of such aircraft from this state.

(b) There are exempted from the taxes imposed by this part, the gross receipts from the sale of and the storage, use, or other consumption in this state of tangible personal property sold to an aircraft manufacturer and incorporated into aircraft to be leased by the manufacturer under conditions set forth in subdivision (a) of this section.

CHAPTER 1481

An act to add Section 2310 to the Education Code, relating to school district organization.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 2310 is added to the Education Code, to read:

2310. After the expiration of the period specified in Section 2309, and throughout the next six succeeding years, whenever it is proposed under this code or under any other provision of law, to withdraw territory containing more than two hundred fifty thousand dollars ($250,000) in assessed valuation from a unified school district maintaining 500 or more schools, such proposal shall not be effected without the prior written approval of the governing board of that district.

CHAPTER 1482

An act relating to the state park system.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. The Director of Parks and Recreation shall acquire the area west of the proposed U.S. 101 highway known as Reynolds Redwood Flat in Mendocino County for the state park system if he determines that the price at which such area can be acquired is reasonable. If this area is acquired by the director, it shall be known as the "Frank W. Reynolds Memorial Grove." The Department of Public Works shall acquire that portion of the area necessary or desirable for the proposed U.S. 101 highway.

The acquisition of such area needed for park purposes shall be accomplished pursuant to the Property Acquisition Law (Part 11 (commencing with Section 15850), Division 3, Title 2, Government Code) from funds appropriated for state park land acquisition by Item 338(a) of the Budget Act of 1965.

CHAPTER 1483

An act to add Chapter 4 (commencing with Section 3700), Division 3, Public Resources Code, relating to geothermal energy and associated resources.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing with Section 3700) is added to Division 3 of the Public Resources Code, to read:

CHAPTER 4. GEOTHERMAL ENERGY AND ASSOCIATED RESOURCES

3700. It is hereby found and determined that the people of the State of California have a direct and primary interest in the development of geothermal energy, and that the State of California, through the authority vested in the State Oil and Gas Supervisor, should exercise its power and jurisdiction to require that wells for the discovery and production of geothermal energy be drilled, operated, maintained and abandoned in such manner as to safeguard life, health, property, and the public welfare, and to encourage maximum economic recovery.

3701. For the purposes of this chapter, "geothermal energy" shall mean the natural heat of the earth and the energy, in whatever form, below the surface of the earth present in, resulting from, or created by, or which may be extracted from, such natural heat.

3702. "Geothermal area" means the same general surface area which is underlaid, or reasonably appears to be underlaid, by geothermal energy.

3703. "Well" means any well for the discovery of geothermal energy or any well on lands producing geothermal energy or reasonably presumed to contain geothermal energy.

3704. "Department", in reference to the government of this state, means the Department of Conservation.

3705. "Division", in reference to the government of this state, means the Division of Oil and Gas in the Department of Conservation.

3706. "Director" means the Director of Conservation.

3707. "Supervisor" means the State Oil and Gas Supervisor.

3708. "Person" includes any individual, firm, association, corporation, or any other group or combination acting as a unit.

3709. "Operator" means any person drilling, maintaining, operating, pumping, or in control of any well.

3710. "Owner" includes "operator" when any well is operated or has been operated or is about to be operated by any person other than the owner.

3711. "Operator" includes "owner" when any well is or has been or is about to be operated by or under the direction of the owner.

3712. This chapter shall be liberally construed to meet its purposes, and the director and the supervisor shall have all powers which may be necessary to carry out the purposes of this chapter.

3713. "Board" means the Geothermal Energy Board.

3714. The State Oil and Gas Supervisor shall so supervise the drilling, operation, maintenance and abandonment of geothermal energy wells as to encourage the greatest ultimate economic recovery of geothermal energy, and to prevent damage to, and waste from, the underground geothermal deposits, and to prevent damage to underground and surface waters suitable for irrigation or domestic purposes by reason of the drilling, operation, maintenance, and abandonment of geothermal energy wells.

3715. The supervisor shall also supervise the drilling, operation, maintenance, and abandonment of wells so as to permit the owners or operators of such wells to utilize all methods and practices known to the industry for the purpose of increasing the ultimate recovery of geothermal energy and which, in the opinion of the supervisor, are suitable for such purpose in each proposed case. In order to further the elimination of waste by increasing the recovery of geothermal energy it is

hereby declared as a policy of this state that the grant in geothermal energy lease or contract to a lessee or operator of the right or power, in substance, to explore for and remove all geothermal energy from any lands in the State of California, in the absence of an express provision to the contrary contained in such lease or contract, is deemed to allow the lessee or contractor or his successors or assigns, to do what a prudent operator using reasonable diligence would do, having in mind the best interests of the lessor, lessee and the state, in producing and removing geothermal energy; provided, however, nothing contained in this section imposes a legal duty upon such lessee or contractor, his successors or assigns, to conduct such operations.

3716. The district deputy in each district shall collect all information regarding the wells in the district necessary for the proper supervision of such wells. He shall prepare maps and other accessories necessary to determine the underground conditions in a geothermal area and the location and extent of strata bearing water suitable for irrigation or domestic purposes or surface water suitable for such purposes. This work shall be done with the view to advising the operators as to the best means of protecting the geothermal energy deposits and the water-bearing strata and surface water, and with a view to aiding the supervisor in ordering tests or repair work at wells. All such data shall be kept on file in the office of the district deputy of the respective district, and copies thereof shall be forwarded to the Director of Water Resources, the State Geologist, and the appropriate regional water pollution control board located in the area involved, subject to the provisions of Section 3752.

3717. The supervisor shall notify the Department of Fish and Game, the Department of Water Resources and the regional water pollution control board in the area affected of the location, operation, maintenance, and abandonment of all wells.

3718. Nothing in this chapter shall be construed as superseding any of the provisions of Division 7 (commencing with Section 13000) of the Water Code or Division 6 (commencing with Section 5650) of the Fish and Game Code.

3719. The supervisor may publish any publications, reports, maps, statistical data or other printed matter relating to geothermal energy, for which there may be public demand. If these publications, reports, maps, statistical data or other printed matter are sold, they shall be sold at cost, and the proceeds shall be deposited in the petroleum and gas fund to the credit of the geothermal energy account.

3720. For the purposes of this chapter, the state is divided into six districts as provided for in Section 3150 of this code.

3721. Every owner or operator of any well shall designate an agent, giving his post office address, who resides in this state, upon whom may be served all orders, notices, and processes of the supervisor, a board, or any court of law. Every person so appointing an agent shall, within five days after the

termination of any such agency, notify the supervisor, in writing, of such termination, and unless operations are discontinued, shall appoint a new agent.

3722. The owner or operator of any well shall notify the supervisor or the district deputy, in writing, in such form as the supervisor or the district deputy may direct, of the sale, assignment, transfer, conveyance, or exchange by the owner or operator of such well, and the land, owned or leased, upon which the well is located, within five days after such sale assignment, transfer, conveyance, or exchange. The notice shall contain the following:

(a) The name and address of the person to whom such well was sold, assigned, transferred, conveyed, or exchanged.

(b) The name and location of the well.

(c) The date of the sale, assignment, transfer, conveyance or exchange.

(d) The date when possession was relinquished by the owner or operator.

(e) A description of the land upon which the well is situated.

3723. Every person who acquires the ownership or operation of any well, whether by purchase, transfer, assignment, conveyance, exchange, or otherwise, shall, within five days after acquiring the well and the land, owned or leased, upon which it is located, notify the supervisor or the district deputy, in writing, of his ownership or operation. The notice shall contain the following:

(a) The name and address of the person from whom the well was acquired.

(b) The name and location of the well.

(c) The date of acquisition.

(d) The date when possession was acquired.

(e) A description of the land upon which the well is situated.

3724. The owner or operator of any well, before commencing the original drilling of a well or the redrilling of an abandoned well, shall file with the supervisor or the district deputy a written notice of intention to commence drilling, accompanied by the fee prescribed by this section. The notice shall contain the following:

(a) The location and elevation of the floor of the proposed derrick.

(b) The number or other designation by which the well shall be known. Such number or designation shall be subject to the approval of the supervisor.

(c) The owner's or operator's estimate of the depths between which production will be attempted.

(d) Such other pertinent data as the supervisor may require on the printed forms to be supplied by the Division of Oil and Gas, or on forms acceptable to the supervisor.

After the completion of any well the provisions of this section, other than the requirement of the payment of the

fee, shall also apply, as far as may be, to the deepening or redrilling of the well, or any operation involving the plugging of the well, or any operations permanently altering in any manner the casing of the well. The number or designation by which any well heretofore drilled has been known, and the number or designation specified for any well in a notice filed as required by this section, shall not be changed without first obtaining a written consent of the supervisor.

The fee required to be filed for the drilling of a new well or the redrilling of an abandoned well, shall be at least two hundred dollars ($200) but not more than five hundred dollars ($500), as determined by the board based on the record of the cost of supervising the geothermal energy operations. Until such time as sufficient cost data is available, the board is authorized to set the fee at the maximum rate.

All moneys received under this chapter shall be deposited in the Petroleum and Gas Fund to the credit of an account to be known as the Geothermal Energy Account which is hereby appropriated for the purposes of this chapter.

3725 Every person who engages in the drilling, redrilling, or deepening of any well shall file with the supervisor an indemnity bond in the sum of five thousand dollars ($5,000) for each well drilled, redrilled, or deepened. The bond shall be filed with the supervisor at the time of the filing of the notice of intention to drill, redrill, or deepen provided for in Section 3724. The bond shall be executed by such person, as principal, and by an authorized surety company, as surety, conditioned that the principal named in the bond shall faithfully comply with all the provisions of this chapter, in drilling, redrilling, or deepening any well or wells covered by the bond, and shall secure the state against all losses, charges, and expenses incurred by it to obtain such compliance by the principal named in the bond.

The condition of the bond shall be stated in substantially the following language:

"If said _____, the above bounden principal, shall well and truly comply with all the provisions of Chapter 4 (commencing with Section 3700) of Division 3 of the Public Resources Code and shall obey all lawful orders of the State Oil and Gas Supervisor, or his district deputy or deputies, if not appealed as provided in that chapter, or upon affirmance thereof by the Geothermal Energy Board, if appealed thereto, and shall pay all charges, costs, and expenses incurred by the supervisor or his district deputy or deputies in respect of such well or wells or the property or properties of said principal, or assessed against such well or wells or the property or properties of such principal, in pursuance of the provisions of said chapter, then this obligation shall be void; otherwise, it shall remain in full force and effect."

3726. Any person who engages in the drilling, redrilling, or deepening of one or more wells at any time, may file with the supervisor one bond for twenty-five thousand dollars

($25,000) to cover all his operations in drilling, redrilling, or deepening of any of his wells in this state in lieu of a five thousand dollar ($5,000) bond for each well being drilled, redrilled, or deepened by him. The bond shall be executed by such person, as principal, and by an authorized surety company, as surety, and shall be in substantially the same language and upon the same conditions as provided in Section 3725, except as to the difference in the amount.

3727. Any five thousand dollar ($5,000) bond issued in compliance with this chapter may, with the consent of the supervisor, be terminated and canceled and the surety be relieved of all obligations thereunder. The supervisor shall not consent to the termination and cancellation of any bond until the well or wells for which it has been issued have been properly completed or abandoned or another valid bond substituted therefor.

3728. Any twenty-five thousand dollar ($25.000) bond issued in compliance with this chapter may, with the consent of the supervisor, be terminated and canceled and the surety be relieved of all obligations thereunder when all wells covered by such bond have been properly completed or abandoned. Should the person who has filed a twenty-five thousand dollar ($25,000) bond properly complete or abandon a portion of his wells covered by the bond, the bond may, with the consent of the supervisor, be terminated and canceled and the surety be relieved of all obligations thereunder upon the filing by such person of a five thousand dollar ($5,000) bond for each well which he is still engaged in drilling, redrilling, or deepening. Liability as to individual wells that have been drilled and abandoned or completed under a twenty-five thousand dollar ($25,000) bond may also be terminated with the consent of the supervisor.

3729. A well is properly completed, for the purposes of Sections 3727 and 3728, when it has been completed to production of geothermal energy, and the person engaged in drilling, redrilling, or deepening it has shown to the satisfaction of the supervisor that both the manner of drilling, redrilling, or deepening the well and the manner of producing therefrom are satisfactory. A well is properly abandoned when drilling, redrilling, or deepening has ceased before completion to production of geothermal energy, and the person drilling, redrilling, or deepening it has shown to the satisfaction of the supervisor that all proper steps have been taken to protect underground or surface water suitable for irrigation or farm or domestic purposes from the infiltration or addition of any detrimental substance, and to prevent the escape of all fluids to the surface.

3730. The owner or operator of any well shall keep, or cause to be kept, a careful and accurate log, core record, and history of the drilling of the well.

3731. The log shall show the character and depth of the formation passed through or encountered in the drilling of the well, the amount, size and weight of casing used, and particularly the location and depth of water-bearing strata, together with the character of water encountered from time to time, so far as ascertained.

3732. The core record shall show the depth, character, and fluid content of cores obtained, so far as determined.

3733. The history shall show the location and amount of sidetracked casings, tools, or other material, the depth and quantity of cement in cement plugs, the shots of dynamite or other explosives, the results of production and other tests during drilling operations, and completion data.

3734. The log shall be kept in the local office of the owner or operator and, together with the tour reports of the owner or operator, shall be subject, during business hours, to the inspection of the supervisor or the district deputy, except in the case of a prospect well.

3735. Upon the completion of any well or upon the suspension of operations upon any well, for a period of six months if it has been designated by the supervisor as a prospect well, or for a period of 30 days if it has not been so designated, copies of the log, core record, electric log if made, and history, in duplicate and in such form as the supervisor may direct, shall be filed with the district deputy within 10 days after such completion, or within 10 days after the expiration of said 6-month or 30-day period. Like copies shall be filed upon the recompletion of any well. Upon a showing of hardship, additional time within which to comply with the provisions of this section may be granted by the supervisor.

3736. The owner or operator of any well, or his local agent, shall file with the supervisor a copy of the log, history, and core record, or any portion thereof, at any time after the commencement of the work of drilling any well, except a prospect well, upon written request of the supervisor, or the district deputy. The request shall be signed by the supervisor, or the district deputy, and served either personally, or by mailing a copy of the request, by registered mail, to the last known post office address of the owner or operator, or his agent.

3737. Except as otherwise provided in Section 3729, a well is completed, for the purposes of this chapter, 30 days after it has commenced to produce geothermal energy unless drilling operations are resumed before the end of the 30-day period.

3738. The supervisor upon application of an owner or operator shall determine and designate what wells are prospect wells, and reports shall not be required from such prospect wells until six months after suspension of drilling operations.

3739. Any person engaged in operating any wells wherein high pressures are known to exist, and any person drilling for geothermal energy in any district where the pressures are unknown shall equip the well with casings of sufficient strength, and with such other safety devices as may be necessary, in

accordance with methods approved by the supervisor, and shall use every reasonable effort and endeavor effectually to prevent blowouts, explosions, and fires.

3740. The owner or operator of any well on lands producing or reasonably presumed to contain geothermal energy shall properly case it with watertight and adequate casing, in accordance with methods approved by the supervisor or the district deputy. The owner or operator shall also use every reasonable effort and endeavor to shut out detrimental substances from strata containing water suitable for irrigation or domestic purposes and from surface water suitable for such purposes, and to prevent the infiltration of detrimental substances into such strata and into such surface water.

3741 The supervisor shall require such tests or remedial work as in his judgment are necessary to protect geothermal energy deposits from damage, or to prevent the infiltration of detrimental substances into underground or surface water suitable for irrigation or domestic purposes, to the best interests of the neighboring property owners and the public.

3742. There is hereby created in the Department of Conservation a Geothermal Energy Board, hereinafter referred to as the board. The board shall consist of the Director of Conservation, who shall act as chairman of the board; the State Geologist; and the State Oil and Gas Supervisor, who shall act as secretary to the board. The duties of the board shall be limited solely to the matters set forth in this chapter.

3743. Whenever the supervisor or a district deputy makes or gives any written direction concerning the drilling, testing, or other operations in any well drilled, in process of drilling, or being abandoned, and the operator, owner, or representative of either, serves written notice, either personally or by mail, addressed to the supervisor, or to the district deputy at his office in the district, requesting that a definite order be made upon such subject, the supervisor or the district deputy shall, within five days after receipt of the notice, deliver a final written order on the subject matter in such manner and form that an appeal therefrom may be taken at once to the board as provided in this chapter.

3744. Within 30 days after service of an order, pursuant to Section 3743, or if there has been an appeal from the order to the board, within 30 days after service of the decision of the board, or if a review has been taken of the order of the board, within 10 days after affirmance of the order, the owner shall commence in good faith the work ordered and continue it until completion. If the work has not been commenced and continued to completion, the supervisor shall appoint necessary agents who shall enter the premises and perform the work. An accurate account of the expenditures shall be kept, and the amounts shall be paid from the petroleum and gas fund upon the warrant of the State Controller. Any amount so expended shall constitute a lien against the property upon

which the work is done and such lien shall have the force, effect, and priority of a judgment lien.

3745. The owner of any well producing geothermal energy shall file with the supervisor, on or before the 10th day of each month, for the last preceding calendar month, a statement of production utilized in such form as the supervisor may designate.

3746. Before abandoning any well in accordance with methods approved by the supervisor or the district deputy, and under his direction, the owner or operator shall use every reasonable effort and endeavor to protect any underground or surface water suitable for irrigation or domestic purposes from the infiltration or addition of any detrimental substances.

3747. Before any work is commenced to abandon any well, the owner or operator shall give written notice to the supervisor or the district deputy of his intention to abandon the well and the date upon which the work of abandonment will begin.

The notice shall be given at least five days before the proposed abandonment, and it shall show the condition of the well and the proposed method of abandonment.

The owner or operator shall furnish the supervisor or the district deputy any additional information that he may request regarding the condition of the well and the proposed method of abandonment, at any time between the filing of the notice of intention to abandon the well and the completion of abandonment.

3748. The supervisor, or the district deputy, shall before the proposed date of commencing work to abandon such well, furnish to the owner or operator either:

(a) A written report of approval of the proposal.

(b) A written report stating what work or tests will be necessary before approval of abandonment will be given.

(c) A written request stating what information will be necessary for the owner or operator to furnish the supervisor or the district deputy before approval to commence work to abandon or before approval of abandonment will be given.

3749. If the supervisor or the district deputy fails to give the owner or operator a written report or request within the specified time, such failure shall be considered as an approval of the proposal to abandon the well, and the proposal shall, for the purposes and intents of this chapter, be deemed a written report of the supervisor or the district deputy.

3750. Within five days after the completion of abandonment of any well, the owner or operator of the well shall make, in such form as the supervisor or the district deputy may direct, a written report, in duplicate, of all work done in connection with the abandonment. The supervisor or the district deputy shall, within 10 days after the receipt of a written report of completion, furnish the owner or operator with a written final approval of abandonment, or a written dis-

approval of abandonment, setting forth the conditions upon which the disapproval is based.

Failure to abandon in accordance with the approved method of abandonment, or failure to notify the supervisor or the district deputy to witness any test provided to be witnessed by the supervisor, the district deputy or his inspector, in the approved proposal, or failure to furnish the supervisor or the district deputy, at his request, with any information regarding the condition of the well, shall constitute sufficient grounds for disapproval of the abandonment.

3751. No person, whether as principal, agent, servant, employee, or otherwise, shall remove the casing or any portion thereof, from any well without first giving written notice to the supervisor or the district deputy of his intention to remove the casing from such well. The notice shall be given at least five days before the proposed removal.

The supervisor or the district deputy shall, before the proposed date of removal, furnish the person with a written report of approval of his proposal, or a written report stating what work shall be done before such approval will be given.

If the supervisor or the district deputy fails to give the person a written report within the specified time, such failure shall be considered an approval of the proposal to remove the casing, and such proposal shall, for the purposes and intents of this chapter, be deemed a written report of the supervisor or the district deputy.

Within five days after the completion of the removal, the person shall make, in such form as the supervisor or district deputy may direct, a written report, in duplicate, of all work done in connection with such removal.

3752. The records of any operator, when filed with the district deputy, as provided in this chapter, shall be open to inspection only to those authorized in writing by such operators, to the state officers, and to the Geothermal Energy Board.

Such records shall in no case other than those expressly provided in this chapter, be available as evidence in court proceedings. No officer or employee or member of the board shall be allowed to give testimony as to the contents of such records except as are provided in this chapter for the review of a decision of the supervisor or the Geothermal Energy Board, or in any proceeding initiated for the enforcement of an order of the supervisor, or for the enforcement of a lien created by this chapter, or in criminal proceedings arising out of such records or the statements upon which they are based.

A copy of any document, order, requisition, or decision made, executed, or issued by the supervisor or the district deputy, when certified by the supervisor or the district deputy to be a true copy of the original, shall be received in evidence in any proceeding herein provided, in like manner and with the same effect as the original.

The records of any operator who is defunct or no longer in business in California and which relate to an abandoned or deserted well shall be open to inspection or for copying by anyone after the supervisor determines that the conditions specified are met.

The records of any operator filed for a completed or producing well that has been transferred by sale, lease, or otherwise shall be available to the new owner or lessee for his inspection or copying and shall also be available for inspection or copying by others upon the written authorization of such new owner or lessee.

3753. Upon receipt by the supervisor or by a district deputy of a written complaint, alleging a condition in violation of this chapter, specifically setting forth the condition complained against, signed by the complainant; or upon a written complaint specifically setting forth the condition complained against, signed by a member of the Geothermal Energy Board, the supervisor shall make an investigation of the well or wells and make a written report and order, stating the work required to repair the damage complained of, or stating that no work is required.

A copy of the order shall be delivered to the complainant, or if more than one, to each complainant, and, if the supervisor orders the damage repaired a copy of the order shall be delivered to each of the owners, operators, or agents having in charge the well or wells upon which the work is to be done.

The order shall contain a statement of the conditions sought to be remedied or repaired and a statement of the work required by the supervisor to repair the condition. Service shall be made by mailing copies to such persons at the post office address given.

3754. Any owner or operator, or employee thereof, who refuses to permit the supervisor or the district deputy, or his inspector, to inspect a well, or who willfully hinders or delays the enforcement of the provisions of this chapter, and every person, whether as principal, agent, servant, employee, or otherwise, who violates, fails, neglects, or refuses to comply with any of the provisions of this chapter, or who fails or neglects or refuses to furnish any report or record which may be required pursuant to the provisions of this chapter, or who willfully renders a false or fraudulent report, is guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars ($100), nor more than five hundred dollars ($500), or by imprisonment for not exceeding six months, or by both such fine and imprisonment, for each such offense.

3755. The supervisor or his deputy may order the abandonment of any well that has been deserted whether or not any damage is occurring or threatened by reason of said well. Suspension of drilling operations and removal of drilling machinery is prima facie evidence of desertion after the elapse of six months unless a request for an extension of time for a period not to exceed an additional six months is theretofore filed. At

any time the supervisor may for good cause shown extend this period.

3756. Whenever the Geothermal Energy Board finds that it is in the interest of the protection of geothermal energy from unreasonable waste, the lessors, lessees, operators or other persons owning or controlling royalty or other interests in the separate properties of the same producing or prospective geothermal area, may, with the approval of the board, enter into agreements for the purpose of bringing about the cooperative development and operation of all or a part or parts of the area, or for the purpose of bringing about the development or operation of all or a part or parts of such area as a unit, or for the purpose of fixing the time, location, and manner of drilling and operating of wells for the production of geothermal energy. Any such agreement shall bind the successors and assigns of the parties thereto in land affected thereby and shall be enforceable in an action for specific performance. No such agreement when approved by the board hereunder shall be held to violate any of the statutes of this state prohibiting monopolies or acts, arrangements, agreements, contracts, combinations or conspiracies in restraint of trade or commerce.

3757. Any well hereafter drilled for the discovery and production of geothermal energy, which is located within 100 feet of an outer boundary of the parcel of land on which the well is situated, or within 100 feet of a public road or street or highway dedicated prior to the commencement of drilling of the well, is a public nuisance.

3758. Where several contiguous parcels of land in one or different ownerships are operated as a single geothermal energy lease or operating unit, the term "outer boundary line" means the outer boundary line of the lands included in the lease or unit. In determining the contiguity of any such parcels of land, no street, road or alley lying within the lease or unit shall be deemed to interrupt such contiguity.

3759. For the purpose of this chapter, an alley which intersects or lies within any block or other subdivision unit is not a public street or road.

3760. Each day in which the drilling of any well is carried on, or on which it is permitted to produce geothermal energy in violation of this chapter is a separate nuisance.

3761. The provisions regarding the location of geothermal energy wells do not apply to any wells producing geothermal energy on the effective date of this act.

3762. The lessor, lessee, or any operator or any well owner, or the owner of any rig, derrick, or other operating structure, or his local agent, shall within five days from the date of the service of any order from the supervisor or a district deputy, either comply with the order or file with the supervisor or the district deputy a written statement that the order is not acceptable, and that appeal from the order is taken to the Geothermal Energy Board under the provisions of this chapter.

Any such appeal shall operate as a stay of any order issued under or pursuant to the provisions of this chapter.

3763. Immediately upon filing of a notice of appeal, the supervisor, as secretary of the board, shall call a meeting of the board to hear and pass upon the appeal.

The hearing upon the appeal before the board shall be de novo and at such place as the board may designate.

3764. Within 10 days from the taking of the appeal, 5 days' notice in writing shall be given to the appellant of the time and place of the hearing. For good cause, the board may postpone the hearing, on the application of the appellant or the supervisor, or the district deputy, for not exceeding 5 days.

3765. The board, after hearing, shall affirm, set aside, or modify the order from which the appeal is taken, as determined by a majority of the whole board.

Within 10 days after hearing the evidence, the board shall make a written decision with respect to the order appealed from. The decision of the board shall forthwith be filed with the supervisor and upon such filing shall be final. In case the order is affirmed or modified, the board shall retain jurisdiction until such time as the work ordered to be done by the order is finally completed.

The written decision shall be served upon the owner or his agent and shall supersede the previous order of the supervisor. In case no written decision is made by the board within 30 days after the date of notice of hearing as provided in Section 3764, the order of the supervisor shall be effective upon the supervisor's notifying the owner or his agent that the board has failed to make a decision and subject only to review by writ of certiorari from the superior court as provided in this chapter

3766. The decision of the board, or in the event the board fails to make a decision within 30 days after notice of hearing, then the order of the supervisor, may be reviewed by writ of certiorari from the superior court of the county in which the well, or wells, affected by the order is situated, if taken within 10 days after the service of the decision upon the owner, operator, or agent of the owner or operator, as provided in Section 3765; or if the board fails to make a decision, then within 10 days after the supervisor notifies the owner, operator or agent of the owner or operator of such fact, or within 10 days after decision by the board upon a petition by the supervisor. The writ shall be made returnable not later than 10 days after its issuance and it shall direct the board to certify their record in the cause to the court. On the return day the cause shall be heard by the court unless for good cause it is continued, but no continuance shall be permitted for a longer period than 30 days.

3767. No new or additional evidence shall be introduced in the court, but the cause shall be heard upon the record of

the board. The review shall not be extended further than to determine whether or not:

(a) The board or supervisor acted without or in excess of jurisdiction.

(b) The order, decision, or award was procured by fraud.

(c) The order, decision, rule, or regulation is unreasonable.

(d) The order, decision, regulation, or award is clearly unsupported by the evidence.

3768. If a review is not taken within 10 days, or if taken, in case the decision of the board is affirmed, the lien upon the property shall be enforced in the same manner as are other liens on real property, and shall first be enforced against the owner of the well, against the operator, and against the personal property and fixtures used in the construction or operation thereof, and then, if there is any deficiency, against the land upon which the work is done. Upon the request of the supervisor, the State Controller shall bring an action for the enforcement of the lien in the manner provided in this chapter.

3769. In any proceeding before the board and in any proceeding instituted by the supervisor for the purpose of enforcing or carrying out the provisions of this chapter, or for the purpose of holding an investigation to ascertain the condition of any well or wells complained of, or which in the opinion of the supervisor may reasonably be presumed to be improperly located, drilled, operated, maintained, or conducted, the supervisor and the chairman of the board shall have the power to administer oaths and may apply to a judge of the superior court of the county in which the proceeding or investigation is pending, for a subpoena for witnesses to attend the proceeding or investigation. Upon the application of the supervisor or the chairman of the board, the judge of the superior court shall issue a subpoena directing the witness to attend the proceeding or investigation, and such person shall be required to produce, when directed, all records, surveys, documents, books or accounts in his custody or under his control; except that no person shall be required to attend upon such proceeding, unless he resides within the same county or within 100 miles of the place of attendance.

The supervisor or the chairman of the board may in such case cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in superior courts of this state, and may, upon application to a judge of the superior court of the county within which the proceeding or investigation is pending, obtain a subpoena compelling the attendance of witnesses and the production of records, surveys, documents, books or accounts at such places as the judge may designate within the limits prescribed in this section.

3770. Witnesses shall be entitled to receive the fees and mileage fixed by law in civil causes, payable from the Geothermal Energy Account of the Petroleum and Gas Fund.

3771. In case of the failure or neglect on the part of any person to comply with any order of the supervisor or chairman of the board, or any subpoena, or upon the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, or upon refusal or neglect to appear and attend at any proceeding or hearing on the day specified, after having received a written notice of not less than 10 days prior to such proceeding or hearing, or upon his failure, refusal or neglect to produce books, papers, or documents as demanded in the order or subpoena upon such day, such failure, refusal or neglect shall constitute a misdemeanor. Each day's further failure, refusal, or neglect is a separate and distinct offense.

The district attorney of the county in which the proceeding, hearing, or investigation is to be held, shall prosecute any person guilty of violating this section by continuous prosecution until the person appears or attends or produces such books, papers, or documents, or complies with the subpoena or order of the supervisor or chairman of the board.

3772. The charges levied under this chapter are a lien upon all the property of every kind and nature belonging to persons charged. The lien may be enforced and the charges collected by an action by the State Controller.

A warrant may be issued by the State Controller or his duly authorized representative for the collection of any charges, interest and penalty and for the enforcement of any lien directed to the sheriff or constable, and shall have the same effect as a writ of execution. It may and shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy upon and sale of real property pursuant to a writ of execution.

Notwithstanding any provisions of law to the contrary, the owner of said land may redeem from any execution sale within a period of three years upon payment of interest, penalties and charges as provided in the case of other sales of real property under execution.

The sheriff or constable shall receive, upon the completion of his services pursuant to a warrant, and the Controller is authorized to pay to him the same fees and commissions and expenses in connection with services pursuant to said warrant as are provided by law for similar services pursuant to a writ of execution; provided, that fees for publication in a newspaper shall be subject to approval by the Controller rather than by the court; said fees, commissions and expenses shall be an obligation of the person or persons liable for the payment of said charges and may be collected from such person or persons by virtue of the warrant or in any other manner provided in this chapter for the collection of such charges.

In the event that the lien of the charges, penalties or interest attaches to real property from which geothermal energy is extracted and more than one parcel of property is included within the lien, the Controller may release by certificate as hereinabove provided from the lien of said charges, interest,

penalties and costs, upon payment by the owner of any parcel or parcels of property of his proportionate share of the charges.

The Controller may at any time release all or any portion of the property subject to the lien from the lien or subordinate the lien to other liens if he determines that the charges are sufficiently secured by a lien on other property of the taxpayer or that the release or subordination of the lien will not endanger or jeopardize the collection of such charges. A certificate by the Controller to the effect that any property has been released from the lien herein provided for or that such lien has been subordinated to other liens shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in the certificate.

It is expressly provided that the remedies provided herein of the state shall be cumulative and that no action by the Controller shall be construed to be an election on the part of the state, or of any of its officers, to pursue any remedy hereunder to the exclusion of any other remedy for which provision is made in this chapter.

3773. The Controller shall, on or before the 90th day following the delinquency of any charge, bring an action in the name of the people of the state, in the county in which the property involved in the order is situated, to collect any delinquent charges, together with any penalties or costs, which have not been paid.

3774. The Attorney General, as provided in Section 3102 of the Public Resources Code, shall commence and prosecute any such action to final judgment.

3775. In such actions the record of charges for the Petroleum and Gas Fund, or a copy of so much thereof as is applicable, duly certified by the Controller, showing unpaid charges against any person, is prima facie evidence of the charges, the delinquency, the amount of charges, penalties, and costs due and unpaid, that the person is indebted to the people of the State of California in the amount of charges and penalties therein appearing unpaid, and that all forms of law in relation to the charges have been complied with.

The provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings.

3776. Payment of the penalties and charges, or the amount of the judgment recovered in the action, shall be made to the State Treasurer, and shall be returned and credited to the Petroleum and Gas Fund.

SEC. 2. Notwithstanding any provisions of such chapter, no funds shall be available for expenditure pursuant to Chapter 4 (commencing with Section 3700) of Division 3 of the Public Resources Code, as enacted by Section 1 of this act, unless and until specifically appropriated therefor by the Legislature.

CHAPTER 1484

An act to add Sections 11612.1 and 11612.2 to the Business and Professions Code, relating to the Subdivision Map Act.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 11612.1 is added to the Business and Professions Code, to read:

11612.1. The liability of the improvement security under clause (a) of the second sentence of the third paragraph of Section 11612 shall be confined to:

(a) The performance of the work covered by the agreement or contract between the subdivider and the governing body.

(b) The performance of any changes or alterations in such work; provided, that all such changes or alterations do not exceed 10 percent of the original estimated cost of the improvement.

(c) The maintenance of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished, in the performance of the contract with the governing body.

SEC. 2. Section 11612.2 is added to said code, to read:

11612.2. Where the improvement security required by clause (b) of the second sentence of the third paragraph of Section 11612:

(a) Takes the form of a cash deposit made with the city or county, a suit to recover the amount due the claimant may be maintained against the city or county, as the case may be, as the holder of such deposit.

(b) Takes the form of a surety bond, the right of recovery shall be in a suit against the surety.

(c) Takes the form of an instrument of credit, the cause of action shall be against the financial institution obligating itself on such instrument of credit.

The liability of the holder of, or the obliger on, such improvement security shall not in the aggregate exceed the amount of such improvement security.

CHAPTER 1485

An act to add Section 5578 to the Welfare and Institutions Code, relating to mentally ill persons.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 5578 is added to the Welfare and Institutions Code, to read:

5578. The Department of Mental Hygiene shall receive any person committed by a court to the department as a mentally ill person unless the department determines that such person is not a suitable subject for admission to a state hospital because he is not, to a substantial degree, a danger to himself or other persons, or because he does not require 24-hour-a-day hospital care. If such determination is made, the person shall not be admitted to a state hospital, but shall be returned to the court making the order of commitment, or, in the event he has been admitted pending such determination, he shall be discharged from the state hospital and returned to the court making the order of commitment.

This section does not apply to persons committed by a court to the Department of Mental Hygiene for placement in a designated hospital under Article 1 (commencing with Section 5500) of this part of this code or under provisions of the Penal Code.

CHAPTER 1486

An act to add Section 5551.5 to the Welfare and Institutions Code, relating to mentally ill persons.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 5551.5 is added to the Welfare and Institutions Code, to read:

5551.5. In any county in which a mental health program is reimbursed under the Short-Doyle Act, the clerk of the court shall, before any mentally ill or mentally disordered person is brought before the court, notify the director of the program.

CHAPTER 1487

An act to amend Section 1231 of the Education Code, relating to school districts.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1231 of the Education Code is amended to read:

1231. In any school district in which the average daily attendance for the school year 1963–1964 exceeded 400,000, each member of the city board of education shall receive as compensation for his services the sum of seventy-five dollars ($75) for each meeting of the board actually attended, not to exceed seven hundred fifty dollars ($750) per month. In any school district in which the average daily attendance for the school year 1963–64 exceeded 60,000, and which is not located in a city and county, each member of the city board of education may receive as compensation for his services the sum of fifty dollars ($50) for each meeting of the board actually attended, not to exceed four hundred dollars ($400) in any month. A member may be paid for any meeting when absent if the board by resolution duly adopted and spread upon its minutes finds that at the time of the meeting he is performing services outside the meeting for the school district or districts. The compensation shall be a charge against the funds of the school district. If the city board of education is the governing board of more than one school district the compensation shall be charged against and paid by the respective school districts in the same proportion as the salary of the city superintendent of schools is charged against them. Compensation shall be reduced by an amount equal to any salary or compensation paid to the members of the city board of education from any funds of the city.

CHAPTER 1488

An act to amend Section 355 of the Unemployment Insurance Code, relating to the State Advisory Council.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 355 of the Unemployment Insurance Code is amended to read:

355. The Governor shall appoint a State Advisory Council composed of nine members to act only in an advisory capacity for the purpose of discussing problems relating to the

administration of this division and of making recommendations in regard thereto to the director but no action taken by the Advisory Council shall limit or control the discretion vested by law in the director. Each member appointed to the Advisory Council shall have a thorough knowledge of the Unemployment Insurance Code of this state and have had substantial experience other than as a state or federal employee in connection with its operation. Three members shall represent employers, three shall represent labor and three, one of whom shall be a woman, shall represent the public. The council may select and nominate an executive secretary and the director shall appoint the person so nominated who shall be exempt from civil service, removable by the council and shall receive compensation as determined by the council. Such compensation shall be deemed part of the expenses incurred in the administration of the Unemployment Insurance Code. Members of the council shall not receive any compensation but shall be reimbursed for any necessary expenses incurred by reason of the attendance at meetings of the council. The council shall on January 31st and July 31st of each year and on such other occasions as it deems proper file a written report to the Governor embodying the activities of the council and its recommendations to the director, a copy of which reports shall be filed in the Office of the Secretary of State for purposes of public examination. Any appointment by the director of a person to the position of executive secretary provided by this section shall not be an exempt appointment to which the director is entitled under subdivision (a)(5) of Section 4, Article XXIV of the State Constitution.

CHAPTER 1489

An act to amend Sections 10150, 10150.5, 10151, 10153.3, 10153.6, 10153.7, 10153.8, 10156.2, 10208.5, 10213.5, 10515, 10515.5, 10516, 10518.5, 10518.6, 10518.8, 10519.5, 10588.5 and 10593.5 of, to repeal Sections 10153.9, 10203, 10204, 10206, 10208, 10213, 10518.9, 10583, 10584, 10585, 10586, 10588 and 10593 of, and to add Sections 10201.6 and 10581.6 to, the Business and Professions Code, relating to real estate and mineral, oil and gas licenses.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 10150 of the Business and Professions Code is amended to read:

10150. Application for license as real estate broker shall be made in writing to the commissioner. The application shall be accompanied by the real estate broker license examination fee and by the recommendation of two real estate owners of

the county in which the applicant resides or has his place of business, certifying that the applicant is honest, truthful and of good reputation, and recommending that a real estate broker license be granted to him.

If the applicant has resided, or has engaged in business for less than one year in the county from which the application is made, the application shall also be accompanied by the recommendation of two real estate owners of each of the counties where he has formerly resided or engaged in business during this period of one year prior to the filing of the application, certifying that the applicant is honest, truthful and of good reputation and recommending that a license be granted the applicant.

SEC. 2. Section 10150.5 of said code is amended to read:

10150.5. The commissioner shall not grant a real estate broker license to any person who is not a citizen of the United States

This section shall not affect the right of a noncitizen now holding a real estate broker license to renewal or reinstatement of his license in accordance with the provisions of this chapter.

SEC. 3. Section 10151 of said code is amended to read:

10151. Application for license as real estate salesman shall be made in writing to the commissioner. The application shall be signed by the applicant, and shall be accompanied by the real estate salesman license examination fee and by the recommendation of the broker who is to be his employer, certifying that the applicant is honest, truthful and of good reputation.

SEC. 4. Section 10153.3 of said code is amended to read:

10153.3. The examination for real estate broker license shall, in addition to the requirements of Section 10153, include separate and distinct sessions, devoted to determining that the applicant has both:

(a) An understanding of the legal aspects of real estate.

(b) An understanding of real estate practice.

An applicant for a real estate broker license may, in lieu of meeting the requirements of subdivision (a), submit evidence, satisfactory to the commissioner, of successful completion of a three-unit course in the legal aspects of real estate at an accredited institution of higher learning

An applicant for a real estate broker license may, in lieu of meeting the requirements of subdivision (b), submit evidence, satisfactory to the commissioner, of successful completion of a three-unit course in real estate practice at an accredited institution of higher learning.

As used herein, "accredited institution" shall mean a college or university which either:

(1) Is accredited by the Western Association of Schools and Colleges or by any other regional accrediting agency recognized by the United States Department of Health, Education and Welfare, Office of Education.

(2) In the judgment of the commissioner, has a real estate curriculum equivalent in quality to that of the institutions accredited pursuant to subdivision (1).

SEC. 5. Section 10153.6 of said code is amended to read:

10153.6. All real estate broker licenses issued by the commissioner shall be for a period of four years.

Applicants must qualify in the appropriate examination and satisfy all other requirements prior to issuance of the license.

The four-year license may be renewed upon filing the required application and fee.

SEC. 6. Section 10153.7 of said code is amended to read:

10153.7. All real estate salesman licenses issued by the commissioner shall be for a period of four years.

Applicants must qualify in the appropriate examination and satisfy all other requirements prior to issuance of the license.

The four-year license may be renewed upon filing the required application and fee.

SEC. 7. Section 10153 8 of said code is amended to read:

10153.8. When an applicant for real estate license fails the qualifying examination, he may apply for reexamination by filing the appropriate application and fee.

The application and fee for reexamination must be filed and the reexamination taken within the one-year period following the date the application for examination was filed.

SEC. 8. Section 10153.9 of said code is repealed.

SEC. 9. Section 10156.2 of said code is amended to read:

10156.2. An application on the form prescribed by the commissioner for the renewal of a license, filed before midnight of the last day of the period for which a previous renewal license was issued, accompanied by the applicable renewal fee, entitles the applicant to continue operating under his existing license after its specified expiration date, if not previously suspended or revoked.

SEC. 10. Section 10201.6 is added to said code, to read:

10201.6. Any person who has qualified in an examination for a real estate license shall file the required application and fee for the license within one year thereafter.

SEC. 11. Section 10203 of said code is repealed.

SEC. 12. Section 10204 of said code is repealed.

SEC. 13. Section 10206 of said code is repealed.

SEC. 14. Section 10208 of said code is repealed.

SEC. 15. Section 10208.5 of said code is amended to read:

10208 5. The real estate broker license examination fee is twenty-five dollars ($25). The real estate broker license reexamination fee is twenty-five dollars ($25).

If an applicant fails to appear for the examination within two years from the date of filing his application and fee for the examination, his application shall thereupon lapse and no further proceedings thereon shall be taken.

SEC. 16. Section 10213 of said code is repealed.

SEC. 17. Section 10213.5 of said code is amended to read:

10213.5. The real estate salesman license examination fee

is ten dollars ($10). The real estate salesman license reexamination fee is ten dollars ($10).

If an applicant fails to appear for the examination within two years from the date of filing his application and fee for the examination, his application shall thereupon lapse and no further proceedings thereon shall be taken.

SEC. 18. Section 10515 of said code is amended to read:

10515. Application for license as mineral, oil and gas broker shall be made in writing to the commissioner. The application shall be accompanied by the mineral, oil and gas broker license examination fee and by the recommendation of two real estate owners of the county in which the applicant resides or has his place of business, certifying that the applicant is honest, truthful and of good reputation, and recommending that a mineral, oil and gas broker license be granted to him.

If the applicant has resided, or has engaged in business for less than one year in the county from which the application is made, the application shall also be accompanied by the recommendation of two real estate owners of each of the counties where he has formerly resided or engaged in business during this period of one year prior to the filing of the application, certifying that the applicant is honest, truthful and of good reputation and recommending that a license be granted to the applicant.

SEC. 19. Section 10515 5 of said code is amended to read:

10515.5. The commissioner shall not grant a mineral, oil and gas broker license to any person who is not a citizen of the United States.

This section shall not affect the right of a noncitizen now holding a mineral, oil and gas broker license to renewal or reinstatement of his license in accordance with the provisions of this chapter.

SEC. 20. Section 10516 of said code is amended to read:

10516. Application for license as mineral, oil and gas salesman shall be made in writing to the commissioner. The application shall be signed by the applicant and shall be accompanied by the mineral, oil and gas salesman license examination fee and by the recommendation of the broker who is to be his employer, certifying that the applicant is honest, truthful and of good reputation.

SEC. 21. Section 10518.5 of said code is amended to read:

10518.5. All mineral, oil and gas salesman licenses issued by the commissioner shall be for a period of four years.

Applicants must qualify in the appropriate examination and satisfy all other requirements prior to issuance of the license.

The four-year license may be renewed upon filing the required application and fee.

SEC. 22. Section 10518.6 of said code is amended to read:

10518.6. All mineral, oil and gas broker licenses issued by the commissioner shall be for a period of four years.

Applicants must qualify in the appropriate examination and satisfy all other requirements prior to issuance of the license.

The four-year license may be renewed upon filing the required application and fee.

SEC. 23. Section 10518.8 of said code is amended to read:

10518.8. When an applicant for mineral, oil and gas license fails the qualifying examination, he may apply for reexamination by filing the appropriate application and fee.

The application and fee for reexamination must be filed and the reexamination taken within the one-year period following the date the application for examination was filed.

SEC. 24. Section 10518.9 of said code is repealed.

SEC. 25. Section 10519.5 of said code is amended to read:

10519.5. An application on the form prescribed by the commissioner for the renewal of a license filed before midnight of the last day of the period for which a previous renewal license was issued, accompanied by the applicable fee, entitles the applicant to continue operating under his existing license after its specified expiration date, if not previously suspended or revoked.

SEC. 26. Section 10581.6 is added to said code, to read:

10581.6. Any person who has qualified in an examination for a mineral, oil and gas license shall file the required application and fee for the license within one year thereafter.

SEC. 27. Section 10583 of said code is repealed.

SEC. 28. Section 10584 of said code is repealed.

SEC. 29. Section 10585 of said code is repealed.

SEC. 30. Section 10586 of said code is repealed.

SEC. 31. Section 10588 of said code is repealed.

SEC. 32. Section 10588.5 of said code is amended to read:

10588.5. The mineral, oil and gas broker license examination fee is twenty-five dollars ($25). The mineral, oil and gas broker license reexamination fee is twenty-five dollars ($25).

If an applicant fails to appear for the examination within one year from the date of filing his application and fee for the examination, his application shall thereupon lapse and no further proceedings thereon shall be taken.

SEC. 33. Section 10593 of said code is repealed.

SEC. 34. Section 10593.5 of said code is amended to read:

10593.5. The mineral, oil and gas salesman license examination fee is ten dollars ($10). The mineral, oil and gas salesman license reexamination fee is ten dollars ($10).

If an applicant fails to appear for the examination within one year from the date of filing his application and fee for the examination, his application shall thereupon lapse and no further proceedings thereon shall be taken.

SEC. 35. This act shall become operative on January 2, 1966, and shall be applicable to all applications for real estate licenses pending on that date. Original real estate salesman licenses and second, successive one-year licenses issued prior to the effective date shall be subject to all of the provisions of this act and the holder of such license shall not be issued

a four-year license without first passing the qualifying examination therefor.

CHAPTER 1490

An act to add Section 24045.5 to, and to repeal Section 24045.1 of, the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1 Section 24045.5 is added to the Business and Professions Code, to read:

24045.5. The department in its discretion may issue a temporary retail license when all the following conditions exist:

(a) The premises shall have been operated under a retail license of the same type within 30 days of the date of filing the application for temporary license of such type.

(b) The retail license of the same type shall have been surrendered pursuant to rules of the department.

(c) The applicant for the temporary license shall have filed with the department an application for transfer of the retail license of the same type at such premises to himself.

(d) The application for the temporary license shall be accompanied by a temporary license fee of fifty dollars ($50).

A temporary license issued by the department pursuant to this section shall be for a period not to exceed 60 days. A temporary license may be renewed at the discretion of the department for an additional 60-day period upon payment of an additional fee of fifty dollars ($50) and upon compliance with all conditions required herein. A temporary license is a conditional license and authorizes the holder thereof to purchase alcoholic beverages only by payment in currency or certified check for such alcoholic beverages on or before they are delivered to him and to sell such alcoholic beverages to consumers only and not for resale.

Refusal by the department to issue or renew a temporary license shall not entitle the applicant to petition for such license pursuant to Section 24011, or to a hearing pursuant to Section 24012. The provisions of Articles 2 (commencing with Section 23985) and 3 (commencing with Section 24011) of this chapter shall not apply to temporary licenses.

Notwithstanding any other provision of law, a temporary license may be canceled or suspended summarily at any time if the department determines that good cause for such cancellation or suspension exists The provisions of Chapter 8 (commencing with Section 24300) of this division shall not apply to temporary licenses

Application for a temporary license shall be on such form as the department shall prescribe If an application for temporary license is withdrawn before issuance or is refused by the department, the fee which accompanied such application shall be refunded in full, and Sections 23959 and 23960 shall not apply. Fees received by the department for issuance of temporary licenses shall be deposited in the Alcohol Beverage Control Fund as provided in Section 25761.

SEC. 2. Section 24045.1 of said code is repealed.

CHAPTER 1491

An act to add Section 18007.1 to the Elections Code, relating to tabulation of ballots.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 18007.1 is added to the Elections Code, to read:

18007.1. In the event ballots for any primary, presidential primary, or general election are counted by means of electronic or electromechanical devices as authorized by Chapter 7 (commencing with Section 15400) of Division 9, or punch-card voting devices as authorized by Chapter 8 (commencing with Section 15600) of Division 9, the board of supervisors in lieu of the procedure outlined in Sections 18006 and 18007 may provide for early tabulation, ascertainment, and announcement of the returns of the elections as otherwise provided in this chapter and in a manner which will be consistent with the use of the tabulating devices. The officer conducting the election may select specific precincts, which may be less than all the precincts used at the election, at which the early tabulation will be made and he may determine the number of ballots to be so tabulated. Such tabulation shall not commence until after the closing of all polls in this state.

CHAPTER 1492

An act to add Section 15407.2 to the Elections Code, relating to the counting of votes.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 15407.2 is added to the Elections Code, to read:

15407.2. The county central committee of each qualified political party may employ, and may have present at the central counting place or places, not more than two qualified data processing specialists or engineers to check and review the preparation and operation of the tabulating devices, their programming and testing, and have such specialists or engineers in attendance at any or all phases of the election.

CHAPTER 1493

An act to add Article 6.5 (commencing with Section 18720) to Chapter 2, Division 8 of the Business and Professions Code, relating to boxing and wrestling.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Article 6.5 (commencing with Section 18720) is added to Chapter 2, Division 8 of the Business and Professions Code, to read:

Article 6.5. Closed Circuit Telecast Revenue

18720. As used in this article:

(a) "Contest, match, or exhibition," means a boxing or wrestling contest, match, or exhibition.

(b) "Person" includes an individual club, firm, corporation, partnership, or organization.

18721. Every person who charges and receives an admission fee for exhibiting a simultaneous telecast of any live, current, or spontaneous boxing or sparring match, or wrestling exhibition or performance on a closed circuit telecast viewed within this state shall, within 72 hours after such event, furnish to the commission a verified written report on a form which is supplied by the commission showing the number of tickets issued or sold, and the gross receipts therefore without any deductions whatsoever. Such person shall also, at the same time, pay to the commission a tax, exclusive of federal taxes thereon, of one cent ($0.01) for each twenty cents ($0.20) or fraction thereof, of the amount paid for admission to the showing of the contest, match, or exhibition. In no event, however, shall the tax be less than twenty-five dollars ($25). The tax shall apply uniformly at the same rate to all persons subject to the tax. The tax on admission applies to the amount actually paid for admission, and not to the regular established price. No tax is due in the case of a person admitted free of charge.

18722. Whenever any person fails to make a report of a closed circuit television showing of any contest, match, or ex-

hibition within the period prescribed by Section 18720 or whenever such report is unsatisfactory to the commission, the executive officer may examine or cause to be examined the books and records of the person and subpoena and examine under oath the person or its officers and other persons as witnesses for the purpose of determining the total amount of the gross receipts of a closed circuit television showing of any contest, match, or exhibition and the amount of tax due pursuant to this article, which tax he may upon and as the result of such examination fix and determine.

18723. In case of default in the payment of any tax ascertained to be due under this article, for a period of 30 days after notice to the delinquent person of the amount fixed by the executive officer, the Attorney General, in the name of the people of the State of California, may institute an action to recover the amount of tax determined to be due.

18724. The violation of any provision of this article is a misdemeanor.

CHAPTER 1494

An act to amend Sections 7900 and 7905 of the Welfare and Institutions Code, relating to handicapped children.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 7900 of the Welfare and Institutions Code is amended to read:

7900. There is in the state government a Coordinating Council on Programs for Handicapped Children. The council shall be composed of the Director of Education, the Director of Mental Hygiene, the Director of Public Health, the Director of Rehabilitation, the Director of Social Welfare, and the Director of the Youth Authority. The council shall annually elect a chairman from among its membership. The chairmanship shall rotate annually so that each member is chairman for one year in each six years, and so that the order of rotation established in the first six years shall be repeated thereafter for each succeeding six-year period.

SEC. 2. Section 7905 of said code is amended to read:

7905. The State Departments of Education, Mental Hygiene, Public Health, Rehabilitation, Social Welfare, and the Youth Authority shall cooperate with and furnish such information, records and documents, as the council may request, shall make available such facilities as the council needs, and perform such staff services and functions as the council may direct in order to carry out the provisions of this division.

CHAPTER 1495

An act to add Chapter 10.5 (commencing with Section 29660) to Part 2, Division 10 of the Public Utilities Code, relating to the San Francisco Bay Area Rapid Transit District.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 10.5 (commencing with Section 29660) is added to Part 2, Division 10 of the Public Utilities Code, to read:

CHAPTER 10.5. SPECIAL SERVICE DISTRICTS

Article 1. Proposal of Formation

29660. One or more special service districts for any of the purposes in which the district is authorized to engage may be created within the boundaries of the district. Such special service districts may consist of one or more cities, with or without unincorporated territory, or unincorporated territory alone. Cities or unincorporated territory included within a special service district may be in the same or separate counties and need not be contiguous. No city shall be divided in the formation of such special service district, but a city may be in more than one special service district formed under this chapter.

29661. Proceedings for the creation of a special service district may be initiated by resolution of the legislative body or bodies of the city or cities proposed to be included in such special service district and if unincorporated territory is proposed to be included in such special service district by resolution of the board or boards of supervisors of the county or counties in which such unincorporated territory is situated, or if only unincorporated territory is proposed to be included in such special service district, by resolution of the board or boards of supervisors of the county or counties in which such unincorporated territory is situated. Such resolution or resolutions shall declare that the public interest or necessity demands the creation of a special service district, shall describe its boundaries and shall request the formation of such special service district. When the entire area of a public agency is to be included in the special service district, it may be described by name. Certified copies of the resolution or resolutions shall be filed with the secretary of the district.

29662. As an alternative to the initiation of proceedings for the formation of a special service district by resolution or resolutions, a petition may be filed with the secretary of the district signed by voters equal in number to at least 25 percent of the registered voters registered within the proposed special service district as determined from the affidavits of

registration. The boundaries of the proposed special service district shall be described in the petition; provided, that when the entire area of a public agency is to be included in the special service district, it may be described by name.

29663. The petition shall declare that the public interest or necessity demands the creation of a special service district within the area of the district described in the petition. The petition may include one or more separate documents, but each document shall contain the affidavit of the party who circulated it, certifying that each name signed thereto is the true signature of the person whose name it purports to be.

29664. The secretary of the district shall compare the signatures in the petition with the affidavits of registration on file with the county clerk, and he shall certify to the board as to the sufficiency or insufficiency of the petition.

29665. The following provisions of the Government Code shall not apply to this chapter or any proceeding taken thereunder:

(a) Chapter 6.6 (commencing with Section 54775), Part 1, Division 2 of Title 5, relating to local agency formation commissions.

(b) The District Investigation Law of 1933 (Chapter 2 (commencing with Section 58500), Division 1 of Title 6).

(c) Chapter 3 (commencing with Section 58850), Division 1 of Title 6, relating to county boundary commissions.

(d) Chapter 3.5 (commencing with Section 58900), Division 1 of Title 6, relating to notice of formation or change in boundaries of districts.

29666. Nothing contained herein shall allow the San Francisco Bay Area Rapid Transit District, or any special service district formed hereunder, to exercise any jurisdiction, taxing, or otherwise, over any territory heretofore withdrawn from the San Francisco Bay Area Rapid Transit District pursuant to Chapter 10 (commencing with Section 29650) of the Public Utilities Code, or never annexed thereto pursuant to Chapter 9 (commencing with Section 29500) of the Public Utilities Code.

Article 2. Hearing

29670. Within 30 days after receipt of the resolution or resolutions of the legislative body or bodies or receipt of the certification of the sufficiency of a petition by the secretary of the district, the board shall by resolution designate the special service district as "San Francisco Bay Area Rapid Transit District, Special Service District No. _____ (here insert number)" (all such special service districts shall be numbered consecutively), shall fix a time and place for a hearing on the proposed creation of the special service district and shall not later than five days after fixing the time and place of hearing publish notice thereof.

29671. The notice of hearing shall be published once in a newspaper of general circulation published in the district. The

board, in its discretion, may give such additional notice as it deems desirable.

29672. The time fixed for the hearing shall be not less than ten (10) nor more than thirty (30) days from the date of the publication of the notice.

29673. At or before the hearing, any person interested may file with the secretary of the district written objections to the creation of the special service district or to the inclusion of his property therein. Upon the hearing the board shall hear and determine all protests and objections. The hearing may be continued from time to time by the board without further notice other than an order to be entered upon the minutes of its meeting fixing the time and place of the continued hearing.

29674. If no protests are filed or if the protests filed are overruled and denied by the board, the board shall by resolution approve the creation of the special service district and shall by resolution call an election as provided in Article 3 (commencing with Section 29680).

Article 3. Election

29680. At the time of the approval of the creation of a special service district, the board shall call an election in the territory proposed to be included in the special service district for the purpose of submitting to the voters in such territory the question of whether the special service district shall be created and established.

29681. Such election shall be held within 60 days after the board's approval of the creation of the special service district.

29682. The ballot for the election shall contain such instructions as are required by law to be printed thereon and in addition thereto the following:

Shall the "San Francisco Bay Area Rapid Transit District, Special Service District No. _____ (here insert number)" be created and established?	YES	
	NO	

29683. No person is entitled to vote at the election unless he is a registered voter residing within the territory proposed to be included in the special service district. The election may be held on the same day as any other state, county or city election and may be consolidated.

29684. The costs of the election required by this article shall be borne by the district.

29685. The question of the creation of a special service district shall be canvassed separately for each public agency, or portion thereof, in which an election is held, and the board shall order and declare the special service district created in each public agency, or portion thereof, in which an election was held and in which a majority of those who voted upon the

proposition of creating the special service district voted in favor of the proposition, and excluding each public agency, or portion thereof, in which an election was held and in which a majority of those who voted upon the proposition of creating the special service district voted against the proposition. A certified copy of the resolution declaring the special service district created shall be filed in the office of the Secretary of State, and upon such filing the special service district shall be established.

Article 4. Taxing Subdivision

29690. A special service district has no separate corporate existence, but shall be deemed to be a taxing subdivision of the district, and within each special service district the board may levy and collect or cause to be collected taxes for any lawful purpose in accordance with Chapter 7 (commencing with Section 29120) and Section 29183.

Article 5. Bond Election

29700. At any time after the approval by the board of the creation of a special service district, as provided in Section 29674, the board may provide for the submission of a proposition for the incurring of a bonded indebtedness to be incurred by the district on behalf of the special service district to pay the costs of acquiring, constructing or completing the whole or any portion of any transit facilities, or for acquiring any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes or powers of the district within the boundaries of a special service district created pursuant to this chapter.

29701. The proposition for incurring a bonded indebtedness under Section 29700 may be submitted to the voters at the same election as the proposition to create the special service district held pursuant to Article 3 (commencing with Section 29680), or at an election subsequent to the creation of the special service district.

29702. Except as otherwise provided in this chapter, the provisions of Chapter 8 (commencing with Section 29150) relating to general obligation bonds with the exception of Sections 29150 to 29158, inclusive, shall substantially govern as to all matters pertaining to the manner of calling, giving notice and holding the bond election, the execution, issuance, sale, maturity, redemption, refunding and validation of the bonds authorized by this article, the payment of interest from bond funds, the status of the bonds as investments, the reissuance of bonds, notes, coupons or other evidence of indebtedness which have been lost, destroyed, damaged or mutilated, and past due bonds.

29703. Only those registered voters residing within the boundaries of the special service district shall be entitled to

vote on the proposition for the incurring of a bonded indebtedness. The favorable vote of three-fifths of all the voters voting on the proposition to authorize the issuance of bonds at the election held pursuant to Section 29701 within the special service district as finally established is required to authorize the issuance of the bonds.

29704. Only the property in the special service district shall be taxable for the payment of the principal and interest on special service district bonds. Until the bonds are paid, taxes shall be levied in substantial compliance with Chapter 7 (commencing with Section 29120) and Section 29183.

29705. Any proceedings denying the validity of the creation of any special service district, or of any bonds authorized by the voters thereof, pursuant to this part, shall be brought within three months after the date upon which the applicable proposition is approved by the voters.

Article 6. Annexation

29710. Any territory within the boundaries of the district not included within the boundaries of the special service district to which it is proposed to be annexed, may be annexed thereto in the manner provided in this article; provided that no city shall be divided in the annexation of territory to a special service district.

29711. The board shall by resolution determine that the annexation of the territory will facilitate the acquisition or operation of transit facilities for the special service district, describe the territory, declare its intention to annex the territory to the special service 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 notice of the hearing.

29712. Any public agency or portion thereof included as part of the territory proposed to be annexed to a special service district pursuant to this article may, by resolution of its legislative body, or a petition of its voters filed with the secretary of the district prior to the hearing on annexation, require the submission of an annexation proposition to the voters of the public agency, or portion thereof. However, no election shall be held if the board, pursuant to Section 29719, excludes from the territory to be annexed the public agency, or portion thereof, proposed to be annexed in accordance with its resolution or petition.

29713. The petition for election provided for in Section 29712 shall be signed by voters within any public agency, or portion thereof, included within the boundaries of the territory proposed to be annexed equal in number to at least 10 percent of the registered voters residing within such public agency, or portion thereof. The petition may include one or more documents, but each document shall contain the affidavit of the party who circulated it certifying that each name

affixed thereto is the true signature of the person whose name it purports to be.

29714. The secretary of the district shall compare the signatures with the affidavits of registration on file with the county clerk, and shall certify to the board as to the sufficiency or insufficiency of the petition.

29715. The terms and conditions for the annexation of territory to a special service district may provide, among other matters, for the payment of taxes within the territory to be annexed, in addition to the taxes otherwise provided for in this part, the fixing of rates, rentals, and charges differing from those fixed or existing elsewhere, within the special service district, the making of a payment or payments, or the transfer of property, real and personal, and other assets to the district by the territory proposed to be annexed.

29716. Notice fixing the time and place for hearing on the question of the annexation of territory to a special service district shall be published once in a newspaper of general circulation published in the district. The board, in its discretion, may give such additional notice as it deems desirable.

29717. The time of hearing shall be not less than 20 nor more than 60 days from the date of the publication of the notice.

29718. At or before the hearing, any person interested may file with the secretary of the district written objections to the annexation of the territory to the special service district or to the inclusion of his property. Upon the hearing the board shall hear and determine all protests and objections.

29719. The hearing may be continued from time to time by the board without further notice other than an order entered upon the minutes of its meeting fixing the time and place of the continued hearing. In the event that no protests are filed, or the protests filed are overruled and denied, and no election is to be held, the board shall, by resolution, declare the territory, or a portion thereof, annexed to the special service district.

29719.5. If the board finds that protest has been made, prior to the board's final determination for annexation, by the owners of real property within the area to be annexed 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 real property within the area to be annexed, the proceeding shall terminate. The board shall order the proceedings terminated when such protests are received.

29720. From and after the date of filing of the resolution with the secretary of the district, the annexation of the territory, or portion thereof, to the special service district is complete.

29721. If an election is required to be held, pursuant to the provisions of Section 29712, the board shall call such election within 60 days after the petition or resolution is filed with the secretary of the district; provided that if a general elec-

tion is to be held within the petitioning public agency within 120 days after the petition or resolution is filed with the secretary of the district, the board may consolidate the election required by this article with the general election.

29722. The ballot for the election shall contain such instructions as are required by law to be printed thereon and in addition thereto the following:

Shall territory in _____ (giving name of public agency or portion thereof) be annexed to San Francisco Bay Area Rapid Transit District, Special Service District No. _____ (here insert number)?	YES
	NO

29723. No person is entitled to vote at the election unless he is a voter of the public agency, or portion thereof, requesting the election. The election may be held on the same day as any other state, county or city election and may be consolidated.

29724. The costs of the election required by this article shall be borne by the district.

29725. The question of the annexation of territory to a special service district shall be canvassed separately for each public agency, or portion thereof, in which an election is held, and the board shall order and declare the territory annexed to the special service district in each public agency, or portion thereof, in which an election is held and in which a majority of those who voted upon the proposition of annexation of territory to the special service district voted in favor of the proposition, and excluding each public agency, or portion thereof, in which an election was held and in which a majority of those who voted upon the proposition of the annexation of territory to the special service district voted against the proposition.

29726. Upon the completion of the annexation of any territory, in accordance with law, to any city included in a special service district, the city clerk shall file with the secretary of the district a certified copy of the ordinance, resolution or other document completing said annexation containing a description of the property so annexed. Unless the district within 90 days after such filing shall file with the city clerk the district's written objections to the annexation to the special service district of said territory, such territory shall, upon the termination of such period, be deemed incorporated into and annexed to the special service district, and thereafter is subject to taxation along with the entire territory of the special service district in accordance with the assessable valuation of the property thereof for special service district purposes, and for the payment of any indebtedness theretofore or thereafter incurred by the special service district.

29727. If the district shall file its objections, in the manner provided in Section 29726, to the annexation to a special service district of territory annexed to a city included in a special service district, the territory shall not be annexed to the special service district, except in the manner heretofore provided in this Article 6 (commencing with Section 29710). The district may withdraw such objections by filing with the city clerk a certified copy of a resolution of the board stating that such objections are withdrawn. Thereupon such territory shall be deemed incorporated into and annexed to the special service district, as provided in Section 29726.

Article 7. Dissolution

29740. A special service district may be dissolved by resolution of the board if any proposition for the incurring of a bonded indebtedness fails to carry, and if the special service district is then subject to no other indebtedness or liability pursuant to this part and has been organized for not less than two years. Dissolution of a special service district shall not prevent subsequent proceedings for the creation of a special service district including the same or any part of the area of the special service district dissolved.

CHAPTER 1496

An act to add Section 31000.1 to the Government Code, relating to county employees.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 31000.1 is added to the Government Code, to read:

31000.1. The board of supervisors may appoint commissions or committees of citizens to study problems of general or special interest to the board and to make reports and recommendations to the board. The members of such commissions need not be specially trained or experienced with respect to the matters to be studied. The board may pay from any available funds such actual and necessary expenses of travel, lodging, and meals for the members of such commissions while on official business as may be approved by the board.

CHAPTER 1497

An act to amend Section 33200 of, to amend and renumber Sections 33201 and 33202 of, and to add Sections 33201, 33202 and 33203 to, the Health and Safety Code, relating to community redevelopment.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 33200 of the Health and Safety 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, except as otherwise provided in this article, shall be vested in the legislative body of the community.

SEC. 2. Section 33201 of said code is amended and renumbered to read:

33204. A chartered city may enact its own procedural ordinance and exercise the powers granted by this part.

SEC. 3. Section 33201 is added to said code, to read:

33201. A legislative body which has declared itself to be the agency pursuant to Section 33200 may by ordinance create a community redevelopment commission. The number of members thereof, their terms of office and the method of their appointment and removal shall be as provided by ordinance; provided, however, (1) that each community redevelopment commission shall have at least seven members; (2) that no member thereof shall acquire any interest in any property included within a project area; and (3) that each member who owns or has any direct or indirect financial interest in such property shall immediately make a written disclosure of it to the legislative body.

SEC. 4. Section 33202 of said code is amended and renumbered to read:

33205 An agency is authorized to delegate to a community any of the powers or functions of the agency with respect to the planning or undertaking of a redevelopment project in the area in which such community is authorized to act, and such community is hereby authorized to carry out or perform such powers or functions for the agency.

SEC. 5 Section 33202 is added to said code, to read:

33202. If a community redevelopment commission is created as provided in Section 33201, its functions shall be to prepare a redevelopment plan for each project area, hold and conduct hearings thereon, adopt and submit such plan, together with a report, to the legislative body, pursuant to all of the

provisions, requirements and procedures of Article 4 (commencing with Section 33330) of Chapter 4 of this part; and the agency, in such case, shall not be required to perform such functions. The community redevelopment commission shall also perform such advisory functions as may be delegated to it by the legislative body.

SEC. 6. Section 33203 is added to said code, to read:

33203. A legislative body which has declared itself to be the agency pursuant to Section 33200 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 or seven resident electors of the community as members of the agency, and, upon such appointment, the community redevelopment commission, if any, shall no longer function.

CHAPTER 1498

An act to add Division 22 (commencing with Section 77000) to the Water Code, relating to sanitation authorities.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Division 22 (commencing with Section 77000) is added to the Water Code, to read:

PART 1. INTRODUCTORY PROVISIONS

CHAPTER 1. SHORT TITLE

77000. This division shall be known and may be cited as the Sanitation Authority Act.

CHAPTER 2. DEFINITIONS

77100. Unless the context otherwise requires, the provisions of this chapter govern the construction of this division.

77101. The definition of a word applies to any of its variants. "Authority" means a sanitation authority formed pursuant to this division.

77102. "Public agencies" means a municipal corporation of the state, any municipal water district, public utility district, sanitary district, sanitation district, county water district, California water district, organized under the laws of the State of California, or any other public corporation or agency of the state with power to acquire, construct and operate facilities for the collection, treatment and disposal of sewage, waste and storm water of the agency and its inhabitants.

77103. "Member agency" means a public agency which is a member of an authority.

77104. "Board" means the board of directors of an authority.

77105. "Principal county" means the county in which the greater portion of an authority or a proposed authority is situated.

77106. "Affected county" means any county in which the land of an authority or proposed authority, is situated.

77107. "President" means the president of the board of directors of an authority.

77108. "Secretary" means the secretary of an authority.

CHAPTER 3. GENERAL PROVISIONS

77200. The inclusion in, or annexation or addition to, an authority, of the territory of any public corporation or agency shall not destroy the identity or legal existence and powers of such public corporation or agency.

77201. Except with respect to formation proceedings, in any authority containing lands situated in more than one county, all papers required by this division to be filed with a county clerk shall be filed with the secretary.

77202. Except as otherwise provided in this division, procedure relating to formation, annexation, dissolution, exclusion, fiscal matters, and taxation in authorities containing lands situated in more than one county shall conform as near as may be to such provisions with respect to authorities containing lands situated in one county.

77203. Proposals for the formation or dissolution of, annexations to, and exclusions of territory from a sanitation authority shall be subject to the jurisdiction of the local agency formation commission in the counties affected pursuant to the provisions of Chapter 6.6 (commencing with Section 54773) of Part 1, Division 2, Title 5 of the Government Code and Part 4 (commencing with Section 56250) of Division 1 of Title 6 of the Government Code.

PART 2. FORMATION

CHAPTER 1. TERRITORY

77500. Two or more public agencies of any county or counties, whether such agencies include unincorporated territory only or incorporated territory of any city or cities, or both, such incorporated and unincorporated territory, may organize an authority under the provisions of this division consisting of the territory of the agencies without any requirement of contiguity.

CHAPTER 2. RESOLUTIONS OF INTENTION

77600. The governing body of a public agency may by majority vote of a majority of its members declare the intention of the public agency to form a sanitary authority with one or more other public agencies. The resolution shall:

(a) State the name of the proposed sanitary authority.

(b) State the names of each public agency desiring to form such an authority.

(c) State that the initial territory of the proposed authority shall be the combined territory of each public agency which becomes a member agency of the authority, if formed, as said territory exists in each agency at the time of the adoption of such a resolution.

(d) Fix a time and place within its boundaries when and where a hearing will be held before the governing body as to whether such an authority should be formed and whether the public agency should become a member agency of the authority. The date of the hearing shall be set not less than 40 nor more than 90 days after the adoption of the resolution.

(e) Direct publication of the resolution in a newspaper of general circulation printed and published within the public agency pursuant to Section 6061 of the Government Code at least two weeks prior to the date set for said hearing, or if there is no such newspaper, the posting of copies of said resolution at three public places within the public agency at least two weeks prior to the date set for said hearing.

77601. The governing body of each public agency adopting the resolution referred to in Section 77600 shall forthwith forward a certified copy of said resolution to the governing body of each affected public agency.

CHAPTER 3. FORMATION HEARING

77700. At the time and place specified in the resolution required by Section 77600, the governing body of each public agency shall hold a public hearing on the questions of whether such an authority should be formed, and if so, whether the public agency should be a member agency. At the hearing the governing body shall:

(a) Hear and consider all relevant evidence presented on the question of whether an authority should be formed, and if so, whether the public agency should become a member agency.

(b) Receive written protests against the public agency being a member agency of the authority, if formed, by the owners of record of real property situated within the public agency. The protests shall describe the land owned by the protestor within the public agency.

77701. As soon as practicable after completion of the hearings described in Section 77700, the governing body of each

participating public agency shall adopt a resolution which shall:

(a) Declare the finding of the governing body as to whether the authority should be formed and if so, whether the public agency should become a member agency of the authority.

(b) Determine the total assessed valuation of the public agency, exclusive of personal property, as shown on the last equalized assessment rolls of the affected counties, and the total assessed valuation as shown on the same rolls, of real property within the public agency, the owners of which filed written protests to the inclusion of the public agency in the proposed authority as provided for in Section 77700.

(c) If the above-described written protests exceed 50 percent of the total assessed valuation as above found, then the public agency shall not become a member agency of the authority, if formed, by virtue of proceedings heretofore taken.

(d) If not precluded by subdivision (d), and if consistent with subdivision (a) of this section, declare that the authority is formed, and its initial territory is the territory of each public agency named in the resolutions required by Section 77600, provided that each public agency named in said resolution adopts a resolution as required by this section also declaring the formation of the authority.

77702. Upon adoption of the resolutions required by Section 77701, the governing body of each affected public agency shall cause a certified copy of the resolution to be forwarded to the board of supervisors of the principal county.

CHAPTER 4. ESTABLISHMENT OF AUTHORITY

77800. Within 14 days after receipt of each of the resolutions required by Section 77701, the board of supervisors shall determine whether or not each affected agency has adopted a resolution declaring the authority formed provided that each public agency named in the resolution required by Section 77600, adopts a resolution as required by Section 77701 also declaring the formation of the authority. If each affected public agency has not adopted a resolution declaring the authority formed, the board of supervisors shall by order entered into its minutes find and determine that the proposed authority has not been formed by reason of proceedings theretofore taken pursuant to this division. If each affected public agency has adopted a resolution declaring the formation of the authority, the board of supervisors shall by order entered into the minutes declare that the territory of each affected public agency as constituted at the time of the adoption of their respective resolutions required by Section 77600 to be formed as a sanitation authority under the designated name.

77801. The county clerk shall immediately cause to be recorded in the office of the county recorder of each affected county, a certificate stating that the authority has been formed.

The county clerk shall immediately cause to be filed with the Secretary of State a certificate listing:

(a) The name of the authority.

(b) The date of formation.

(c) The county or counties in which the authority is located, and a description of the boundaries of the authority, 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 authority organized contains all of the information required to be in the last-mentioned certificate, the clerk may file a copy of the order with Secretary of State in lieu of the certificate.

77802. Upon the receipt of the county clerk's certificate, or a copy of the order declaring the authority organized, the Secretary of State shall, within 10 days, issue his certificate reciting that the sanitation authority, naming it, has been duly incorporated according to the laws of the state.

77803. A copy of the Secretary of State's certificate shall be transmitted to and filed with the county clerk of each affected county.

77804. From and after the date of filing, the county clerk's certificate with the Secretary of State, the authority named therein is incorporated as an authority with all the rights, privileges, and powers set forth in this division, and necessarily incident thereto.

77805. No informality in any proceeding, or in the conduct of any election, not substantially affecting adversely the legal rights of any citizen, shall invalidate the incorporation of any sanitation authority.

77806. Any proceeding wherein the validity of the incorporation of an authority is denied shall be commended within three months from the date of the Secretary of State's certificate of incorporation; otherwise the incorporation and legal existence of the authority and all proceedings in respect thereto, shall be held to be valid and in every respect legal and incontestable.

PART 3. INTERNAL ORGANIZATION

CHAPTER 1. BOARD OF DIRECTORS

78000. The board is the governing body of an authority.

78001. The board shall consist of at least one representative from each member agency. Such representatives shall be designated and appointed by the chief executive officers of said member agencies respectively, with the consent and approval of their respective governing bodies. Members of the board shall hold office for a term of four years, and until their successors have been appointed and qualified, except the terms of office of the first board shall be determined by lot so that the terms of office of not less than one-half of the members

shall be for two years and the remainder for four years. Each member shall be subject to recall in accordance to the recall provisions applicable to his member agency or by majority vote of a majority of the members of the governing body of his member agency.

As a member of the board each representative shall be entitled to one vote for each five million dollars ($5,000,000) of assessed valuation, or major fractional part thereof, of property taxable for authority purposes in the member agency represented by him as shown on the last equalized assessment roll of the county and evidenced by the certificate of the county auditor, provided each representative shall have at least one vote and no representative shall have votes exceeding in number the total votes of the other representatives.

If the above provisions mean that a board shall consist of less than five representatives, the member agencies shall appoint additional representatives until a total of five is reached as follows: The member agency having the highest assessed valuation shall appoint an additional representative, then the member agency with the next highest assessed valuation shall appoint an additional representative, and so on until a total of five representatives is reached. Representatives appointed pursuant to this paragraph term of office is only so long as their appointment is required to maintain a board of at least five members.

Representatives appointed hereunder from the same member agency have no duty to vote as a unit.

78002. The governing bodies of the respective member agencies shall advise the clerk of the board of supervisors of the principal county of each person appointed by their agency to the first board of directors The clerk shall thereupon convene the first meeting of the board in the meeting room of the board of supervisors in the county seat of said county. At said such meeting, the board shall elect from its membership a president, and a vice president, fix the time and place for regular meetings of the board, and carry on any other affairs of the authority.

78003. At the first regular meeting of the board in January of odd-numbered years, election of the officers of president and vice president, from the membership of the board shall be held.

78004. A majority of the board shall constitute a quorum for the transaction of business; however, no ordinance, motion or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board.

78005. The board shall act only by ordinance, resolution, or motion.

78006. On all ordinances the roll shall be called and ayes and noes recorded in the journal of the proceedings of the board.

78007. Resolutions and motions may be adopted by voice vote, but on demand of any member of the board the roll shall be called.

78008. Votes of the members of the board shall not be cast or exercised by proxy.

78009. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of _____ Sanitation Authority as follows:"

78010. Any executive, administrative, and ministerial powers may be delegated and redelegated by the board to any of the offices created by this part or by the board.

78011. The board may fix the time and place or places at which its regular meetings will be held and shall provide for the calling and holding of special meetings.

78012. The board may fix the location of the principal place of business of the district and the location of all offices and departments maintained under this division.

78013. The board may prescribe, by ordinance, a system of business administration.

78014. The board may create any necessary offices and establish and reestablish the powers, duties, and compensation of all officers and employees.

78015. The board may require and fix the amount of all official bonds necessary for the protection of the funds and property of all officers and employees.

78016. The board may prescribe, by ordinance, a system of civil service.

78017. The board may, by ordinance, delegate and redelegate to the officers of the authority the power to employ clerical, legal, and engineering assistants and labor.

78018. The board may, by ordinance, delegate and redelegate to officers of the authority, under such conditions and restrictions as shall be fixed by the board, the power to bind the authority by contract.

78019. The board may prescribe a method of auditing and allowing or rejecting claims and demands.

78020. The board shall designate a depository or depositories to have the custody of the funds of the authority. All such depositories shall give security sufficient to secure the authority against possible loss and shall pay the warrants drawn by the treasurer for demands against the authority under such rules as the directors may prescribe.

78021. An authority may issue bonds, borrow money, and incur indebtedness as authorized by law or this division.

78022. An authority may refund such bonds, loans, or indebtedness, by the issuance of the same obligations following the same procedure, or retire any indebtedness or lien that may exist against the authority or its property.

CHAPTER 3. OFFICERS AND EMPLOYEES

79000. 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.

Each of these officers shall serve at the pleasure of the board.

79001. The board may employ such additional assistants and employees as it deems necessary to efficiently maintain and operate the authority.

79002. The board may consolidate the offices of secretary and treasurer.

79003. The president and secretary, in addition to the duties imposed on them by law, shall perform such duties as may be imposed on them by the board

79004. The treasurer, or such other person or persons as may be authorized by the board, shall draw checks or warrants to pay demands when such demands have been audited and approved in the manner prescribed by the board.

79005 Subject to the approval of the board of directors, the general manager shall have full charge and control of the maintenance, operation, and construction of the sewage, waste and storm water systems of the authority, with full power and authority to employ and discharge all employees and assistants, other than those referred to in Section 79000, at pleasure, prescribe their duties, and fix their compensation.

79006. The general manager shall perform such duties as may be imposed on him by the board. He shall report to the board in accordance with such rules and regulations as it may adopt.

79007. The attorney shall be the legal adviser of the authority and shall perform such other duties as may be prescribed by the board.

79008. The general manager, secretary, and treasurer, together with such other employees or assistants of the authority as are designated by the board, shall give such bonds to the authority conditioned for the faithful performance of their duties as the board from time to time may provide. The premiums on the bonds shall be paid by the authority.

CHAPTER 4 PROHIBITED INTERESTS IN CONTRACTS

80000. Except as provided in Section 80002, no director shall in any manner be interested, directly or indirectly, in any contract awarded or to be awarded by the board, and no officer or employee of an authority shall, in any manner, be interested, directly or indirectly, in any contract made by such officer or employee pursuant to discretionary authority vested in him, or in the benefits to be derived therefrom

80001. For any violation of Section 80000, a director or other officer or employee of an authority is guilty of a misdemeanor.

80002. The holding of an interest in a contract or instrument by a director, officer, employee or his derivation of benefit therefrom, shall not invalidate the contract or instrument, or constitute a violation of any law, in either of the following cases:

(a) If the director or other officer or employee owns or controls, directly or indirectly, not more than 5 percent of the outstanding stock or securities of the contracting corporation.

(b) If the contract or instrument is entered into pursuant to the provisions of any ordinance or regulation of the authority of uniform application, and such ordinance or regulation was effective prior to the execution of such contract or instrument.

PART 4. POWERS AND PURPOSES

CHAPTER 1. POWERS GENERALLY

82000. An authority may exercise the powers which are expressly granted by this division or are necessarily implied.

82001. An authority may:

(a) Have perpetual succession

(b) Adopt a seal and alter it at pleasure

82002. An authority may make contracts, employ labor, and do all acts necessary for the full exercise of its powers.

82003. An authority may provide, by ordinance, for the pensioning of officers or employees, for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them.

82004. An authority may, in the ordinance providing for the pensioning of officers and employees, create a special fund for the purpose of paying such pensions and provide for the accumulation of contributions to this fund from revenues of the authority, wages of officers or employees, voluntary contributions, gifts, donations, or any source of revenue not inconsistent with the general powers of the board.

82005. An authority may contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of the authority officers or employees.

82006. An authority may disseminate information concerning the right, properties, and activities of the authority.

CHAPTER 2. SEWAGE, WASTE AND STORM WATER DISPOSAL

82100. An authority may acquire, construct and operate facilities for the collection, treatment and disposal of sewage, waste and storm water delivered to it by its member agencies. It may prescribe, revise and collect rates or other charges for the services and facilities furnished by it pursuant to this chapter. Such facilities shall not be made directly available

to the inhabitants of a member agency without the authority first receiving the permission from the member agency involved.

82101. Where an authority has facilities situated outside its boundaries constructed or acquired in furtherance of an authorities power to acquire, construct and operate facilities for the collection, treatment and disposal of sewage, waste and storm water delivered to it by its member agencies, the authority may allow individual connections to such facilities to service property outside its boundaries whenever no public agency exists which can reasonably offer such service, if decision so to do is made by the affirmative vote of two-thirds the total vote at the disposal of the members of the board, provided such connections are for only such period of time that suitable works of other public agencies are not available and upon such other terms and conditions as the board deems proper.

CHAPTER 3. OTHER FUNCTIONS

82200. An authority may construct, maintain, and improve public recreational facilities appurtenant to any facilities of the authority for the purpose of collection, treatment and disposal of sewage, waste and storm waters delivered to the authority by its member agencies. It may, by ordinance, provide regulations binding upon all persons to govern the use of such facilities, including regulations imposing reasonable charges for the use thereof. Violation of any such regulation is a misdemeanor punishable by imprisonment in the county jail for not more than 30 days, or by fine not exceeding three hundred dollars ($300), or by both such imprisonment and fine.

CHAPTER 4. PROPERTY

82300. An authority may, within or without the authority:

(a) Take real and personal property of every kind by grant, purchase, gift, device, or lease.

(b) Hold, use, enjoy, lease, or dispose of real and personal property of every kind.

82301. An authority 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 carry out any powers of the authority. In proceedings relative to the exercise of such right, the authority shall have all of the rights, powers and privileges of a city; provided, the authority, in exercising such right, shall, in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railway, mains, pipes, conduits, wires, cables, or poles of any public utility which is required to be removed to a new location.

An authority shall not exercise the right of eminent domain, under this section, for the condemnation of property outside the boundaries of the authority, unless it first obtains the consent thereto of the board of supervisors of the county in which such property is located.

82302. An authority may construct works along and across any stream of water, watercourse, street, avenue, highway, canal, ditch, or flume, or across any railway which the route of the works may intersect or cross. Such works shall be constructed in such manner as to afford security for life and property, and the authority shall restore the crossings and intersections to their former state as near as may be, or in a manner so as not to have impaired unnecessarily their usefulness.

82303. Every company whose right-of-way is intersected or crossed by authority works shall unite with the authority in forming the intersections or crossings and grant the rights therefor.

82304. The right is hereby granted to locate, construct, and maintain authority works along and across any street or public highway and on any lands which are now or hereafter owned by the state; and an authority has the same rights and privileges appertaining thereto as have been or may be granted to cities within the state.

82305. Any use by the authority of a public highway now or hereafter constituted a state highway, shall be subject to the provisions of Chapter 3 (commencing with Section 660) of Division 1 of the Streets and Highways Code.

Chapter 5. Contracts

82400. As used in this chapter:

(a) "Public agency" means and includes the United States or any department or agency thereof, the state or any department or agency thereof, and a county, city, public corporation, or public district of the state.

(b) "Private corporation" means and includes any private corporation organized under the laws of the United States or of this or any other state thereof.

82500. An authority may join with one or more public agencies, private corporations, or other persons for the purpose of carrying out any of the powers of the authority, and for that purpose may contract with such other public agencies, private corporations, or persons to finance acquisitions, construction and operations.

82501. The contracts, with other public agencies, private corporations, or persons may provide for contributions to be made by each party thereto, for the division and apportionment of the benefits, the services, and products therefrom. Such contracts may also provide for an agency to effect the acquisitions and to carry on the operations, and shall provide in the powers and methods of procedure for such agency the

method by which the agency may contract. Such contracts may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof.

82502. An authority may prescribe methods for construction of works and for the letting of contracts for any of the following purposes.

(a) The construction of works, structures or equipment

(b) The performance of furnishing of labor, materials, or supplies, necessary or convenient for carrying out any of the purposes of this division.

(c) The acquisition or disposal of any real or personal property.

82503. When the expenditure required for an authority project exceeds two thousand five hundred dollars ($2,500), it shall be contracted for and let to the lowest responsible bidder after notice. In its discretion, the board may reject any bids presented and readvertise. If two or more bids are the same and the lowest, the board may accept the one it chooses. If no bids are received the board may have the project done without further complying with this section.

82504. The board may, from time to time, establish the manner of calling for bids and letting contracts, but except as such procedure so established by the board otherwise requires, all contracts may be entered into upon such terms and in such manner as the board may authorize.

CHAPTER 6. CONTROVERSIES

82600. An authority 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.

82601. An action to determine the validity of any contract authorized by Chapter 5 (commencing with Section 82400) of this part and any bonds, notes, or other evidences of indebtedness of the authority may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

82602. All claims for money or damages against the authority 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 to the authority.

PART 5. FINANCIAL PROVISIONS

CHAPTER 1. WARRANTS

82700. An authority may issue warrants to pay the formation expenses of the authority. The warrants may bear interest at a rate not exceeding 6 percent per year from the date of issue until funds are available to pay the warrants.

82701. Formation expenses may include the fees of attorneys and others employed to conduct the formation proceedings, but shall not include the expenses of holding and conducting the formation procedures.

CHAPTER 2. PROMISSORY NOTES

82800. An authority may issue negotiable promissory notes pursuant to Sections 82801 and 82802. Such promissory notes shall bear interest at a rate not exceeding 6 percent per year. They shall be general obligations of the district payable from revenues and taxes in the same manner as bonds of the authority.

82801. An authority may issue negotiable promissory notes pursuant to this section to acquire funds for any authority purposes. The maturity of such promissory notes shall not be later than five years from the date thereof. The total aggregate amount of such notes outstanding at any one time shall not exceed the lesser of either one million dollars ($1,000,000) or 2 percent of the assessed valuation of the taxable property in the authority or, if the assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the authority evidenced by his certificate, provided such notes may be at least equal to seventy-five thousand dollars ($75,000) in any authority.

82802. An authority may issue negotiable promissory notes pursuant to this section for the purpose of acquiring funds to finance the construction or acquisition of administrative offices, construction headquarters, commercial offices, or facilities for similar authority purposes and for the acquisition of land for authority purposes. The maturity of such promissory notes shall not be later than 10 years from the date thereof. The total aggregate amount of such notes outstanding at any one time shall not exceed the lesser of either five hundred thousand dollars ($500,000) or 1 percent of the assessed valuation of the taxable property in the authority, or, if the assessed valuation is not obtainable, 1 percent of the county auditor's estimate of the assesssed valuation of the taxable property in the authority evidenced by his certificate, provided such notes may be at least equal to fifty thousand dollars ($50,000) in any authority.

PART 6. BONDS

CHAPTER 1. INITIATION OF PROCEEDINGS FOR ISSUANCE OF BONDS FOR ENTIRE DISTRICT

83000. Whenever the board deems it necessary for the authority to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works, or property mentioned in this division, the board shall, by resolution, so declare and call an election to be held in the authority for the purpose of submitting to the voters thereof the proposition of incurring indebtedness by the issuance of bonds of the authority.

83001. The resolution calling the bond election shall state all of the following:

(a) The purpose for which the proposed debt is to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(b) The amount of debt to be incurred.

(c) The maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed 40 years.

(d) The maximum rate of interest to be paid, which shall not exceed 6 percent per year, payable semiannually, except that interest for the first year may be payable at the end of that year.

(e) The measure to be submitted to the voters.

(f) The date upon which an election shall be held for the purpose of authorizing the bonded indebtedness to be incurred.

(g) The designation of precincts, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector, and two clerks in each precinct.

CHAPTER 2. FORMATION OF IMPROVEMENT DISTRICTS FOR ISSUANCE OF BONDS

Article 1. Initiation of Proceedings

83100. Whenever the board deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works, or property mentioned in this division and to provide for such bonded indebtedness to be payable from taxes levied upon less than all of the authority, the board shall, by resolution, declare its intention to form an improvement district and to incur such indebtedness.

83101. The resolution of intention shall state that the board intends to form an improvement district of a portion of the authority which in the opinion of the board will be benefited, and to call an election in such proposed improvement district, on a date to be fixed, for the purpose of submitting to the voters thereof the proposition of incurring indebtedness by the

issuance of bonds of the authority for such improvement district.

83102. The resolution of intention shall also state:

(a) The purpose for which the proposed debt is to be incurred.

(b) The amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(c) That taxes for the payment of the bonds and the interest thereon will be levied exclusively upon the taxable property in the improvement district.

83103. The resolution of intention shall also state that a general description of the proposed improvement, together with a map showing the exterior boundaries of the proposed improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed improvement district.

83104. The resolution of intention shall also state:

(a) The time and place for a hearing by the board on the questions of the formation and extent of the proposed improvement district, the proposed improvement, and the amount of debt to be incurred.

(b) That at the time and place specified in the resolution any person interested, including all persons owning property in the authority or in the proposed improvement district, will be heard.

83105. Notice of the hearing shall be given by publishing a copy of the resolution of intention pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper printed and published in the authority, if there is a newspaper printed and published in the authority. Such notice shall also be given by posting a copy of the resolution of intention in six public places within the proposed improvement district at least two weeks before the time fixed for the hearing.

Article 2. Hearing and Changes

83120. At the time and place fixed in the resolution of intention, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the authority or within the proposed improvement district, may appear and present any matters material to the questions set forth in the resolution of intention.

83122. The board may change the purpose for which the proposed debt is to be incurred or the amount of bonded debt to be incurred, or both. The board may also change the boundaries of the proposed improvement district, but not so as to in-

clude any territory which will not, in its judgment, be benefited by the proposed improvement.

83123. The purpose or amount of bonded debt or the boundaries of the proposed improvement district shall not be changed by the board except after notice of its intention to do so, given by publication pursuant to Section 6061 of the Government Code in a newspaper printed and published in the authority, if there is a newspaper printed and published in the authority, and by posting in six public places within the proposed improvement district. The notice shall state the changed purpose and debt proposed and that the exterior boundaries as proposed to be changed are set forth on a map on file with the secretary which map shall govern for all details as to the extent of the proposed improvement district, and shall specify the time and place for hearing on such change, which time shall be at least 10 days after publication or posting of the notice.

83124. At the time and place fixed in the notice of intention, or at any time and place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including any person owning property within the authority or the proposed improvement district, may appear and present any matters material to the changes stated in the notice.

Article 3. Formation

83140. At the conclusion of the hearing, the board shall by resolution determine whether it is deemed necessary to incur the bonded indebtedness. If so, the resolution shall also state:

(a) The purpose for which the proposed debt is to be incurred.

(b) The amount of the proposed debt.

(c) That the exterior boundaries of the portion of the authority which will be benefited are set forth on a map on file with the secretary, which map shall govern for all details as to the extent of the improvement district.

(d) That such portion of the district set forth on the map shall thereupon constitute and be known as "Improvement District No. _____ of _____ Sanitation Authority."

83142. The determinations made in the resolution of formation shall be final and conclusive.

83143. After the formation of the improvement district pursuant to this chapter, all proceedings for the purpose of a bond election shall be limited, and shall apply only, to the improvement district, and taxes for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

Article 4. Calling of Bond Election

83160. After the board has made its determination of the matters required to be determined by the resolution of formation, and if the board deems it necessary to incur the bonded indebtedness, the board shall by a further resolution call a special election in the improvement district for the purpose of submitting to the voters thereof the proposition of incurring indebtedness by the issuance of bonds of the district for the improvement district.

83161. The resolution calling the bond election shall contain all of the statements required by Section 83001 and, in addition, shall state:

(a) That the board deems it necessary to incur the bonded indebtedness.

(b) The improvement district to be benefited by the bonded indebtedness, as set forth in the resolution of formation of the improvement district, and that a map showing the exterior boundaries of the improvement district is on file with the secretary, which map shall govern for all details as to the extent of the improvement district.

(c) That taxes for the payment of such bonds and the interest thereon shall be levied exclusively upon the taxable property in the improvement district.

Article 5. Advance of Funds

83180. The board may advance general funds of the authority to accomplish the purposes of an improvement district formed pursuant to this chapter.

83181. The board may repay the authority for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of the improvement district.

Chapter 4. Formation of Uninhabited Improvement Districts for Issuance of Bonds

Article 1. Initiation of Proceedings

83300. Whenever the board deems it necessary to incur a bonded indebtedness for the acquistion, construction, completion, or repair of any or all improvements, works, or property mentioned in this division and to provide for such bonded indebtedness to be payable from taxes levied upon an uninhabited portion of the authority, the board shall, by resolution, declare its intention to form an uninhabited improvement district in such portion of the authority and to incur such indebtedness.

83301. For the purposes of this chapter the portion of an authority formed into an uninhabited improvement district shall be deemed uninhabited if less than 12 voters reside therein at the time of the formation thereof.

83302. The resolution of intention shall state that the board intends to form an improvement district of an uninhabited portion of the authority which in the opinion of the board will be benefited, and to incur indebtedness by the issuance of bonds of the district for such uninhabited improvement district.

83303. The resolution of intention shall also state:

(a) The purpose for which the proposed debt is to be incurred.

(b) The amount of debt to be incurred, which may include expenses of all proceedings for the authorization, issuance, and sale of the bonds.

(c) That taxes for the payment of the bonds and the interest thereon will be levied exclusively upon the taxable property in the uninhabited improvement district.

83304. The resolution of intention shall also state that a general description of the proposed improvement, together with a map showing the exterior boundaries of the proposed uninhabited improvement district with relation to the territory immediately contiguous thereto and to the proposed improvement is on file with the secretary and is available for inspection by any person or persons interested. This map shall govern for all details as to the extent of the proposed uninhabited improvement district.

83305. The resolution of intention shall also state:

(a) The time and place for a hearing by the board on the question of the formation and extent of the proposed uninhabited improvement district, the proposed improvement, and the amount of debt to be incurred.

(b) That at the time and place specified in the resolution any person interested will be heard, and that any owner of property within the proposed uninhabited improvement district may file with the secretary at any time prior to the time set for the hearing thereon written protest to the formation of the proposed uninhabited improvement district.

83306. Notice of the hearing shall be given by publishing a copy of the resolution pursuant to Section 6066 of the Government Code prior to the time fixed for the hearing in a newspaper circulated in the authority, if there is a newspaper circulated in the authority. Such notice shall also be given by posting a copy of the resolution of intention in three public places within the proposed uninhabited improvement district for at least two weeks before the time fixed for the hearing.

83307. A copy of the resolution of intention shall also be mailed, postage prepaid, to each person to whom land in the proposed uninhabited improvement district is assessed as shown on the last equalized county assessment roll, at his address as shown upon the roll, and to any person, whether owner in fee or having a lien upon, or legal or equitable interest in, any land within the proposed uninhabited improvement district, whose name and address and a designation

of the land in which he is interested is on file with the secretary.

Article 2. Hearing and Formation

83320. At the time and place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested may appear and present any matters material to the questions set forth in the resolution. Also at the hearing the board shall hear and pass upon all written protests filed by the owners of property within the proposed uninhabited improvement district.

83321. If written protests are filed by the owners of one-half of the value of the property within the proposed uninhabited improvement district, as shown by the last equalized assessment roll of the county, further proceedings shall not be taken. If such protests are not made the board shall by resolution determine whether it is necessary to incur the bonded indebtedness and if so, the resolution shall also state:

(a) The purpose for which the proposed debt is to be incurred.

(b) The amount of the proposed debt.

(c) That the exterior boundaries of the portion of the authority which will be benefited are set forth on a map on file with the secretary, which map shall govern for all details as to the extent of the uninhabited improvement district.

(d) That such portion of the district set forth on the map shall thereupon constitute and be known as "Improvement District No. U _____ of _____ Sanitation Authority."

83322. The determinations made in the resolution of formation shall be final and conclusive

83323. After the formation of the uninhabited improvement distict pursuant to this chapter the board may, by resolution, at such time or times as it deems proper, issue bonds of the authority, pursuant to Chapter 5 (commencing with Section 83500) of this part, for the whole or any part of the amount of the indebtedness authorized by the resolution of formation. All taxes levied for the payment of the bonds and the interest thereon shall be levied exclusively upon the taxable property in the uninhabited improvement district.

83324. Any action or proceeding in which the validity of the formation of an uninhabited improvement district or of any of the proceedings in relation thereto is contested, questioned, or denied shall be commenced within three months from the date of the resolution forming such district; otherwise the formation of the uninhabited improvement district and all proceedings in relation thereto shall be held to be valid and in every respect legal and incontestable.

Article 3. Advance of Funds

83340. The board may advance general funds of the authority to accomplish the purposes of an improvement district formed pursuant to this chapter.

83341. The board may repay the authority for any advance of funds from the proceeds of the sale of bonds authorized for the purposes of the improvement district.

Chapter 4. Bond Election

83360. The board shall provide for holding the bond election on the day fixed in the resolution calling the election and in accordance with the provisions of the Elections Code, so far as they shall be applicable, except as otherwise provided in this division.

83361. Notice of the holding of the bond election shall be given by publishing, pursuant to Section 6066 of the Government Code, the resolution calling the election in at least one newspaper published in the authority. The last publication shall be made not less than two weeks prior to the date of the proposed election. If there is no newspaper published in the authority, then the resolution shall be posted in three public places in the authority not less than two weeks prior to the date of the proposed election. No other notice of the election need be given.

83362. If the bond election is to be held in an improvement district, notice of the holding of such election shall be given by publishing, pursuant to Section 6066 of the Government Code, the resolution calling the election prior to the date of the proposed election in at least one newspaper printed and published in the authority, if there is a newspaper printed and published in the authority. Such resolution shall also be posted in three public places in the improvement district not less than two weeks prior to the date of the proposed election. No other notice of the election need be given.

83363. The returns of the bond election shall be made, the votes canvassed by the board within seven days following the election, and the results thereof ascertained and declared in accordance with the provisions of the Elections Code, so far as they may be applicable, except as otherwise provided in this division.

83364. The secretary, as soon as the results of the bond election is declared, shall enter in the records of the board a statement of such results.

83365. No irregularities or informalities in conducting the bond election shall invalidate it, if the election has otherwise been fairly conducted.

83366. Any action or proceeding in which the validity of any bonds or of the proceedings in relation thereto, including the formation of an improvement district for which bonds are authorized to be issued by the voters thereof at a bond election,

is contested, questioned, or denied shall be commenced within three months from the date of the bond election; otherwise the bonds and all proceedings in relation thereto, including the formation of the improvement district, shall be held to be valid and in every respect legal and incontestable.

CHAPTER 5. ISSUANCE AND SALE OF BONDS

Article 1. Issuance and Terms

83500. If from the bond election returns it appears that more than two-thirds of the votes cast in such election were in favor of and assented to the incurring of the indebtedness, the board may, by resolution, at such time or times as it deems proper issue bonds of the authority for the whole or any part of the amount of the indebtedness so authorized, and may from time to time provide for the issuance of such amounts as the necessity thereof may appear, until the full amount of such bonds authorized has been issued.

83501. The full amount of the authorized bonds may be divided into two or more series and different dates fixed for the bonds of each series. The maximum term which the bonds of any series shall run before maturity shall not exceed 40 years from the date of the series.

83502. The board shall, by resolution, 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 of principal may be deferred for a period of not more than five years from the date of the bonds or the date of the bonds of each series respectively.

83503. The bonds shall bear interest at a rate or rates not to exceed 6 percent per year, payable semiannually, except that interest for the first year may be payable at the end of that year.

83504. The board may provide for the call and redemption of bonds prior to maturity at such times and prices and upon such other terms as it may specify. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect or unless a statement to that effect is printed thereon.

83505. 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).

83506. The principal and interest on the bonds shall be payable in lawful money of the United States at the office of the treasurer of the authority or such other place or places as may be designated, or at either place or places at the option of the holder of the bond.

83507. The bonds shall be dated, numbered, consecutively, signed by the president and treasurer of the authority, countersigned by the secretary, and the official seal of the

authority attached. The interest coupons of the bonds shall be signed by the treasurer of the authority. All such signatures and countersignatures may be printed, lithographed, or mechanically reproduced, except that one of the signatures or countersignatures to the bonds shall be manually affixed.

83508. If the bond election proceedings have been limited to and have applied only to an improvement district, the bonds are bonds of the authority, shall be issued in the name of the authority, and shall be designated "Bonds of _____ Sanitation Authority for Improvement District No. _____." Each bond and all interest coupons thereof shall state that taxes levied for the payment thereof will be levied exclusively upon the taxable property in the improvement district.

83509. Any bonds issued by an authority have the same force, value and use as bonds issued by a city and are exempt from all taxation within the state.

Article 2. Sale of Bonds and Use of Proceeds

83530. Before selling the bonds, or any part thereof, the board shall give notice inviting sealed bids in such manner as it may prescribe. If satisfactory bids are received, the bonds offered for sale shall be awarded to the highest responsible bidder. If no bids are received, or if the board determines that the bids received are not satisfactory as to price or responsibility of the bidders, it may reject all bids received, if any, and either readvertise or sell the bonds at private sale.

83531. The proceeds from the sale of bonds shall be paid into the treasury of the authority, placed to the credit of a special improvement fund, and expended only for the purpose for which the indebtedness was created. When such purpose has been accomplished, any moneys remaining in the special improvement fund may be transferred to the fund to be used for the payment of principal of and interest on the bonds.

83532. Any moneys remaining in the special improvement fund from the sale of bonds of the authority after the purpose for which the indebtedness was created has been accomplished may also be used for any other sanitation authority purpose. Such moneys remaining from the sale of bonds of the authority for an improvement district therein may also be used for any purpose which will benefit the property in the improvement district.

Such moneys may not be used for such other sanitation authority purpose or improvement district purpose until two-thirds of the qualified voters of the authority or improvement district have consented thereto at a special election called in the authority or improvement district by the board. Notice of the election shall be given in the manner provided for bond elections in the authority or improvement district, as the case may be, and in other respects the election shall be conducted as are other authority elections.

83533. Interest on any bonds issued by the authority coming due before the proceeds of a tax levied at the next general tax levy after the sale of the bonds are available may be paid from the proceeds of the sale of the bonds; but not more than 5 percent of the proceeds of any sale of bonds shall be used for this purpose.

83534. The proceeds from the sale of bonds of the authority for an improvement district thereof may be expended for the purpose for which the indebtedness was created in any territory annexed to the improvement district after the authorization of the bonds.

CHAPTER 7. REVENUE BONDS

83600. An authority may issue revenue bonds for any purpose for which general obligation bonds may be issued. Such revenue bonds may be issued pursuant to the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to authorities formed under this division.

PART 7. TAXATION

CHAPTER 1. TAXES GENERALLY

83800. An authority may cause taxes to be levied, in the manner provided in this part, for the purpose of paying any obligation of the authority including its formation expenses and any warrants issued therefor.

83801. If the revenues of the authority or any improvement district therein or in the judgment of the board, will probably be inadequate for any cause to pay the principal or interests on any bonded debt of the authority or any improvement district therein as it becomes due, the principal of or interest of any note or other evidence of indebtedness of the authority, as it becomes due, the operating expenses of the authority, provide for repairs and depreciation of works, and provide a reasonable surplus for improvements, extensions, and enlargements, the board shall cause a tax to be levied as provided in this part, sufficient to provide for such deficit and to pay the amount of such principal and interest that will become due before the proceeds of a tax levied at the next general tax levy will be available.

83802. The auditor of each affected county shall immediately after equalization and not later than the 15th day of August of each year, prepare and deliver to the secretary of an authority, or such other officer thereof as may be designated by the board, showing the assessed valuation of all property within the authority lying within the county.

83803. On or before the third Monday in August of each year, the board shall certify to the board of supervisors a statement in writing containing the following:

(a) An estimate of the minimum amount of money required to be raised by taxation during the fiscal year for the

payment of the principal of and interest on any bonded debts of the authority or of an improvement district therein that will become due before the proceeds of a tax levied at the next general tax levy will be available.

(b) An estimate of the minimum amount of money required to be raised by taxation during the fiscal year for all other purposes of the authority.

83804. 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, a tax upon the property within the authority, or improvement district therein benefited by the bonded debt, sufficient to raise the amount so certified.

83805. Taxes for the payment of the interest on or principal of any bonded debt shall be levied on all taxable property within the authority, or improvement district therein, that is benefited by the bonded debts, as determined by the board in the resolution declaring the necessity to incur the debt. Taxes for all other purposes of the authority shall be levied on all taxable property in the authority.

83806. All county officers charged with the duty of collecting taxes shall collect authority taxes at the same time and in the same manner and form as county taxes are collected, and shall pay the collected authority taxes to the authority.

83807. Taxes for the payment of a bonded debt and the interest thereon shall be a lien on all taxable property benefited thereby as stated in the resolution of the board declaring the necessity to incur the debt. All taxes for other purposes of the authority shall be a lien on all taxable property in the authority.

83808. Liens for authority taxes 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 2. APPORTIONMENT OF TAXES IN MULTICOUNTY AUTHORITIES

83900. If an authority contains lands situated in more than one county, the duties imposed upon the board of supervisors and county officers in Chapter 1 (commencing with Section 83800) of this part shall be performed by the board of supervisors and county officers of each affected county.

83902. The board shall proportion the total estimate provided for in Chapter 1 (commencing with Section 83000) of this part among the affected counties. For this purpose the board shall ascertain the assessment practice of each affected county and apply the practice so ascertained to the equalized assessment roll submitted to the authority as required by Section 83802 above so as to arrive at an equalized roll among the affected counties. The total estimate shall then be divided

by the board in proportion to the value (as determined in accordance with the preceding sentence) of the taxable property of the authority in each affected county. The amount of the estimate applicable to each affected county shall thereupon be added to the other matters required to be in the certificate required by Section 83803 above and the board of supervisors and county officers shall proceed to levy and collect the appropriate tax to raise the amount of the total estimate so found to be attributable to their particular county and in all respects, proceed as to this amount as required by Chapter 1 of this part.

83903. Whenever an improvement district within an authority is located in two or more counties, the method and procedure for the apportionment of authority taxes between counties shall apply to such improvement district.

PART 8. ANNEXATION

CHAPTER 1. TERRITORY OF A MEMBER AGENCY

84100. The governing body of a member agency may from time to time petition the board that territory of the member agency but not the authority, be annexed to the authority. Said petition shall state the boundaries of the proposed annexation and request the board to advise the governing body whether the board will consent to the annexation, and, if so, on what conditions.

84101. The board shall promptly consider a petition by a member agency that the authority annex territory of the member agency and accept or reject petition. If the petition is accepted, the board shall adopt a resolution which shall declare its consent to annexation of the territory provided, it is accomplished by a specified date, which shall not be later than 120 days after the adoption of the resolution, and fixes terms and conditions for the proposed annexation. The terms and conditions may provide, among other things, for the levy by the authority of special taxes upon taxable property within the annexed area or areas in addition to the taxes the authority is otherwise authorized to levy. If such terms and conditions provide for the levy of such special taxes, the board in fixing the terms and conditions, shall specify the aggregate amount to be so raised, the number of years prescribed for raising such aggregate amount, and that substantially equal annual levies will be made for the purpose of raising such amount over the period so prescribed. The terms and conditions may also provide that from time to time a special sewage rate or rates may be fixed for the area or areas proposed to be annexed The terms and conditions may also provide that the taxable property in the annexed area shall be subject to taxation, to the extent set forth in said terms and conditions, for the purpose of the payment of bonds and other obligations of the authority authorized or outstanding at the time of annexation.

84102. A certified copy of the resolution provided for in the preceding section shall be forwarded to the governing body of the member agency requesting annexation.

84103. The governing body of the petitioning member agency may call a hearing to be held before it for the purpose of determining whether the territory involved should be annexed to the authority subject to the terms and conditions set forth in the resolution of the board. If decision is reached to hold a hearing, the governing body shall fix a time and place for the holding of a hearing before it on the question of annexation. The date shall be not less than 30 or more than 100 days after the adoption of the board's resolution. The governing body shall cause notice of said hearing to be given by publication in a newspaper of general circulation printed and published within the member agency pursuant to Section 6061 of the Government Code, or by posting in three public places within the area sought to be annexed if there is no such newspaper at least 15 days prior to the hearing. Such notice shall state:

(a) The boundaries of the area proposed to be annexed to the authority, naming it.

(b) The time and place fixed for the hearing.

(c) A brief description of the terms and conditions set forth in the board's resolution.

(d) Where a copy of the board's resolution may be inspected within the boundaries of the member agency at reasonable times and intervals.

(e) That owners of real property proposed to be annexed may file their written protest to the annexation with the governing body prior to or at the hearing.

(f) That upon completion of said hearing the governing body may order the annexation of the territory to the authority subject to the terms and conditions set forth in the board's resolution unless written protests to such annexation is not received at or prior to the hearing from the owners of 50 percent or more of the taxable real property, as shown on the last equalized assessment rolls, within the territory proposed to be annexed.

84104. At the time and place fixed, the governing body shall hold a hearing as to whether the territory should be annexed to the authority subject to the terms and conditions fixed by the board. At said hearing the governing body shall receive and consider all relevant evidence on the question of whether the territory should be annexed to the authority subject to the terms and conditions fixed by the board and receive written protests by owners of real property within the territory proposed to be annexed to such annexation. If written protests are received by the governing body at or prior to the hearing to such annexation representing 50 percent or more of the total assessed valuation of taxable real property within the territory proposed to be annexed as shown on the last equalized assessment roll, the governing body shall so find at

the close of the hearing and shall declare that the subject territory shall not be annexed to the authority by virtue of annexation procedures therefore initiated. If a 50 percent or more written protest is not received, the governing body may adopt its resolution in ordering the annexation of the territory to the authority subject to the terms and conditions fixed by the board. A certified copy of the resolution shall thereupon be filed with the secretary of the authority.

84105. Upon receipt of the resolution of the governing body of a member agency ordering the annexation of territory to an authority the secretary of the authority shall prepare a certificate which states:

(a) The name of the authority.

(b) The name of the member agency whose territory is being annexed.

(c) The date of the resolution of annexation of the member agency.

(d) The county or counties in which the annexed territory is situated, and a description of the boundaries of such annexed territory, or referred to a map showing such boundaries, which map shall be attached to the certificate, or referenced to the county recorders office where a description of said boundaries has been recorded.

(e) The terms and conditions of annexation prescribed by the board.

The secretary shall immediately cause to be recorded in the office of the county recorder of each affected county a copy of the certificate and cause it to be filed with the Secretary of State.

84106. Upon receipt of the secretary's certificate, the Secretary of State shall, within 10 days, issue his certificate reciting that the territory has been duly annexed to the authority under the laws of the state, and shall forward copies of said certificate to the county clerk of each affected county for filing.

84107. From and after the date of the Secretary of State's certificate the area or areas named therein are added to and form a part of the authority and taxable property in the annexed area or areas shall be subject to taxation for the purposes of the authority.

84108. No informality in any proceeding not substantially affecting the legal rights of any citizen shall invalidate the annexation of territory to an authority.

84109. Any proceeding wherein the validity of any annexation to an authority is denied shall be commenced within three months from the date of the Secretary of State's certificate of annexation, otherwise the annexation and all proceedings in respect thereto, shall be held valid and incontestable.

CHAPTER 2. ANNEXATION OF TERRITORY OF A PUBLIC AGENCY

84200. Annexation of territory of a public agency which is not a member agency may be commenced by the governing body of the public agency and procedure for annexation shall in all respects be the same as annexation of territory of a member agency as set forth in Chapter 1 of this part except:

(a) The territory sought to be annexed shall not include territory of a member agency and

(b) Upon completion of annexation, the public agency involved shall become a member agency, and shall be entitled to representation on the board as set forth in Chapter 1 (commencing with Section 78000), Part 3 of this division.

PART 9. CHANGES IN ORGANIZATION OF IMPROVEMENT DISTRICTS

CHAPTER 1. INCLUSION OF TERRITORY

Article 1. Inclusion Proceedings Initiated by Petition

84400. Any portion of an authority, whether contiguous or not to an improvement district thereof, may be annexed to such improvement district in the manner provided in this chapter.

84401. Annexation proceedings may be initiated by petition. A petition, which may consist of any number of separate instruments, shall be filed with the secretary.

84402. The petition shall be signed by the holders of title to at least 60 percent of the land in the portion proposed to be annexed, which land shall have an assessed valuation of not less than 50 percent of the land proposed to be annexed.

84403. The petition for annexation shall contain all of the following:

(a) A description of the area proposed to be annexed. Such description may be made by reference to a map on file with the secretary of the authority, which map shall govern for all details as to the extent of the area proposed to be annexed, or may be made in any other definite manner.

(b) The terms and conditions upon which the proposed area may be annexed as theretofore determined by resolution of the board.

(c) A prayer that the board declare such area to be annexed to the improvement district.

84404. The petition for annexation shall be accompanied by a certified check payable to the order of the authority in a sufficient amount to reimburse the authority for the expenses of processing and publishing the petition and preparing and making the filings required by law.

84405. Within 10 days of the filing of the petition for annexation, the secretary shall examine the petition and determine whether it is signed by the required number of property

owners. Upon request of the secretary, the board shall authorize him to employ persons specially for this purpose, in addition to the persons regularly employed in his office, and shall provide for their compensation.

84406. When the secretary has completed his examination of the petition for annexation, he shall attach to it his certificate, properly dated, showing the result of such examination.

84407. If the secretary finds from the examination that the petition for annexation is signed by the requisite number of property owners he shall certify that the petition is sufficient. If he finds it is not so signed, he shall certify that the petition is insufficient.

84408. If the secretary certifies in his certificate that the petition for annexation is insufficient, the petition may be amended by filing a supplemental petition or petitions within 10 days of the date of such certificate.

84409. Within 10 days after the filing of any supplemental petition or petitions, the secretary shall examine them and certify to the result of such examination as provided in Sections 84405 to 84407, inclusive.

84410. After the time for filing supplemental petitions has expired and all supplemental petitions have been examined, if the secretary's certificate shows that the petition for annexation is sufficient, the secretary shall cause notice of hearing on the petition to be published and posted without delay.

84411. The text of the petition for annexation shall be published, pursuant to Section 6066 of the Government Code, prior to the time at which it is to be presented to the board, in at least one newspaper printed and published in the authority, if there is a newspaper printed and published in the authority, together with a notice stating the time and place of the meeting at which the petition will be presented. If the petition is contained upon one or more instruments, only one copy of the petition need be published.

84412. No more than five of the names attached to the petition for annexation need appear in the publication of the petition and notice, but the number of signers shall be stated.

84413. The petition and notice shall also be posted in three public places in the improvement district and three public places in the area proposed to be annexed at least two weeks prior to the hearing.

84414. The board shall proceed to hear the petition at the time and place fixed therefor, and any person residing within the authority or improvement district or owning taxable property in the authority or improvement district may appear and be heard at such hearing. Such hearing may be continued from time to time by the board.

84415. At the conclusion of the hearing, if the board finds and determines from the evidence presented at the hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be

benefited thereby and will not be injured thereby, the board may, by resolution, approve the annexation.

The resolution shall describe the annexed territory, which may be made by reference to a map on file with the secretary, which map shall govern for all details as to the extent of the annexed area, or may be made in any other definite manner. The resolution shall also state the terms and conditions of annexation as theretofore determined by resolution of the board.

84416. From and after the date of the adoption of the resolution approving the annexation, the area named therein is added to and forms a part of the improvement district.

84418. The taxable property in the annexed area shall be subject to taxation after the annexation thereof for the purposes of the improvement district, including the payment of the principal of and interest on bonds and other obligations of the improvement district authorized and outstanding at the time of the annexation as if the annexed property had always been a part of the improvement district.

84419. The board may do all things necessary to enforce and make effective the terms and conditions of annexation fixed by it.

84420. Any action or proceeding in which the validity of an annexation to an improvement district pursuant to this article is contested, questioned, or denied shall be commenced within three months after the date of the resolution approving such annexation; otherwise the annexation shall be held to be valid and in every respect legal and incontestable.

Article 2. Inclusion Proceedings Initiated by the Board

84440. The board, by resolution, may initiate proceedings for the annexation of territory within the authority contiguous to an improvement district to such improvement district.

84441. The resolution proposing annexation shall:

(a) Declare that proceedings have been initiated by the board pursuant to this article.

(b) State the reason for proposing the annexation.

(c) Set forth a description of the area proposed to be annexed, which may be made by reference to a map on file with the secretary of the authority which map shall govern for all details as to the extent of the area proposed to be annexed.

(d) State the terms and conditions of the annexation.

(e) State that the holders of title to any of the land sought to be annexed may file written protests with the secretary to the annexation or the annexation upon such terms and conditions.

(f) Fix the time and place of a meeting at which the board will receive written protests theretofore filed with the secretary, receive additional written protests, and hear from any and all persons interested in the annexation.

84442. The text of the resolution proposing annexation shall be published, pursuant to Section 6066 of the Government Code, prior to the time of hearing in at least one newspaper printed and published in the authority, if there is a newspaper published and printed in the authority.

84443. A copy of the resolution proposing annexation shall also be posted in three public places within the improvement district and three public places in the area proposed to be annexed at least two weeks prior to the hearing.

84444. Continuance. The board shall proceed with the hearing at the time and place fixed therefor and may continue the hearing, if need be, from time to time. All interested persons will be heard at the hearing.

84445. If written protests are filed by the holders of title of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll of each county in which the territory is situated, further proceedings shall not be taken, and the board shall refuse the annexation by a resolution so stating.

84446. If written protest is not made by the owners of one-half of the value of the territory proposed to be annexed, and if, at the conclusion of the hearing, the board finds and determines from the evidence presented at the hearing that the area proposed to be annexed to an improvement district will be benefited thereby, and that the improvement district to which the area proposed to be annexed will also be benefited thereby and will not be injured thereby, the board may, by resolution, approve such annexation.

The resolution shall describe the territory annexed, which may be by reference to a map on file with the secretary, which map shall govern for all details as to the extent of the annexed area. The resolution shall also state the terms and conditions of annexation as theretofore determined by resolution of the board.

84447. If the board finds and determines that either the area proposed to be annexed to the improvement district will not be benefited thereby or that the improvement district to which the area is proposed to be annexed will not be benefited thereby and will be injured thereby, the board shall by resolution disapprove such annexation.

84448. From and after the date of the adoption of the resolution approving the annexation, the area described therein is added to and forms a part of the improvement district.

84449. The taxable property in the annexed area shall be subject to taxation after the annexation thereof for the purposes of the improvement district, including the payment of the principal of and interest on bonds and other obligations of the improvement district authorized and outstanding at the time of the annexation as if the annexed property had always been a part of the improvement district.

84450. The board may do all things necessary to enforce and make effective the terms and conditions of annexation fixed by it.

84451. Any action or proceeding in which the validity of an annexation to an improvement district pursuant to this article is contested, questioned, or denied shall be commenced within three months after date of the resolution of the board approving the annexation of the territory to an improvement district; otherwise, the annexation shall be held valid and in every respect legal and incontestable.

CHAPTER 2. DISSOLUTION OF IMPROVEMENT DISTRICTS

84500. Notwithstanding the provisions of Section 84511, whenever the board deems it necessary for any improvement district formed pursuant to this division to be dissolved, it shall by resolution declare its intention to dissolve the improvement district.

As used in this chapter, "improvement district" includes an uninhabited improvement district formed pursuant to Chapter 4 (commencing with Section 83300) of Part 7 of this division.

84501. The resolution of intention shall state:

(a) The reason why the improvement district should be dissolved.

(b) If the improvement district was formed pursuant to Chapter 2 (commencing with Section 83100) or Chapter 4 (commencing with Section 83300) of Part 6 of this division, that no bonds have been issued for the improvement district or are outstanding.

(c) That a map showing the exterior boundaries of the improvement district, with relation to the territory immediately contiguous thereto, is on file with the secretary and is available for inspection by any person or persons interested.

(d) The time and place for a hearing by the board on the question of the dissolution of the improvement district.

(e) That at such time and place any person interested, including all persons owning property in the authority or in the improvement district will be heard.

84502. Notice of the hearing shall be given by publishing a copy of the resolution, pursuant to Section 6066 of the Government Code, prior to the time fixed for the hearing in a newspaper circulated in the authority, if there is a newspaper circulated in the authority. Such notice shall also be given by posting a copy of the resolution in three public places within the improvement district for at least two weeks before the time fixed for the hearing.

84503. At the time and place fixed in the resolution of intention, or at any time or place to which the hearing is adjourned, the board shall proceed with the hearing. At the hearing any person interested, including all persons owning property in the authority, or in the improvement district, may

appear and present any matters material to the proposed dissolution.

84504. At the conclusion of the hearing, the board shall by ordinance determine whether it is necessary to dissolve the improvement district. If so, the ordinance shall state that the exterior boundaries of the improvement district are set forth on a map on file with the secretary and shall declare the improvement district dissolved. The determinations made in the ordinance shall be final and conclusive.

84505. When the ordinance declaring an improvement district dissolved becomes effective, the dissolution of such improvement district is complete.

84506. The taxable property within the boundaries of the dissolved improvement district shall continue to be taxed for any indebtedness of the authority contracted for such dissolved improvement district until the indebtedness has been satisfied, to the same extent that such property would be taxable for such purpose if the dissolution had not occurred.

84507. Any action or proceeding in which the validity of the dissolution of an improvement district, or of any of the proceedings in relation thereto, is contested, questioned, or denied shall be commenced within three months from the effective date of the ordinance dissolving the improvement district; otherwise, the dissolution of the improvement district and all proceedings in relation thereto, shall be held to be valid and in every respect legal and incontestable.

84508. After a bond election has been held in an improvement district formed pursuant to and less than two-thirds of the votes cast in such election were in favor of the measure the board may within one year of the date of such election call and hold another election as provided in Part 6 (commencing with Section 83000) of this division for the purpose of resubmitting the measure to the electors of said improvement district. If the measure is not so resubmitted said improvement district, on the anniversary date of the election, is dissolved without further action by the board. If said measure is resubmitted and fails to receive more than two-thirds of the votes cast in such election in favor of said measure said improvement district is dissolved following the canvass of the election returns.

PART 10. DISSOLUTION

84700. The authority may be dissolved at any time upon the vote of two-thirds of the qualified electors of the authority at an election called by the board upon the question of dissolution.

84701. The election shall be called and conducted in the same manner as authority elections.

84702. Upon the dissolution of the authority, the property of the authority lying within a city shall vest in the city and the property of the authority lying within the unincorporated

area of a county shall vest in the board of supervisors of that county.

84703. If the authority has any outstanding bonded indebtedness at the time of the election for dissolution, the vote to dissolve the authority shall dissolve it for all purposes except for the levying and collection of taxes for the payment of the indebtedness, the payment of the expenses of assessing, levying, and collecting the taxes, and the expenses of maintaining the property of the authority in good order and repair.

84704. Until the bonded indebtedness and the interest is fully paid the legislative authority of the city when the property of the authority lies wholly within the city, and in all other cases the board of supervisors of the principal county is ex officio the board of directors of the authority. The board or legislative authority shall levy the taxes and perform such other acts as are necessary to raise money for the payment of the indebtedness and the interest, and for the purpose of maintaining the property of the authority in good order and repair. The board or legislative authority shall fulfill and compel fulfillment of all contracts made by the authority and shall maintain and protect all rights acquired by the authority.

CHAPTER 1499

An act to amend Section 943 of the Streets and Highways Code, relating to county highways.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 943 of the Streets and Highways Code is amended to read:

943. Such board may:

(a) Acquire any real property or interest therein for the uses and purposes of county highways, including real property adjacent to property being condemned for the purpose of exchanging the same for other real property to be used for widening county highways. When eminent domain proceedings are necessary, the board shall require the district attorney to institute such proceedings. The expense of and award in such proceedings may be paid from the road fund or the general fund of the county, or the road fund of any district benefited.

(b) Lay out, construct, improve, and maintain county highways.

(c) Incur a bonded indebtedness for any of such purposes, subject to the provisions of Section 944.

(d) Construct and maintain stock trails approximately paralleling any county highway, retain and maintain for stock

trails the right-of-way of any county highway which is superseded by relocation. Such stock trails shall not be included in the term "maintained mileage of county roads" as that term is used in Chapter 3 of Division 3 of this code.

SEC. 2. The amendments to Section 943 of the Streets and Highways Code by this act shall be operative only until the 91st day after the adjournment of the 1967 Regular Session of the Legislature. Thereafter Section 943 of the Streets and Highways Code as amended by Chapter 1681, Statutes 1963, shall be operative.

CHAPTER 1500

An act to amend and renumber Section 355 of, to amend Sections 1651, 2402, 2418, 21107.7, 21200, 21700, 22501, 27904, 31600, 31601, 34005, and 34501 of, and to repeal Sections 22656, and 22657 of, the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 355 of the Vehicle Code is amended and renumbered to read:

324. A "flammable liquid" is any liquid having a flash point (closed cup test) below 200 degrees Fahrenheit and a vapor pressure not exceeding 26 pounds per square inch gauge at a temperature of 100 degrees Fahrenheit, but shall not be deemed to include wine as defined by Section 23007 of the Business and Professions Code.

SEC. 2. Section 1651 of said code is amended to read:

1651. The director may adopt and enforce rules and regulations as may be necessary to carry out the provisions of this code relating to the department.

Rules and regulations shall be adopted, amended, or repealed in accordance with the Administrative Procedure Act, commencing with Section 11370 of the Government Code.

SEC. 3. Section 2402 of said code is amended to read:

2402. The commissioner may make and enforce such rules and regulations as may be necessary to carry out the duties of the department. Rules and regulations shall be adopted, amended, or repealed in accordance with the Administrative Procedure Act, commencing with Section 11370 of the Government Code.

SEC. 4. Section 2418 of said code is amended to read:

2418. (a) The department, after consultation with and pursuant to the recommendations of the State Department of Public Health, shall adopt and enforce such reasonable regulations as it determines are necessary for the public health and safety regarding the operation and equipment of all ambu-

lances used for emergency services. The department shall exempt, upon request of the county board of supervisors that such exemption is necessary for public health and safety, noncommercial ambulances operated within the county from such regulations adopted under this section as are specified in the board of supervisors' request. The State Department of Public Health shall be notified by the county boards of supervisors of any such exemptions.

This section shall not preclude the adoption of more restrictive regulations by local authorities.

(b) Violation of any provision of the regulations adopted by the department shall be a misdemeanor.

SEC. 5. Section 21107.7 of said code is amended to read:

21107.7. (a) Any city or county may, by ordinance or resolution, find and declare that there are privately owned and maintained roads as described in said ordinance or resolution within the city or county that are not generally held open for use of the public for purposes of vehicular travel but by reason of their proximity to or connection with highways the interests of any residents residing along such roads and the motoring public will best be served by application of provisions of this code to such roads. No such ordinance or resolution shall be enacted unless there is first filed with the city or county a petition requesting such by a majority of the owners of any such privately owned and maintained road and without a public hearing thereon and 10 days' prior written notice to all owners of such road. Upon enactment of such ordinance or resolution, the provisions of Section 22350 and as provided in Chapter 12 (commencing with Section 23100) of this division of this code shall apply to any such privately owned and maintained road provided appropriate signs are erected at the entrance to the road of such size, shape and color as to be readily legible during daylight hours from a distance of 100 feet, to the effect that the road is subject to such provisions of this code.

(b) The department shall not be required to provide patrol or enforce any provisions of this code on any privately owned and maintained road subjected to the provisions of this code under this section, except those provisions applicable to private property other than by action under this section.

(c) As used in this section "privately owned and maintained roads" includes roads owned and maintained by a city, county or district that are not dedicated to use by the public or are not generally held open for use of the public for purposes of vehicular travel.

SEC. 6. Section 21200 of said code is amended to read:

21200. A bicycle is every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 20 inches in diameter.

SEC. 7. Section 21700 of said code is amended to read:

21700. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons

as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

SEC. 8. Section 22501 of said code is amended to read:

22501. No ordinance enacted by local authorities pursuant to subdivisions (e) and (k) of Section 22500 shall become effective as to any state highway without prior submission to and approval by the Department of Public Works in the same manner as required by Section 21104. Nothing contained in this section and Section 22500 shall be construed as authorizing local authorities to enact legislation which is contrary to the provisions of Sections 22512 and 25301.

SEC. 9. Section 22656 of said code is repealed.

SEC. 10. Section 22657 of said code is repealed.

SEC. 11. Section 27904 of said code is amended to read:

27904. Section 27903 does not apply if each vehicle transporting the explosive, poisonous, or flammable cargo has prominently displayed on each side and the rear of the vehicle a trademark, trade name, other designating mark, or a legend, substantially descriptive of the type of cargo of the vehicle and generally known to the public as being applied to the explosive substance, poisonous gases, flammable liquids, or liquefied petroleum gases.

Section 27903 also does not apply if the vehicles are subject to and in compliance with the regulations relating to signs of the Interstate Commerce Commission.

SEC. 12. Section 31600 of said code is amended to read:

31600. (a) For the purposes of this division only the term "explosives" shall include all materials within class A and class B explosives as classified by the Interstate Commerce Commission, including high explosives, black powder (low explosives), initiating or priming explosives, blasting caps, ammunition for cannon, explosive projectiles, bombs, torpedoes, mines, grenades, jet thrust units (jato) or detonating fuses, and such other materials as are designated by regulations adopted, from time to time, by the State Fire Marshal, in accordance with the provisions of the Administrative Procedure Act (commencing with Section 11370) of the Government Code, after he has considered changes in the classification of materials as class A and class B explosives by the Interstate Commerce Commission, as materials which the protection of life and property require be considered explosives for the purposes of this division. In no event shall the regulations adopted by the State Fire Marshal be more restrictive than those of the Interstate Commerce Commission.

(b) The term "explosives" as used in this division shall not be deemed to include small arms ammunition of 75 caliber or less, nor any other class C explosives as classified by the Interstate Commerce Commission.

SEC. 13. Section 31601 of said code is amended to read:

31601. (a) This division shall apply to the operation of any motor vehicle on any highway for the purpose of trans-

porting any explosive in any amount when the transportation is rendered as a delivery service or for hire, or in any other event for the purpose of transporting any explosive in an amount in excess of 1,000 pounds. The transportation of quantities of explosives of 1.000 pounds or less, or other than on a public highway, is governed by Division 11 (commencing at Section 12000) of the Health and Safety Code. Notwithstanding other provisions of this section, a permit required by Section 31602 may be used to transport quantities of less than 1,000 pounds of explosives if all other requirements of this division are met.

(b) It is the legislative intention in enacting this division and with particular reference to requiring permits for transportation of explosives as set forth herein that said provisions shall apply uniformly throughout the State of California and that said permit to be obtained from the Department of the California Highway Patrol shall be in lieu of any requirement for any permit to be obtained by any said owner from any local authority within the state.

SEC. 14. Section 34005 of said code is amended to read:

34005. (a) The State Fire Marshal shall adopt, in accordance with the provisions of the Administrative Procedure Act (commencing with Section 11370) of the Government Code, and enforce reasonable regulations, which in the judgment of the State Fire Marshal are designed to promote the safe transportation of flammable liquids, regarding the design, construction, and maintenance of cargo tanks and fire safety devices and to prevent the intermixing of incompatible materials in or on tank vehicles.

(b) Nothing in this division shall prevent a fire chief and his authorized representatives of a fire department or fire protection agency maintained by a city, county or fire protection district and, as designated by regulations adopted by the State Fire Marshal, the head of any other state agency and his authorized representatives, from enforcing the regulations adopted pursuant to this division.

SEC. 15. Section 34501 of said code is amended to read:

34501. The Department of the California Highway Patrol shall adopt reasonable rules and regulations, which in the judgment of the department are designed to promote the safe operation of vehicles described in Section 34500, regarding, but not limited to, hours of service of drivers, equipment, fuel containers, fueling operations, inspection, maintenance, recordkeeping, accident reports, and drawbridges. The Commissioner of the Department of the California Highway Patrol shall appoint a committee of 15 members, consisting of representatives of industry subject to regulations to be adopted pursuant to this section, to act in an advisory capacity to the department, and the department is directed to cooperate and confer with the advisory committee so appointed.

The department may inspect any vehicles in maintenance facilities or terminals to assure compliance with the provisions

of this code and regulations adopted pursuant to this section.

The department may adopt regulations restricting or prohibiting the movement of vehicles from maintenance facilities or terminals found in violation of the provisions of this code and regulations adopted pursuant to this section.

CHAPTER 1501

An act to amend Section 580 of the Welfare and Institutions Code, relating to the disbursement of funds by probation officers.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 580 of the Welfare and Institutions Code is amended to read:

580. In addition to the powers and duties of the probation officer elsewhere prescribed in this chapter, he is authorized to receive money, give his receipt therefor, deposit such money as soon as practicable either in the county treasury or in a commercial bank account designated and approved for such a purpose by the board of supervisors and direct the disbursement thereof, in any of the following instances:

(a) Money payable to spouse or child in an action for divorce, separate maintenance, or similar action, together with court costs and attorney's fees, upon order of a court of competent jurisdiction. Instead of designating the probation officer to act as court trustee for the receipt and disbursement of money payable to a spouse or child under this subdivision, the court may designate in its order a bonded employee of the court to act as court trustee for that purpose.

(b) Money payable to or on behalf of a ward or dependent child of the juvenile court or a person concerning whom a petition has been filed in the juvenile court. The probation officer may petition the court for approval of any past or prospective disbursement.

(c) Money payable to, by, or on behalf of probationers under the supervision of the probation officer. The probation officer may petition the court for approval of any past or prospective disbursement

(d) Money payable to a child, wife, or indigent parent when it has been alleged or claimed that there has been a violation of either Section 270, 270a, or 270c of the Penal Code and the matter has been referred to the probation officer by the district attorney.

(e) Gifts of money made to the county to assist in the prevention or correction of delinquency or crime when the donor requests the probation officer to disburse such funds for such

purposes and the board of supervisors accepts the gift upon such conditions.

(f) Other similar cases.

In addition to the foregoing, the probation officer is authorized to receive money payable to the county when ordered so to do by a court of competent jurisdiction. Such money shall be deposited in the same manner as the other items set forth in this section.

If a bank account is authorized pursuant to this section, the probation officer must pay into the county treasury all money collected by him or under his control during the preceding month that is payable into the treasury in conformity with Section 24353 of the Government Code.

CHAPTER 1502

An act to amend Section 1469 of the Civil Code, relating to covenants in leases.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1469 of the Civil Code is amended to read:

1469. Each covenant made by the lessor in a lease of real property to do any act or acts on other real property which is owned by the lessor and is contiguous (except for intervening public streets, alleys or sidewalks) to the real property demised to the lessee shall, except as provided by Section 1466, be binding upon each successive owner, during his ownership, of any portion of such contiguous real property affected thereby where all of the following requirements are met:

(a) Such contiguous real property is particularly described in the lease;

(b) Such successive owners are in the lease expressed to be bound thereby for the benefit of the demised real property;

(c) Each such act relates to the use, repair, maintenance or improvement of, or payment of taxes and assessments on, such contiguous real property or some part thereof;

(d) The lease is recorded in the same manner as grants of real property, in the office of the recorder of each county in which such contiguous real property or some part thereof is situate. Such lease shall include the description of any such contiguous land described in any unrecorded instrument, the contents of which unrecorded instrument are incorporated by reference in such recorded lease.

Where several persons are subject to the burden of any such covenant, it shall be apportioned among them pursuant to Section 1467, except that where only a portion of such contiguous real property is so affected thereby, such apportionment shall

be only among the several owners of such portion. This section shall apply to the mortgagee, trustee or beneficiary of a mortgage or deed of trust upon such contiguous real property or any part thereof while but only while he, in such capacity, is in possession thereof.

CHAPTER 1503

An act to add Chapter 2.5 (commencing with Section 50575) to Part 1 of Division 1 of Title 5 of the Government Code, relating to open space maintenance districts.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.5 (commencing with Section 50575) is added to Part 1 of Division 1 of Title 5 of the Government Code, to read:

CHAPTER 2.5. OPEN SPACE MAINTENANCE DISTRICTS

Article 1. General Provisions

50575. This chapter may be known and cited as the Open Space Maintenance Act.

50576. The procedure established herein shall be additional or alternative to any other procedure established by ordinance or state law. The election to proceed under this chapter shall be expressed in the ordinance of intention to form the district.

50577. Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction and the meaning and application of words and phrases used in this chapter.

50578. "Clerk" means the clerk of the legislative body of the local agency.

50579. "Maintenance" means the performance of all acts and doing of the things necessary to carry out the purposes of this chapter, including the maintenance and improvement of open areas and the doing of those acts set forth in Section 50583.

50580. "Open space" or "open area" means any space or area characterized by great natural scenic beauty or whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources.

50581. "Open space maintenance district" or "district" means any district created pursuant to the provisions of this chapter to pay the assessments for the maintenance work to be done hereunder.

50582. The purpose of this chapter is to provide a means whereby any local agency may form maintenance districts within which property may be assessed to pay the costs and expenses of improving and maintaining open spaces which the local agency has acquired pursuant to Sections 6950 to 6954, inclusive, and to maintain such open spaces in a way that will reduce the danger of fire which exists when open areas covered with vegetation remain in their natural state.

50583. In addition to matters specified elsewhere in this chapter, the acts authorized under this chapter include the following:

(a) The formation of districts pursuant to this chapter.

(b) The planning, maintaining, improving, protecting, limiting the future use of or otherwise conserving open spaces and areas within the local agency and the reduction of the hazards of fire, erosion, and flooding in such areas by:

(i) Clearing and removing or ordering the clearing and removal of dry grass, stubble, brush, rubbish, litter or other inflammable material which endangers the public safety by creating a fire hazard and which is not provided for by the regular controls exercised by the fire department of the legislative body, if any.

(ii) Acquiring, constructing and maintaining works, not otherwise regularly provided by the local agency which are necessary or convenient for the prevention and extinguishing of fires;

(iii) Destroying and removing noxious, dangerous or unsightly weeds;

(iv) Planting and maintaining trees, shrubs, lawns and other vegetation;

(v) Making such regulations as are necessary or desirable to limit the future use of the areas in order to maintain or enhance the conservation of their natural or scenic resources and to protect the public health and safety; and

(vi) Constructing and maintaining such other improvements as may be necessary or convenient for the accomplishment of the purposes of this chapter.

(c) The doing of all acts and things necessary or convenient for the accomplishment of the purposes of this chapter.

Article 2. Formation of District

50590. Proceedings for the formation of an open space maintenance district may be initiated by petition signed by the owners of assessable land in the proposed district, as shown by the last equalized assessment roll of the county, owning lands of an assessed value of not less than twenty-five percent (25%) of the total assessed value of all assessable land in the district, as shown by the last equalized county assessment roll. The petition shall contain a general description of the exterior boundaries of the proposed district, a general description of the open spaces to be maintained, a general description of the

maintenance to be done on the open spaces, and a statement that the petition is filed pursuant to this chapter. The petition shall be filed with the clerk, who shall check or cause it to be checked. If it is signed by the requisite number of qualified signers, the clerk shall make his certificate to that effect and shall present the petition and certificate to the legislative body.

50591. Before the legislative body adopts an ordinance of intention to form the district, the superintendent of streets or other officer, board or commission of the local agency designated by the legislative body shall make and file with the clerk a preliminary report which shall contain the following information:

(a) A general description of the open areas proposed to be maintained, all of which must lie wholly within the boundaries of the district;

(b) A general description of the proposed maintenance;

(c) An estimate of the annual costs and expenses of maintenance of the open areas which benefit property within the proposed district;

(d) A diagram or map showing:

(i) The boundaries of the district proposed to be assessed and the public streets, alleys, ways or other public places situated therein;

(ii) Each parcel of land benefited by the maintenance, giving each a separate number or designation upon the diagram. The said diagram, as approved by the legislative body, shall govern for all details as to the lands determined to be benefited by the maintenance and to thereafter be assessed.

The preliminary report, prior to its filing with the clerk, shall be referred to the planning commission, if any, for its recommendation upon the formation of such district. The recommendation of the planning commission shall be transmitted to the clerk along with the preliminary report.

50592. After the filing of the report, the clerk shall present it to the legislative body for consideration. The legislative body may approve, amend, alter, modify or correct the report or may direct changes to be made therein. When the report has been approved by the legislative body, it may fix a time and place for hearing objections to the proposed formation of the district or to the report and may adopt an ordinance declaring its intention to form the district. The report shall thereafter be open to inspection in the office of the clerk until the public hearing.

50593. If the legislative body determines that the public interest and convenience require the formation of a district, it may adopt an ordinance declaring its intention to form a district pursuant to the provisions of this chapter. The ordinance of intention, in addition to making the foregoing determination, shall also contain:

(a) A general description of the exterior boundaries of the proposed district, as specified in Section 50594.

(b) A general description of the maintenance proposed to be done and the open areas to be maintained or conserved thereby.

(c) A statement that an annual assessment may be levied to pay the costs and expenses of the maintenance on the open areas.

(d) A statement of the annual assessment limit on each one hundred dollars ($100) of assessed valuation of taxable land and improvements within the district and that amounts so assessed shall be billed for and collected as a part of the regular tax bills.

(e) The day, hour and place for the hearing by the legislative body of protests and objections to the formation of the proposed district or to the proposed maintenance, and a statement that any owner of property liable to be assessed for the maintenance may make written protest against the proposed maintenance or against the formation of the proposed district or both by filing a written protest with the clerk at any time not later than the hour so fixed for the hearing. The time for the hearing shall not be less than 15 or more than 60 days from the date of the adoption by the legislative body of the ordinance.

50594. The proposed assessment district may be described in the ordinance of intention by stating the exterior boundaries thereof or by referring to the diagram provided for in the Preliminary report required therefor. The description of the maintenance shall be sufficient if the ordinance states in general terms the classes or kinds of maintenance contemplated, contains a general description of the property upon which the maintenance is to be done or the name by which such property is commonly known, and refers to plans and reports on file, if any, or such of them as may be suitable or proper for a description of the proposed maintenance. Portions of the improvement or of the territory comprising the assessment district need not be contiguous.

50595. Any lot or parcel of land in any public use belonging to the state or to any county, city, district, or other public corporation in use in the performance of a public function and lying within the district is not subject to assessment unless the consent of the governing body of the entity owning such public property to assessment is filed with the legislative body. If consent is filed, the land is subject to assessment in the same manner as other land within the district.

50596. The legislative body in its discretion may, in the ordinance of intention or at any subsequent time, order that a portion of the costs and expenses of the maintenance shall be paid out of the treasury of the local agency from such fund as the legislative body may designate and the amount of such payment shall be so specified.

50597. The ordinance of intention shall be published as provided in Section 6061 and at least 15 days before the date set for hearing protests or objections.

50598. A copy of the ordinance shall be mailed at least 10 days before the date of hearing protests or objections, postage prepaid, by the clerk to each person to whom land in the district is assessed as shown upon the last equalized county assessment roll and to each person having a lien upon, or legal or equitable interest in, any land within the district, whose name and address and a designation of the land in which he is interested, are on file in the office of the clerk.

50599. The legislative body shall cause to be conspicuously posted along public streets, if any, within the proposed district, at not more than 300 feet in distance apart, but not less than three in all, copies of the ordinance of intention. Said notices shall be headed "Notice of Formation of Open Space Maintenance District" in letters of at least one inch (1″) in height. The notices shall be posted at least 15 days prior to the hearing.

50600. Certificates or affidavits shall be filed with the clerk setting forth the time and manner of compliance with the requirements of Section 50597, 50598, and 50599.

50601. At any time prior to the time set for hearing protests in relation to the proposed formation of the district, any owner of property liable to be assessed for the maintenance may make and file with the clerk a written protest stating his objection thereto. The protest shall contain a description of the property in which the protestant is interested, sufficient to identify the property, and shall be delivered to the clerk. No other protest shall be considered. The clerk shall endorse on every such protest the date of its receipt by him and shall at the time appointed for the hearing present all protests to the legislative body. Any protest may be withdrawn by the person making it, in writing, at any time prior to the conclusion of the hearing or any adjournment thereof.

50602. At the hearing all objections and protests shall be heard and considered. If at the hearing it appears that 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, and protests are not withdrawn so as to reduce the number of protests to less than a majority in area of the taxable land in the district, 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. If the proceeding is terminated by such a majority protest, no subsequent proceeding under this ordinance for the formation of the same, or substantially the same, district shall be commenced within six months thereafter, except upon a petition signed by the owners of a majority in area of the taxable land in the district. If the owners of more than one-half of the area of the property included within the district and subject to assessment have not made written objections or protests to the things proposed to be done as an entirety, the legislative body may so find orally or otherwise and may proceed with the hearing.

The hearing may be continued from time to time by order entered on the minutes.

50603. At the hearing the legislative body may order changes in the proposed maintenance or the proposed boundaries of the district by the elimination of any portion thereof which will not in its opinion be benefited by the work proposed to be done.

If the legislative body proposes a change in the boundaries to include additional land in the district, the legislative body shall adopt a resolution briefly describing the change proposed to be made and giving notice of the time and place when and where any interested person may object to such change. The clerk shall mail a copy of a notice of intention to do so to each person described in Section 50598 included in the area proposed to be added, within the time and in the manner set forth in Section 50598. The notice shall describe the proposed change and specify the time for hearing objections. The notice shall also be published in the time and manner provided for in Section 50597.

50604. If the boundaries are changed, objections or protests made by owners of land excluded by the change shall not be counted in computing a majority protest, but written objections or protests to the things proposed to be done as an entirety made by owners of the remaining assessable land in the district, including assessable land added by a change, and filed with the clerk not later than the time set for hearing objections to the proposed change, shall be included in computing a majority protest.

50605. Except in the case of a majority protest, the legislative body may sustain or deny any or all objections or protests and its determination is final. The determination shall be entered upon the minutes. If the protests are denied or if no protests are filed, the legislative body shall immediately acquire jurisdiction to form the district and to order the maintenance, as proposed or as changed, to be done and to proceed further in accordance with the provisions of this chapter. In the event there is a majority protest against a change of boundaries to include additional land, as provided for in Section 50603, no such change shall be ordered by the legislative body.

50606. If the legislative body decides to proceed, it shall by ordinance fix and establish the boundaries of the district, declare that the district is formed pursuant to this chapter, describe the open areas to be maintained by the district, order the maintenance, as proposed or as changed, to be performed and provide that the cost and expense of doing the maintenance shall be paid by annual assessments upon the land within the district. The ordinance forming the district shall be final and conclusive on all persons in all particulars.

50607. Any objections or protests not made at the time and in the manner provided for by this chapter are deemed waived voluntarily. The validity of proceedings taken under this chapter shall not be attacked subsequent to the hearing

upon any ground not stated in an objection or protest filed pursuant to this chapter. Any landowner or person interested in any land within the district is estopped to attack the proceedings upon any ground not stated in a protest filed by him pursuant to this chapter. The validity of the formation of a district formed pursuant to this chapter shall not be contested in any action or proceeding unless the action or proceeding is commenced within 30 days after the time the district is formed. Any appeal from a final judgment in such an action or proceeding must be perfected within 30 days after the entry of the judgment. Any defect, error, or informality in the petition, the clerk's certificate, the publication, posting, or mailing of notices, or failure of the landowner or person interested in the land to receive notice shall not invalidate any proceeding pursuant to this chapter.

Article 3. Administrative Provisions

50610. The legislative body shall have complete charge, supervision and control of all open areas maintained pursuant to the provisions of this chapter. The legislative body may appoint an advisory board composed of five property owners within a district, which advisory board may make recommendations to the legislative body with respect to the maintenance and operation of the open areas. Members of the board shall serve without compensation and shall hold office for a term of three years from the date of their appointment.

50611. The legislative body may enter into such annual contracts as may be required for performance of the maintenance or may cause any part or parts thereof to be performed or furnished by the local agency and may employ the necessary labor and provide, by purchase order when necessary, the required materials and equipment and shall cause the maintenance to be performed or furnished.

The costs and expenses of all maintenance to be done or furnished by the local agency shall be paid for from the funds of the district or out of any fund which may be provided or advanced by the legislative body for expenditure for such purposes. The payments so advanced may be reimbursed from the district funds when moneys are available therein.

50612. The legislative body may levy an annual ad valorem special assessment not to exceed twenty-five cents ($0.25) per one hundred dollars ($100) assessed valuation of taxable land and improvements within the maintenance district to pay the costs of maintenance and operation of the open areas or such portion of said costs as the legislative body determines shall be borne by the maintenance district. The legislative body may determine that all or a portion of the costs may be borne by the local agency. The annual assessments shall be levied and collected at the same time and in the same manner and with the same interest and penalties as general taxes for the local agency are collected.

50613. The proceeds of the annual special assessments shall be paid to the treasurer of the local agency, who shall place the proceeds in a special fund to the credit of the district and payment shall be made out of the special fund only for the purposes provided for in this chapter for the district. To expedite any maintenance work, the legislative body may at any time transfer into the special fund, out of any money in the general fund, such sums as it may deem necessary, and the sums so transferred shall be deemed as a loan to the special fund, and shall be repaid out of the proceeds of the assessments provided for in this chapter.

If a district is organized in any year too late for the levy of a special assessment in that year or in the next ensuing year, the legislative body is hereby authorized to transfer funds out of the general fund of the local agency to the special fund of the district to be used for the payment of the expenses of the district until such time as special assessment receipts are available therefor. The legislative body shall include in the levy of the special assessment for the district for the first fiscal year in which the assessment may be levied or in ensuing years, a sum sufficient to repay the local agency the amount so transferred to the district for the portion or portions of the preceding fiscal year or years for which no levy of assessment was made for that purpose. The amount so transferred shall be repaid into the general fund of the local agency from the district fund out of the first available receipts from the assessment levied or as determined by the legislative body.

50614. If for any reason there shall be a deficiency in the funds derived from the annual assessments levied for the district, the legislative body may meet the deficiency by an appropriation out of the general fund or may advance such sums, to be repaid out of the proceeds of the annual assessment for the next or ensuing years, as deemed appropriate by the legislative body.

50615. Any unexpended balance remaining in the special fund for the district after the payment of the costs and expenses of the maintenance for which the assessment was levied shall be credited to the fund to be raised for the next ensuing period of maintenance for the district. Whenever the legislative body does not order or reorder maintenance as authorized in this chapter, any such unexpended balance may be retained in the fund to be used, until exhausted, to defray the costs and expenses of maintaining and caring for the open spaces benefiting the district for which the annual assessment had been levied.

Article 4. Annexations, Additions and Withdrawals

50620. The boundaries of any district may be altered, and contiguous or noncontiguous territory may be annexed thereto. The legislative body may by resolution fix a time and place for hearing upon the question of annexation of such territory

to an existing district. The resolution shall describe the boundaries of the territory proposed to be annexed. The legislative body may by resolution determine that each parcel of territory annexed or to be annexed to a district should pay its proportionate share of the cost of any improvements constructed prior to such annexation. No such parcel may be annexed until the full amount of its contribution has been determined and paid. All such amounts paid to the local agency shall be placed in the special fund of the district and may be used for the purposes for which the proceeds from the annual assessments may be used. The date set for the hearing on the proposed annexation shall be at least three weeks from and after the date of the adoption of the resolution setting the hearing.

50621. The legislative body shall direct the clerk to give notice of the time, place and purpose of the hearing, by mailing written notice to each property owner within the boundaries of the territory sought to be annexed whose name and address appears on the last equalized assessment roll. The clerk shall file, upon the completion of the mailing, an affidavit setting forth the time and manner of the compliance with this section. The notice shall be mailed at least 10 days prior to the date set for hearing.

50622. The legislative body shall also direct the clerk to publish a notice as provided in Section 6061 and at least 15 days before the date set for hearing. The notice shall state the time and place of the hearing and shall contain a description of the territory proposed to be annexed, or, in lieu of such description, the boundaries of the territory proposed to be annexed may be shown by means of a diagram. An affidavit of publication shall be filed with the clerk.

50623. At the time fixed for the hearing or to which it may be continued, the legislative body shall hear and pass upon the proposal and any objections which may be filed to the inclusion of any property within the proposed annexation. The legislative body, by ordinance, may determine that the territory or any part thereof will be benefited by annexation to the district and may order that the boundaries of the district be altered to include the benefited territory.

If at the hearing it appears that owners of more than one-half of the real property within the area proposed to be annexed and subject to assessment have made objection in writing to the annexation, and protests are not withdrawn so as to reduce the number of protests to less than a majority, the legislative body, by resolution entered upon its minutes, shall so find. Thereafter the legislative body shall not proceed further, and the proceeding is terminated.

50624. If, after the formation of a district, the addition of properties to be maintained as open areas by such existing district is proposed, the legislative body shall adopt a resolution declaring its intention that the cost of maintaining the additional open areas shall be borne by the existing district. It shall fix a time and place for a hearing on the resolution, at

which hearing any and all persons having any objections to the things proposed to be done may appear and be heard. The resolution shall contain the statement of the estimated annual cost of maintaining the additional open areas.

50625. Notice of the hearing on the resolution shall be mailed at least 10 days prior to the hearing to each person to whom land within the existing district is assessed as shown on the last equalized assessment roll at his address as shown upon the roll. At the hearing, the legislative body shall hear and pass upon any and all protests to the maintaining of the additional open areas by the existing district and the legislative body's decision shall be final and conclusive. At the conclusion of the hearing, the legislative body may, by resolution, order that the expenses of maintaining the additional open areas shall be a charge upon the existing district.

50626. Any portion of any district which will not be benefited by remaining within the district may be withdrawn therefrom. The legislative body may by resolution fix a time for a hearing on the question of the withdrawal of any portion of a district which will not be benefited by remaining within the district. The time for the hearing shall be not less than 10 or more than 30 days after the date of the adoption of the resolution. The legislative body shall, at least 10 days prior to the time so fixed, cause a notice of such hearing to be published as provided in Section 6061. Copies of the notice shall also be posted at least 10 days prior to the date fixed for hearing in at least three conspicuous places within that portion of the district sought to be withdrawn and in at least three conspicuous places within the remaining portion of the district.

50627. Any person interested may appear at the hearing and object to the withdrawal of the portion from the district or may object to the continuance of the remaining territory as a district. The legislative body shall consider and pass upon all objections and if it finds that the portion of the district sought to be withdrawn will not be benefited by remaining within the district and that the remaining territory not sought to be withdrawn will be benefited by continuing as a maintenance district, then it shall by ordinance order the withdrawal and the continuance of the remaining territory as a district.

50628. This chapter shall be liberally construed in order to effectuate its purposes. If any provision of this chapter or the application thereof to any person, property, or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

CHAPTER 1504

An act to add Section 2143 to the Welfare and Institutions Code, and to add Section 12016 to Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682 of the 1965 Regular Session, relating to the State Department of Social Welfare.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 2143 is added to the Welfare and Institutions Code, to read:

2143. The State Department of Social Welfare may contract with one or more public agencies or nonprofit corporations lawfully operating under Section 9200 or 9201 of the Corporations Code, so as to provide for the department to manage, staff, administer and provide group services at a nonprofit facility for aged persons or their families.

SEC. 2. Section 12016 is added to Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682 of the 1965 Regular Session, to read:

12016. The department may contract with one or more public agencies or nonprofit corporations lawfully operating under Section 9200 or 9201 of the Corporations Code, so as to provide for the department to manage, staff, administer and provide group services at a nonprofit facility for aged persons or their families.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 1682 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No. 1682 takes effect; at which time Section 2143 of the Welfare and Institutions Code as added by Section 1 of this act is repealed.

CHAPTER 1505

An act to amend Section 25546.11 of the Education Code, relating to reservation of funds for school districts.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 25546.11 of the Education Code is amended to read:

25546.11. The amount of funds reserved for a district shall be continued in reservation until the district is qualified

to receive an allocation of funds, but not longer than 30 months after the deadline date fixed by law for filing the applications.

Notwithstanding any provisions of this chapter to the contrary, an entitlement computed for a junior college district under Section 25546.10 may be transferred upon request of that district by the department to a junior college district which was formed subsequent to the computation of entitlements under Section 25546.10 and which includes all of the territory of the district requesting the transfer.

CHAPTER 1506

An act to amend Sections 17800, 17802, 17805, 17820, and 17847 of, and to add Sections 17808, 17809, and 17810 to, the Business and Professions Code, relating to marriage counseling, and making an appropriation therefor.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 17800 of the Business and Professions Code is amended to read:

17800. After January 1, 1964, no person who engages in the business of marriage, family, or child counseling shall advertise himself as being, or performing the services of, a marriage, family, child, domestic, or marital consultant or adviser, nor in any way use these or any similar titles to imply that he performs these services without a license as provided by this chapter. Nothing in this chapter shall be construed to restrict, limit, or withdraw provisions of the Social Work Licensing Law, Medical Practices Act, or Psychology Certification Act.

The provisions of this chapter shall not apply to any priest, rabbi, or minister of the gospel of any religious denomination, nor to any person who is licensed to practice medicine or admitted to practice law in this state, nor to any organization which is both a nonprofit and a charitable organization.

SEC. 2. Section 17802 of said code is amended to read:

17802. "Advertise," as used in this chapter, includes, but not by way of limitation, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on or in any building or structure, or in any newspaper or magazine or in any directory, with or without any limiting qualification. Signs within church buildings and notices in church bulletins mailed to a congregation shall not be construed as advertising within the meaning of this chapter.

SEC. 3. Section 17805 of said code is amended to read:

17805. The director shall issue an appropriate license within the fields referred to in Section 17801 in such form as the director may deem appropriate to every applicant who qualifies under the chapter.

SEC. 4. Section 17808 is added to said code, to read:

17808. The director may grant waivers, biennially, to institutions which are both nonprofitable and charitable and to educational institutions which meet the accrediting requirements contained in Section 17804. Institutions applying for such waivers shall demonstrate (a) adequate supervision of nonlicensed counseling personnel, and (b) community need or (c) a training need.

SEC. 5. Section 17809 is added to said code, to read:

17809. The director may issue a license to any person who, at the time of application, holds a valid license issued by a board of marriage counselor examiners or corresponding authority of any state, provided, in the opinion of the board, the requirements for such licensure are substantially the equivalent of the requirements of this chapter, and upon payment of the fees specified.

SEC. 6. Section 17810 is added to said code, to read:

17810. An advisory committee to the Director of Professional and Vocational Standards may be created. It shall be named the Advisory Committee on Marriage, Family and Child Counselors and shall be composed of five members to be appointed by the Governor for terms of four years. No member shall serve more than two consecutive terms. There shall be a public member, a psychologist certified in California, a registered social worker, a minister who meets the requirements of the American Association of Pastoral Counselors, and a sociologist. Excluding the public member, each member of the board shall be licensed as marriage, family and child counselor.

SEC. 7. Section 17820 of said code is amended to read:

17820. The director may refuse to issue a license, or may suspend or revoke the license of any licensee if he has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct shall include:

(a) Conviction of a felony, or of any offense involving moral turpitude, the record of conviction being conclusive evidence thereof.

(b) Securing a license by fraud or deceit practiced on the director.

(c) Using any narcotic as defined in Division 10 (commencing with Section 1100) of the Health and Safety Code or any hypnotic drug or alcoholic beverage to an extent or in a manner dangerous to himself, or to any other person, or to the public and to an extent that such action impairs his ability to perform his work as a marriage, family, or child counselor with safety to the public.

(d) Improper advertising.

(e) Violating or conspiring to violate the terms of this chapter.

(f) Committing a dishonest or fraudulent act as a marriage, family, or child counselor resulting in substantial injury to another.

SEC. 8. Section 17847 of said code is amended to read:

17847. The amount of the fees prescribed by this chapter is that fixed by the following schedule:

(a) The application fee shall be twenty-four dollars ($24).

(b) The renewal fee shall be twenty-four dollars ($24).

(c) The delinquency fee shall be ten dollars ($10).

SEC. 9. The revenues derived from the increases in fees provided for in this act shall not be available for expenditure until appropriated by the Legislature.

CHAPTER 1507

An act to amend Sections 19007.5, 19011, 19034, 19035, 19035.1, 19035.3, 19070, 19071, 19072, 19072.5, 19073, 19080, 19087, 19121, 19123.4, 19123.6, 19124, 19132, 19158, 19170, 19200.5, 19201, 19202, 19203, and 19204 of, and to repeal Section 19058.3 of, the Business and Professions Code, and to amend Section 25896 of the Health and Safety Code, relating to toys.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 19007.5 of the Business and Professions Code is amended to read:

19007.5. "Filling material" means cotton, wool, kapok, feathers, downs, hair, or any other material, or any combination thereof, loose or in batting, pads, or any other prefabricated form, concealed or not concealed to be used or that could be used in articles of bedding or upholstered furniture.

SEC. 2. Section 19011 of said code is amended to read:

19011. "Manufacturer" means a person who, either by himself or through employees or agents, makes any article of upholstered furniture or bedding in whole or in part, or who does the upholstery or covering of any unit thereof, using either new or secondhand material

SEC. 2.1. Section 19034 of said code is amended to read:

19034. With the approval of the director, the chief may adopt rules and regulations necessary for the administration of this chapter and declaring the policy of the bureau, and shall determine when any article, not otherwise clearly defined, is "upholstered furniture" or "bedding" under the provisions of this chapter.

SEC. 2.2. Section 19035 of said code is amended to read:

19035. There is in the Bureau of Furniture and Bedding Inspection a California Advisory Board of Furniture and Bedding, which consists of seven members appointed by the Governor.

SEC. 2.3. Section 19035.1 of said code is amended to read:

19035.1. One member of the board shall be a bedding manufacturer, one member shall be an upholstered-furniture manufacturer, two members shall be retailers, one member shall be a supply dealer, one member shall be a sterilizer, and one member shall represent the public at large. All of the members, except the member representing the public at large, shall have been actively engaged and licensed as a manufacturer, retailer, supply dealer, or sterilizer, as the case may be, for a period of not less than five years immediately preceding the date of their appointment and shall continue to be so engaged and licensed during the term of their office.

SEC. 2.4. Section 19035.3 of said code is amended to read:

19035.3. Members of the board shall be appointed for a term of four years and they shall hold office until the appointment and qualification of their successors.

The terms of the members first appointed to the board shall expire as follows: the sterilizer, June 30, 1956; the supply dealer and the member representing the public at large, June 30, 1957; one manufacturer and one retailer, June 30, 1958; one manufacturer and one retailer, June 30, 1959.

The Governor shall appoint the upholstered-furniture manufacturer authorized by the amendment made to Section 19035.1 at the 1961 Regular Session of the Legislature to the vacancy occurring on the board on June 30, 1962 in the membership of a manufacturer.

Vacancies occurring in the membership of the board for any cause shall be filled by appointment for the balance of the unexpired term.

Each member appointed to the board, except the member appointed to represent the public at large, shall be from the same branch of the furniture and bedding industry as his predecessor.

No member shall serve more than two consecutive terms of office.

SEC. 3 Section 19058.3 of said code is repealed.

SEC. 4. Section 19070 of said code is amended to read:

19070 This chapter shall apply to upholstered furniture and bedding and filling materials sold in California regardless of its point of origin.

SEC. 5. Section 19071 of said code is amended to read:

19071. Secondhand upholstered furniture or bedding, or secondhand filling materials to be used or that could be used in upholstered furniture or bedding received from outside of this state shall comply with all the sterilization provisions of this chapter before it is accepted, sold or delivered, either directly or indirectly by any person.

SEC. 6. Section 19072 of said code is amended to read:

19072. Responsibility for compliance with this chapter rests not only with the manufacturer but also with the wholesaler, and/or any person having in his possession any article of upholstered furniture or bedding, or filling materials contrary to the provisions of this chapter.

SEC. 7. Section 19072.5 of said code is amended to read:

19072.5. Responsibility for labeling of unlabeled foreign-made upholstered furniture or bedding in compliance with the requirements of this chapter, shall rest with the person selling such merchandise in California.

SEC. 8. Section 19073 of said code is amended to read:

19073. This chapter shall not apply to upholstered furniture or bedding manufactured and sold at wholesale in California for delivery outside the borders of this state.

SEC. 9. Section 19080 of said code is amended to read:

19080 A person shall not, at wholesale, retail, or otherwise, directly or indirectly, make, repair, renovate, process, prepare, sell, offer for sale, display, or deliver any article of upholstered furniture or bedding, or any filling materials in prefabricated form or loose in bags or containers, unless such article or material is plainly and indelibly labeled.

SEC. 10. Section 19087 of said code is amended to read:

19087. It is unlawful for any person, except the purchaser for his own use, to attempt to, or to remove, deface, alter or cause to be removed, defaced or altered, the label or any mark or statement thereon, placed upon any article of upholstered furniture, bedding, or filling material under the provisions of this chapter.

SEC 11. Section 19121 of said code is amended to read:

19121. Filthy or soiled articles of new or used upholstered furniture or bedding cannot be sold, offered or exposed for sale unless the fabric covering them is either properly cleaned or replaced by a new covering and then subjected to sterilization when so provided for in this chapter.

SEC. 12. Section 19123.4 of said code is amended to read:

19123.4. Newly manufactured articles of upholstered furniture and bedding which contain any secondhand filling material shall be sterilized before they are offered or exposed for sale, except feather and down-filled articles. Feathers and down must be sterilized loose.

SEC. 13. Section 19123.6 of said code is amended to read:

19123.6. Every article of upholstered furniture or bedding to which any secondhand material has been added in the process of repairing, shall be sterilized in accordance with the provisions of the sterilization regulations.

SEC 14. Section 19124 of said code is amended to read:

19124 Every person who receives for sterilization any upholstered furniture or bedding filling material, shall sterilize all such articles and material in accordance with the sterilization regulations.

SEC. 15. Section 19132 of said code is amended to read:

19132. New or sterilized articles of upholstered furniture or bedding or materials shall at all times be kept separate from any secondhand articles or materials that are unsterilized.

SEC. 16. Section 19158 of said code is amended to read:

19158. Every person, upon receiving upholstered furniture or bedding for repairing or renovating shall securely affix, immediately, a tag of identification showing the owner's or dealer's name, address and the date upon which it was received. The tag shall remain affixed until the article is in the process of repair or renovation.

SEC. 17. Section 19170 of said code is amended to read:

19170. (a) The fee imposed for the issuance and for the renewal of each license granted under this chapter shall be set by the chief, with the approval of the director, at a sum not more nor less than that shown in the following table:

	Maximum fee	Minimum fee
Furniture manufacturer's license	$120	$40
Wholesale furniture dealer's license	120	40
Bedding manufacturer's license	120	40
Wholesale bedding dealer's license	120	40
Supply dealer's license	120	40
Furniture repairer's license	80	20
Bedding renovator's license	80	20
Sterilizer's license	80	20
Retail furniture dealer's license	20	4
Retail bedding dealer's license	20	4

(b) A person who has paid the required fee and who is duly licensed as a furniture manufacturer, a furniture repairer, a bedding manufacturer or a bedding renovator under this chapter shall not be required to pay, in addition, the fee prescribed herein for a sterilizer's license.

SEC. 18. Section 19200.5 of said code is amended to read:

19200.5. The chief or any inspector may open any articles of upholstered furniture or bedding, including pillows or cushions belonging to or forming a part thereof, for the purpose of inspecting concealed filling material and may take either the entire article, or samples of filling material in such quantities as may be necessary for analysis.

SEC. 19. Section 19201 of said code is amended to read:

19201. The chief or any inspector may determine the fitness of any secondhand or damaged article of upholstered furniture or bedding or filling material, for sterilization and sale.

SEC. 20. Section 19202 of said code is amended to read:

19202. The bureau may condemn, withhold from sale, seize or destroy any upholstered furniture or bedding or any filling material which is found to be in violation of this chapter.

SEC. 21. Section 19203 of said code is amended to read:

19203. The tag to be affixed to any article of condemned upholstered furniture or bedding, or any material by an inspector shall be a red tag and shall contain such information as may be required by the chief.

SEC. 22. Section 19204 of said code is amended to read:

19204. Every person who removes, or causes to be removed any tag or device placed upon any upholstered furniture or bedding or any material, by an inspector is guilty of a violation of this chapter.

SEC. 23. Section 25896 of the Health and Safety Code is amended to read:

25896. Any person is guilty of a misdemeanor who manufactures, sells, or exchanges, has in his possession with intent to sell or exchange, or exposes or offers for sale or exchange to any retailer, any toy which either (1) is coated with paints and lacquers containing compounds of lead of which the lead content (calculated as Pb) is in excess of 1 percent of the total weight of the contained solids (including pigments and drier), or soluble compounds of antimony, arsenic, cadmium, mercury, selenium or barium, introduced as such; compounds are considered soluble if quantities in excess of 0.1 percent are dissolved by 5 percent hydrochloric acid after stirring for 10 minutes at room temperature; (2) consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance; (3) has been produced, prepared, packed or held under insanitary conditions; (4) is stuffed, padded, or lined with materials which are toxic or which would otherwise be hazardous if ingested; or (5) is a stuffed, padded, or lined toy which is not securely wrapped or packaged.

The State Department of Public Health and local health officers shall enforce the provisions of this chapter.

CHAPTER 1508

An act to amend Section 12004 of the Fish and Game Code, relating to increasing the penalty for the taking or injuring of a condor.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 12004 of the Fish and Game Code is amended to read:

12004. A violation of any of the following provisions is punishable by imprisonment in the county jail for a term not exceeding one year or a fine not exceeding one thousand dollars ($1,000), or both:

(a) Any provision of this code relating to sea otter.

(b) Any provision of Sections 4600 to 4606, inclusive, of this code.

(c) Any provision of Section 1059 of this code.

(d) Any provision of this code relating to California condors (Gymnogyps californianus).

CHAPTER 1509

An act to amend Section 26104 of the Corporations Code, relating to offenses under the laws relating to corporate securities.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 26104 of the Corporations Code is amended to read.

26104. Every officer, agent, or employee of any company and every other person, who does any of the following acts is guilty of a public offense punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding 10 years or in a county jail not exceeding one year, or by both such fine and imprisonment:

(a) Knowingly authorizes, directs, or aids in the issue or sale of, or issues or executes, or sells, or causes or assists in causing to be issued, executed, or sold, any security, in nonconformity with a permit of the commissioner then in effect authorizing such issue, or contrary to the provisions of this division, or of the Constitution of this state.

(b) In any application to the commissioner, or in any proceeding before him, or in any examination, audit, or investigation made by him or his authority, knowingly makes any false statement or representation, or, with knowledge of its falsity, files or causes to be filed in the office of the commissioner any false statement or representation concerning the company or the property which it then holds or proposes to acquire, or concerning its officers or its financial condition or other affairs, or concerning its proposed plan of business, or, with knowledge of the falsity of any such statement or representation, issues, executes, or sells, or causes to be issued, executed, or sold, any security.

(c) Directly or indirectly, knowingly applies, or causes or assists in causing to be applied, the proceeds, or any part thereof, from the sale of any security to any purpose contrary to the provisions of the permit authorizing the issue of the security, or to any purpose specified in the permit in excess of any amount limited in the permit to be used for that purpose.

(d) With knowledge that any security has been issued or executed in violation of any provision of this division, sells, or offers the security for sale.

(e) Issues, circulates, or publishes, or causes to be issued, circulated, or published, any advertisement, pamphlet, prospectus, or circular concerning any security containing any statement that is false or misleading, or otherwise likely to deceive a reader thereof, with knowledge that it contains such false, misleading, or deceptive statement.

(f) In any respect willfully violates or fails to comply with any provision of this division, or willfully violates or fails, omits, or neglects to obey, observe, or comply with any order, permit, decision, demand, or requirement, or any part or provision thereof, of the commissioner under this division.

(g) With one or more other persons, conspires to violate any permit or order issued by the commissioner or any provision of this division.

SEC. 2. Section 26104 of the Corporations Code is amended to read:

26104. Every officer, agent, or employee of any company and every other person, who does any of the following acts is guilty of a public offense punishable by a fine not exceeding five thousand dollars ($5,000), or by imprisonment in the state prison not exceeding 10 years or in a county jail not exceeding one year, or by both such fine and imprisonment:

(a) Knowingly authorizes, directs, or aids in the issue or sale of, or issues or executes, or sells, or causes or assists in causing to be issued, executed, or sold, any security, in nonconformity with a permit of the commissioner then in effect authorizing such issue, or contrary to the provisions of this division, or of the Constitution of this state.

(b) In any application to the commissioner, or in any proceeding before him, or in any examination, audit, or investigation made by him or his authority, knowingly makes any false statement or representation, or, with knowledge of its falsity, files or causes to be filed in the office of the commissioner any false statement or representation concerning the company or the property which it then holds or proposes to acquire, or concerning its officers or its financial condition or other affairs, or concerning its proposed plan of business, or, with knowledge of the falsity of any such statement or representation, issues, executes, or sells, or causes to be issued, executed, or sold, any security.

(c) Directly or indirectly, knowingly applies, or causes or assists in causing to be applied, the proceeds, or any part thereof, from the sale of any security to any purpose contrary to the provisions of the permit authorizing the issue of the security, or to any purpose specified in the permit in excess of any amount limited in the permit to be used for that purpose.

(d) With knowledge that any security has been issued or executed in violation of any provision of this division, sells, or offers the security for sale.

(e) Issues, circulates, or publishes, or causes to be issued, circulated, or published, any advertisement, pamphlet, prospectus, or circular concerning any security containing any statement that is false or misleading, or otherwise likely to deceive a reader thereof, with knowledge that it contains such false, misleading, or deceptive statement.

(f) In any respect willfully violates or fails to comply with any provision of this division, or willfully violates or fails, omits, or neglects to obey, observe, or comply with any order, permit, decision, demand, or requirement, or any part or provision thereof, of the commissioner under this division.

(g) With one or more other persons, conspires to violate any permit or order issued by the commissioner or any provision of this division.

(h) Violates any condition set forth in any conditional certificate issued to a broker, agent or investment counsel pursuant to Section 25706.5 or 25805.5.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 2281 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No. 2281 takes effect; at which time Section 26104 of the Corporations Code as amended by Section 1 of this act is repealed.

CHAPTER 1510

An act to amend Sections 18012, 18103, 18206, 18207, 18214, 18251, and 18379 of, to amend and renumber Sections 18003, 18004, 18004.1, 18004.2, 18004.3, 18005, 18005.5, 18005.7, 18006, 18007, 18007 5, and 18008 of, to add Sections 18212.1, 18212.2, 18212.3, 18212.4, and 18372.5 to, and to repeal Section 18254 of, the Health and Safety Code, relating to mobilehomes and mobilehome parks.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 18003 of the Health and Safety Code is amended and renumbered to read:

18005.5. "Mobilehome park" is any area or tract of land where one or more mobilehome lots are rented or leased or held out for rent or lease to accommodate mobilehomes used for human habitation. The rental paid for any such mobilehome shall be deemed to include rental for the lot it occupies.

SEC. 2. Section 18004 of said code is amended and renumbered to read:

18008. "Travel trailer park" is any area or tract of land or a separate designated section within a mobilehome park where one or more lots are rented or leased or held out for rent or lease to owners or users of travel trailers or camp cars used for travel or recreational purposes.

SEC. 3 Section 18004 1 of said code is amended and renumbered to read:

18006. "Recreational trailer park" is any area or tract of land, within a designated recreational area, where one or more lots are rented or leased or held out for rent, or lease to owners or users of travel trailers, camp cars or tents and which is occupied for not more than six consecutive months in any calendar year.

SEC. 4 Section 18004 2 of said code is amended and renumbered to read:

18006.5. "Temporary trailer park" is any area or tract of land where one or more lots are rented or leased or held out for rent or lease to owners or users of travel trailers or camp cars, and which is established for one operation not to exceed 11 consecutive days, and is then removed.

SEC. 5. Section 18004.3 of said code is amended and renumbered to read:

18003. "Incidental camping area" is any area or tract of land where camping is incidental to the primary use of the land for agriculture, timber management, or water or power development purposes, and where one or more lots used for camping are rented or leased or held out for rent or lease; provided that the density of usage does not exceed 10 lots for each 5 acres of designated camping area, and that no such lots for camping are located in an area where the population density is more than 300 people per square mile as measured within a one-half mile radius of any camp lot or in an incorporated city.

SEC. 6. Section 18005 of said code is amended and renumbered to read:

18003.7. "Lot" is any area or tract of land or portion of a mobilehome park, travel trailer park, recreational trailer park, temporary trailer park, or tent camp designated or used for the occupancy of one mobilehome, travel trailer, camp car, or camping party, and shall include a site.

SEC. 7. Section 18005.5 of said code is amended and renumbered to read:

18002.4. "Division of Housing" or "division" is the Division of Housing of the Department of Industrial Relations.

SEC. 8. Section 18005.7 of said code is amended and renumbered to read:

18002.7. "Enforcement agency" is the Division of Housing or any city, county, or city and county which has assumed responsibility for the enforcement of this part pursuant to Section 18010.

SEC. 9. Section 18006 of said code is amended and renumbered to read:

18001 "Approved" when used in connection with any material, appliance or construction, means meeting the requirements and approval of the Division of Housing of the Department of Industrial Relations of the State of California.

SEC. 10. Section 18007 of said code is amended and renumbered to read:

18001.4. "Building" is any permanent structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

SEC. 11. Section 18007.5 of said code is amended and renumbered to read:

18005. "Mobilehome accessory building or structure" is any awning, portable, demountable or permanent cabana, ramada, storage cabinet, carport, fence, windbreak or porch established or located within six feet of a mobilehome.

SEC. 12. Section 18008 of said code is amended and renumbered to read:

18003.5 "Liquefied petroleum gas" is petroleum hydrocarbons or mixtures thereof, in liquid or gaseous state, having a vapor pressure in excess of 26 psi at a temperature of 100 degrees F. Whenever the symbol "LPG" is used it shall mean liquefied petroleum gas.

SEC. 13. Section 18012 of said code is amended to read:

18012. This part does not apply to any supervised public park, public campground, or picnic ground owned, operated, and maintained by any of the following:

(a) The federal government

(b) The state

(c) Any agency or political subdivision of the state.

SEC. 14. Section 18103 of said code is amended to read:

18103. In any action or proceeding to abate a nuisance in a mobilehome park, proof of any one of the following facts is sufficient for a judgment or order for the abatement of the operation of the mobilehome park:

(a) Previous conviction of the owner or operator of a violation of this part which constitutes a nuisance or failure on the part of the owner or operator to correct the violation after the conviction

(b) The violation is the basis for the proceeding.

SEC. 15. Section 18206 of said code is amended to read:

18206. Permits to operate shall be issued annually by the enforcement agency covering the period from January 1 through December 31 of each calendar year. A copy of each permit to operate shall be forwarded to the Division of Housing. No permit to operate shall be issued for a mobilehome park when the previous operating permit has been suspended by the enforcement agency until the violations which were the basis for the suspension have been corrected. No mobilehome park in existence on the effective date of this part, September 15, 1961, shall be denied a permit to operate if such mobilehome park complied with the law which this part supersedes.

SEC. 16. Section 18207 of said code is amended to read:

18207. (a) The division and enforcement agency shall be notified by the new owner or operator of any mobilehome park of any change in the name or the ownership or possession thereof. The notice shall be in written form and shall be furnished within 30 days from and after any such change in name or transfer of ownership or possession. The notice shall be accompanied by the appropriate fees to the enforcement agency. Following receipt of the notice and fee the enforcement agency shall record the change of ownership or possession and shall issue an amended permit to operate except as provided in Section 18206.

(b) In case of any change in name or transfer of ownership or possession prior to completion of construction, no additional fee for a construction permit is required, provided the new owner completes construction in accordance with prior enforcement agency approved plans and specifications However, the notice of such change shall be accompanied by a fee of ten dollars ($10).

(c) If there is any deviation from the enforcement agency approved plans and specifications as submitted by the original applicant for a construction permit, a new application for a permit to construct, accompanied by revised plans and specifications and the appropriate fees shall be required.

SEC. 17. Section 18212.1 is added to said code, to read:

18212.1. Any permittee receiving a notice of permit suspension may request and shall be granted a hearing on the matter before an authorized representative of the enforcement agency. The permittee shall file with the enforcement agency a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within 10 days of the date of mailing of such notice.

SEC 18. Section 18212.2 is added to said code, to read:

18212.2. Upon receipt of such petition the enforcement agency shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show cause, if any, why such notice should be modified or withdrawn.

SEC. 19. Section 18212.3 is added to said code, to read:

18212.3. Such hearing shall be commenced not later than 10 days after the day on which such petition was filed. Upon application of the petitioner the enforcement agency may however, postpone the date of such hearing for a reasonable time beyond such 10-day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.

SEC 20 Section 18212.4 is added to said code, to read:

18212.4 After such hearing the enforcement agency shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of Part 2 (commencing with Section 18000), Division 13 of the Health and Safety Code, have been complied with.

SEC. 21. Section 18214 of said code is amended to read:

18214. Upon compliance by the permittee with the provisions of this part and of the notice, and submission of proof thereof to the enforcement agency, the enforcement agency shall reinstate the permit or issue a new permit.

SEC. 22. Section 18251 of said code is amended to read:

18251. Every person who owns or operates a mobilehome park shall keep a register in which shall be entered:

(a) The name and address of the owner or occupant of each mobilehome.

(b) The make, type and license number of the mobilehome and motor vehicle, if any, and the state in which such vehicle or vehicles is or are registered and the year of registration as shown on the license plates attached to the vehicle or vehicles.

(c) The number and type of mobilehome accessory buildings or structures on each lot for which a construction permit is required.

SEC. 23. Section 18254 of said code is repealed.

SEC. 24. Section 18372.5 is added to said code, to read:

18372.5. It is unlawful for any person to alter or convert any plumbing, heat-producing or electrical equipment and installations of any mobilehome bearing a Division of Housing insignia of approval, issued pursuant to Section 18371, unless approval is first obtained from the Division of Housing.

SEC. 25. Section 18379 of said code is amended to read:

18379. The space directly beneath each mobilehome shall not be used for storage purposes and shall be kept clean and free from refuse, rubbish or other impedimenta. The area beneath a mobilehome may be enclosed.

Enclosures shall not, however, unreasonably impede the movement of the mobilehome, shall be openable for inspection, and cross ventilation on at least three sides shall be provided with not less than 2 square feet of opening for each 25 linear feet.

CHAPTER 1511

An act to amend Section 1382 of the Penal Code, relating to dismissal of criminal cases.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1382 of the Penal Code is amended to read:

1382. The court, unless good cause to the contrary is shown, must order the action to be dismissed in the following cases:

1. When a person has been held to answer for a public

offense and an information is not filed against him within 15 days thereafter.

2. When a defendant is not brought to trial in a superior court within 60 days after the finding of the indictment or filing of the information or, in case the cause is to be tried again following a mistrial, an order granting a new trial from which an appeal is not taken, or an appeal from the superior court, within 60 days after such mistrial has been declared, after entry of the order granting the new trial, or after the filing of the remittitur in the trial court; except that an action shall not be dismissed under this subdivision if it is set for trial on a date beyond the 60-day period at the request of the defendant or with his consent, express or implied, or because of his neglect or failure to appear and if the defendant is brought to trial on the date so set for trial or within 10 days thereafter.

3. Regardless of when the complaint is filed, when a defendant in a misdemeanor case in an inferior court is not brought to trial within 30 days after he is arraigned unless he has signed a written notice to appear, in which case within 45 days after the latest date by which he has promised to appear, or the date upon which he does in fact appear, whichever may be later, or if there has been no arrest and he has not signed a notice to appear, within 45 days after he has, by appearance in court pursuant to a parking citation or otherwise, submitted himself to the jurisdiction of the court, or if he has been released on bail or on his own recognizance, in which case within 45 days after such release, or, in case the cause is to be tried again following a mistrial, an order granting a new trial from which an appeal is not taken, or an appeal from the inferior court, within 30 days after such mistrial has been declared, after entry of the order granting the new trial, or after the remittitur is filed in the trial court or, if the new trial is to be held in the superior court, within 30 days after the judgment on appeal becomes final; except that an action shall not be dismissed under this subdivision (1) if it is set for trial on a date beyond the prescribed period at the request of the defendant or with his consent, express or implied, and the defendant is brought to trial on the date so set for trial or within 10 days thereafter or (2) if it is not tried on the date set for trial because of the defendant's neglect or failure to appear, in which case he shall be deemed to have been arrested within the meaning of this subdivision on the date of his subsequent arrest on a bench warrant or his submission to the court.

If the defendant is not represented by counsel, he shall not be deemed under this section to have consented to the date for his trial unless the court has explained to him his rights under this section and the effect of his consent.

CHAPTER 1512

An act to amend Section 13187.1 of the Education Code, relating to credentials for service in the public schools.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 13187.1 of the Education Code is amended to read:

13187.1. (a) A credential which was issued prior to January 1, 1964, shall remain in force as long as it is valid and continues to be valid under the law and regulations of the State Board of Education. The State Board of Education may not by regulation invalidate such valid credential unless it issues to the holder thereof, in substitution, a new credential authorized by other sections of this article of an equivalent type and which new credential is no less restrictive than the credential for which it is substituted with respect to the kind of service which it authorizes, and the grades or classes of types of schools in which it authorizes service.

(b) Subject to the provisions of Section 13172, credentials issued prior to January 1, 1964, and credentials issued under subdivision (c) of this section may be renewed in accordance with regulations of the State Board of Education in effect on December 31, 1963.

(c) The State Board of Education shall issue the appropriate credentials authorized by the law operative, and the rules and regulations of the State Board of Education in effect, on December 31, 1963, to any person who, on November 1, 1963, has completed two years of college and on November 1, 1963, was either enrolled in a teacher education curriculum at any institution of higher learning approved by the California State Board of Education, or was engaged in teaching in a foreign country, after such person has completed the requirements for such credential and if the person is otherwise qualified for such credential under the law and rules and regulations. No credential shall be issued under this subdivision after September 15, 1966. However, no person shall be denied the issuance of a prior regular credential if he holds a provisional credential authorized by Sections 13117, 13118, and 13119, and on November 1, 1963, is working toward meeting the requirements of that prior regular credential in accordance with State Board of Education regulations; nor shall any person who, on November 1, 1963, is working toward meeting the requirements of a prior regular credential and on that date is enrolled in a teacher education program, be denied the issuance of a prior credential if because of active military service since September 15, 1961, he was prevented from meeting the educational requirements of a prior regular credential.

CHAPTER 1513

An act to amend Sections 53, 54.5, 60, 96, 112, 122, 123, 125, 126, 127, 128, 130, 131, 132, 132a, 133, 134, 135, 137, 2503, 2507, 2508, 3207, 3212, 3212.2, 3212.5, 3212.6, 3212.7, 3600.5, 3704, 3706, 3709, 3710.2, 3712, 3715, 3755, 3756, 3757, 3759, 3760, 3860, 3861, 3950, 3952, 3953, 4050, 4054, 4056, 4151, 4152, 4365, 4551, 4552, 4553.1, 4555, 4555.5, 4600, 4601, 4602, 4603, 4604, 4651, 4651.1, 4660, 4702, 4704, 4705, 4706, 4708, 4753.5, 4754, 4754.5, 4801, 4851, 4902, 4903, 4904, 4905, 4906, 4907, 4909, 5001, 5002, 5100, 5100.5, 5101, 5102, 5103, 5105, 5106, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307, 5307.1, 5307.5, 5308, 5309, 5310, 5311, 5313, 5315, 5316, 5404, 5408, 5410, 5500, 5500.5, 5501, 5505, 5506, 5507, 5600, 5601, 5602, 5700, 5701, 5702, 5703, 5703.5, 5706, 5707, 5708, 5710, 5800, 5801, 5802, 5803, 5804, 5806, 5807, 5808, 5809, 5810, 5811, 5814, 5815, 5900, 5901, 5902, 5903, 5905, 5906, 5907, 5908, 5908.5, 5909, 5910, 5911, 5950, 5951, 5952, 5953, 5954, 5955, 5956, 6000, 6001, 6002, 6101, 6143, 6144, 6145, 6146, 6147, 6148, 6413, and 6414 of, to amend the heading of Chapter 5 (commencing with Section 110) of Division 1 of, to add Sections 110, 111, 113, 115, 116, 117, 119, 120, 121, 124, 129, 138, 138.1, 138.2, 138.4, 139, 139.5, 3205, 3205.5, 3206, 4651.2, 5100.6, 5307.3 to, and to repeal Sections 110, 111, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122.1, 129, 136, 3205, 3206 of, the Labor Code; to amend Sections 11558, 21026, 21026.1, 21026.2, 21026.3, 21026.4, 21026.5, 21027, 21363, 21367 of the Government Code; to add Section 20.5 to the Insurance Code; and to amend Section 342 of the Military and Veterans Code, relating to workmen's compensation

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 53 of the Labor Code is amended to read:

53. Whenever in Section 1001 or in Part 1 of Division 3 of Title 2 of the Government Code, "head of the department," or similar designation occurs the same shall for the purposes of this code mean the director, except that in respect to matters which by the express provisions of this code are committed to or retained under the jurisdiction of the Division of Industrial Accidents, the State Compensation Insurance Fund, the Industrial Safety Board, or the Industrial Welfare Commission such designation shall mean the Division of Industrial Accidents, the Administrative Director of the Division of Industrial Accidents, the Workmen's Compensation Appeals Board,

the State Compensation Insurance Fund, the Industrial Safety Board, or the Industrial Welfare Commission as the case may be.

SEC. 2. Section 54.5 of said code is amended to read:

54.5. The director may appoint an attorney and assistants licensed to practice law in this state. In the absence of such appointment then the attorney for the Division of Industrial Accidents shall also perform such legal services for the department as the Director of Industrial Relations may direct.

SEC. 3. Section 60 of said code is amended to read:

60. Except as otherwise provided, the provisions of Divisions 4 and 4.5 of this code shall be administered and enforced by the Division of Industrial Accidents.

SEC. 3.5. Section 96 of said code is amended to read:

96. The Labor Commissioner and his deputies and representatives authorized by him in writing may take assignments of:

(a) Wage claims and incidental expense accounts and advances.

(b) Mechanics' and other liens of employees.

(c) Claims based on "stop orders" for wages and on bonds for labor.

(d) Claims for damages for misrepresentations of conditions of employment.

(e) Claims against employment agencies or their bondsmen.

(f) Claims for unreturned bond money of employees.

(g) Claims for penalties for nonpayment of wages.

(h) Claims for the return of workmen's tools in the illegal possession of another person.

(i) Claims for vacation pay, severance pay, or other compensation supplemental to a wage agreement.

(j) Awards for workmen's compensation benefits in which the Workmen's Compensation Appeals Board has found that the employer has failed to secure payment of compensation and where the award remains unpaid more than 10 days after having become final.

SEC. 3.7. The heading of Chapter 5 (commencing with Section 110) of Division 1 of said code is amended to read:

CHAPTER 5. DIVISION OF INDUSTRIAL ACCIDENTS

SEC. 4. Section 110 of said code is repealed.

SEC. 5. Section 110 is added to said code, to read:

110. As used in this chapter:

(a) "Appeals board" means the Workmen's Compensation Appeals Board.

(b) "Administrative director" means the Administrative Director of the Division of Industrial Accidents.

(c) "Division" means the Division of Industrial Accidents.

SEC. 6. Section 111 of said code is repealed.

SEC. 7. Section 111 is added to said code, to read:

111. The Workmen's Compensation Appeals Board, consisting of seven members, shall exercise all judicial powers vested in it under this code. In all other respects, the Division of Industrial Accidents is under the control of the administrative director and, except as to those duties, powers, jurisdiction, responsibilities and purposes as are specifically vested in the appeals board, the administrative director shall exercise the powers of the head of a department within the meaning of Article 1 (commencing with Section 11150), Chapter 2, Part 1, Division 3, Title 2 of the Government Code with respect to the Division of Industrial Accidents which shall include supervision of and responsibility for personnel and the coordination of the work of the division, except personnel of the appeals board.

SEC. 8. Section 112 of said code is amended to read:

112. The members of the appeals board shall be appointed by the Governor with the advice and consent of the Senate. The term of office of such members shall be four years and they shall hold office until the appointment and qualification of their successors.

Five of the members of the appeals board shall be experienced attorneys at law admitted to practice in the State of California. The other two members need not be such attorneys at law. All members shall be selected with due consideration of their judicial temperament and abilities. Each member shall receive an annual salary equal to the annual salary paid a judge of a superior court in this state.

The tenure of the incumbent members of the Industrial Accident Commission shall continue until the end of their existing terms. Upon the end of the term of each incumbent, if he is not otherwise qualified for reappointment, a replacement shall be designated by the Governor and in the absence of such designation, his term shall lapse.

SEC. 9. Section 113 of said code is repealed.

SEC. 10. Section 113 is added to said code, to read:

113. The Governor shall designate the chairman of the appeals board from the membership of the appeals board. The person so designated shall hold the office of chairman at the pleasure of the Governor.

The chairman may designate in writing one of the other members of the appeals board to act as chairman during such time as he may be absent from the state on official business, on vacation, or absent due to illness.

SEC. 11. Section 114 of said code is repealed.

SEC. 12. Section 115 of said code is repealed.

SEC. 13. Section 115 is added to said code, to read:

115. Actions of the appeals board shall be taken by decision of a majority of the appeals board except as otherwise expressly provided.

The chairman shall assign pending cases in which reconsideration is sought to any three members thereof for hearing, con-

sideration and decision. Assignments by the chairman of members to such cases shall be rotated on a case-by-case basis with the composition of the members so assigned being varied and changed to assure that there shall never be a fixed and continued composition of members. Any such case assigned to any three members in which the finding, order, decision or award is made and filed by any two or more of such members shall be the action of the appeals board unless reconsideration is had in accordance with the provisions of Article 1 (commencing with Section 5900), Chapter 7, Part 4, Division 4 of this code. Any case assigned to three members shall be heard and decided only by them, unless the matter has been reassigned by the chairman on a majority vote of the appeals board to the appeals board as a whole in order to achieve uniformity of decision, or in cases presenting novel issues.

SEC. 14. Section 116 of said code is repealed.

SEC. 15. Section 116 is added to said code, to read:

116. The seal of the appeals board bearing the inscription "Workmen's Compensation Appeals Board, Seal" shall be affixed to all writs and authentications of copies of records and to such other instruments as the appeals board directs.

SEC. 16. Section 117 of said code is repealed.

SEC. 17. Section 117 is added to said code, to read:

117. The administrative director may appoint an attorney and assistants licensed to practice law in the state.

SEC. 18. Section 118 of said code is repealed.

SEC. 19. Section 119 of said code is repealed.

SEC. 20. Section 119 is added to said code, to read:

119. The attorney shall:

(a) Represent and appear for the state and the Division of Industrial Accidents and the appeals board in all actions and proceedings arising under any provision of this code administered by the division or under any order or act of the division or the appeals board and, if directed so to do, intervene, if possible, in any action or proceeding in which any such question is involved.

(b) Commence, prosecute, and expedite the final determination of all actions or proceedings, directed or authorized by the administrative director or the appeals board.

(c) Advise the administrative director and the appeals board and each member thereof, upon request, in regard to the jurisdiction, powers or duties of the administrative director, the appeals board and each member thereof.

(d) Generally perform the duties and services as attorney to the Division of Industrial Accidents and the appeals board which are required of him.

SEC. 21 Section 120 of said code is repealed.

SEC. 22 Section 120 is added to said code, to read:

120 The administrative director and the chairman of the appeals board may each respectively appoint a secretary and assistant secretaries to perform such services as shall be prescribed.

SEC. 23 Section 121 of said code is repealed

SEC 24. Section 121 is added to said code, to read.

121. The chairman of the appeals board may authorize its secretary and any one assistant secretary to act as deputy appeals board members and may delegate authority and duties to such deputies. Not more than two deputies may act as appeals board members at any one time. No act of any deputy shall be valid unless it is concurred in by at least one member of the appeals board.

SEC. 25. Section 122 of said code is amended to read:

122. The administrative director may appoint a medical director and assistants who shall possess physician's and surgeon's certificates granted under the provisions of Chapter 5, Division 2, of the Business and Professions Code. The salaries for the medical director and his assistants shall be fixed by the State Personnel Board, commensurate with the salaries paid by private industry to medical directors and assistant medical directors

SEC 26 Section 122.1 of said code is repealed.

SEC. 27 Section 123 of said code is amended to read as follows:

123. The administrative director may employ necessary assistants, officers, experts, statisticians, actuaries, accountants, referees, and other employees. The salaries of the referees shall be fixed by the State Personnel Board for a class of positions which perform judicial functions.

SEC 27.5 Section 124 is added to said code, to read:

124 The administrative director may appoint a qualified permanent disability rating specialist as permanent disability rating chief, together with such assistant permanent disability rating specialists as the work of the division may require. Those persons holding the positions on the staff of the Industrial Accident Commission at the time that this amendment takes effect shall be appointed and continue respectively as chief and as assistant permanent disability rating specialists under this amendment The chief and his assistant permanent disability rating specialists under his control and supervision shall

(a) With the aid and advice of the medical director prepare such forms for approval by the administrative director as may be necessary or convenient for use of the division and of employees and employers, and those acting on their behalf, to facilitate and expedite the determination of the proper percentage of permanent disability, if any, for injuries under Division 4 (commencing with Section 3201) and Division 4.5 (commencing with Section 6100) of this code.

(b) Furnish to the administrative director, the appeals board, referees, and to employers and employees and those acting on their behalf, under such conditions as the administrative director may in rules and regulations prescribe, estimates of the percentages of permanent disability, if any, due under Article 3 (commencing with Section 4650), Chapter 2,

Part 2, Division 4 of this code, either before or after the filing of an application under Chapter 3 (commencing with Section 5500), Part 4, Division 4 of this code.

SEC. 28. Section 125 of said code is amended to read:

125. The administrative director shall cause to be printed and furnished free of charge to any person blank forms which are requisite to facilitate or promote the efficient performance of the duties of the Division of Industrial Accidents.

SEC. 29. Section 126 of said code is amended to read:

126. The Division of Industrial Accidents, including the administrative director and the appeals board, shall keep minutes of all their proceedings and other books or records requisite for proper and efficient administration. All records shall be kept in their respective offices.

SEC. 30. Section 127 of said code is amended to read as follows:

127. The administrative director may:

(a) Charge and collect the following fees: for copies of papers and records, not required to be certified or otherwise authenticated, seventy-five cents ($0.75) for each page; for certified copies of official documents and orders or of the evidence taken or proceedings had, seventy-five cents ($0.75) for each page in addition to any copy charge if copies are made; for transcripts of testimony, one dollar ($1) for each page for all copies. As used in this paragraph, "page" means a single page not exceeding standard legal size. For larger pages the administrative director may fix and collect a reasonable fee in addition.

(b) Publish and distribute from time to time, in addition to the reports to the Governor, further reports and pamphlets covering the operations, proceedings, and matters relative to the work of the division.

(c) Prepare, publish, and distribute an office manual, for which a reasonable fee may be charged, and to which additions, deletions, amendments, and other changes from time to time may be adopted, published, and distributed, for which a reasonable fee may be charged for such revision, or for which a reasonable fee may be fixed on an annual subscription basis.

(d) Fix and collect reasonable charges for publications issued. Fees charged and collected under this section shall be paid monthly into the Treasury of the state and credited to the "General Fund."

SEC. 31. Section 128 of said code is amended to read:

128. The appeals board may accept appointment as deputy commissioner under, or any delegation of authority to enforce, the United States Longshoremen's and Harbor Worker's Compensation Act. The appeals board may enter into arrangements with the United States, subject to the approval of the Department of Finance, for the payment of any expenses incurred in the performance of services under said act. In the performance of any duties under said act, appointment, or

authority, the appeals board may, subject to the provisions thereof, exercise any authority conferred upon the appeals board by the laws of this state.

SEC. 32. Section 129 of said code is repealed.

SEC. 32.5. Section 129 is added to this code, to read:

129. To make certain that injured workmen, and their dependents in the event of their death, receive promptly and accurately the full measure of benefits to which they are entitled:

(a) The Insurance Commissioner shall audit insurance carriers for insured employers.

(b) The Director of Industrial Relations shall audit self-insured employers.

(c) The Insurance Commissioner and the Director of Industrial Relations as to their respective audits, after notice to and opportunity to be heard by the parties in interest, shall adopt and enforce rules and regulations to make fully effective the purpose and intent of this section.

SEC. 33. Section 130 of said code is amended to read:

130. The appeals board and each of its members, its secretary, assistant secretaries, and referees, may administer oaths, certify to all official acts, and issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the state.

SEC. 34. Section 131 of said code is amended to read as follows:

131. Each witness who appears by order of the appeals board or any of its members, or a referee, shall receive, if demanded, for his attendance the same fees and mileage allowed by law to a witness in civil cases, paid by the party at whose request such witness is subpoenaed, unless otherwise ordered by the appeals board. When any witness who has not been required to attend at the request of any party is subpoenaed by the appeals board, his fees and mileage may be paid from the funds appropriated for the use of the appeals board in the same manner as other expenses of the appeals board are paid. Any witness subpoenaed, except one whose fees and mileage are paid from the funds of the appeals board, may, at the time of service, demand the fee to which he is entitled for travel to and from the place at which he is required to appear, and one day's attendance. If a witness demands such fees at the time of service, and they are not at that time paid or tendered, he shall not be required to attend as directed in the subpoena. All fees and mileage to which any witness is entitled under this section may be collected by action therefor instituted by the person to whom such fees are payable.

SEC. 35. Section 132 of said code is amended to read as follows:

132. The superior court in and for the county in which any proceeding is held by the appeals board or a referee may compel the attendance of witnesses, the giving of testimony and

the production of papers, including books, accounts, and documents, as required by any subpoena regularly issued hereunder. In case of the refusal of any witness to obey such subpoena the appeals board or the referee, before whom the testimony is to be given or produced, may report to the superior court in and for the county in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of the witness, or the production of the papers, that the witness has been subpoenaed in the prescribed manner, and that the witness has failed and refused to obey the subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of the court, compelling the witness to attend and testify or produce the papers before the appeals board. The court shall thereupon enter an order directing the witness to appear before the court at a time and place fixed in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he had not attended and testified or produced the papers before the appeals board or a referee. A copy of the order shall be served upon said witness. If it appears to the court that the subpoena was regularly issued hereunder and that the witness was legally bound to comply therewith, the court shall thereupon enter an order that the witness appear before the appeals board or referee at a time and place fixed in such order, and testify or produce the required papers, and upon failure to obey the order, the witness shall be dealt with as for contempt of court The remedy provided in this section is cumulative, and shall not impair or interfere with the power of the appeals board or a member thereof to enforce the attendance of witnesses and the production of papers, and to punish for contempt in the same manner and to the same extent as courts of record.

SEC. 36. Section 132a of said code is amended to read as follows:

132a. Any employer who discharges, or threatens to discharge, or in any other manner discriminates against any employee because the latter has filed or made known his intention to file an application or complaint with the appeals board, or because the employee has testified or made known an intention to testify in any investigation or proceeding held by the appeals board, is guilty of a misdemeanor.

No prosecution under this section shall be commenced until the appeals board shall have notified the accused of the demand for prosecution, afforded him an opportunity to be heard before it or a referee thereof, and following said hearing shall have recommended that such prosecution be commenced.

SEC. 37. Section 133 of said code is amended to read:

133. The Division of Industrial Accidents, including the administrative director and the appeals board, shall have power and jurisdiction to do all things necessary or convenient in the exercise of any power or jurisdiction conferred upon it under this code.

SEC. 38. Section 134 of said code is amended to read as follows:

134. The appeals board or any member thereof may issue writs or summons, warrants of attachment, warrants of commitment and all necessary process in proceedings for contempt, in like manner and to the same extent as courts of record. The process issued by the appeals board or any member thereof shall extend to all parts of the state and may be served by any persons authorized to serve process of courts of record or by any person designated for that purpose by the appeals board or any member thereof. The person executing process shall receive compensation allowed by the appeals board, not to exceed the fees prescribed by law for similar services. Such fees shall be paid in the same manner as provided herein for the fees of witnesses.

SEC. 39. Section 135 of said code is amended to read as follows:

135. In accordance with rules of practice and procedure which it may adopt, the appeals board may, with the approval of the Department of Finance, 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. 40. Section 136 of said code is repealed.

SEC. 41. Section 137 of said code is amended to read:

137. All records of the Division of Industrial Accidents, including the administrative director and the appeals board, shall be open to inspection by the public during regular office hours.

SEC. 42. Section 138 is added to said code, to read:

138. The administrative director may appoint one of his deputies to act during such time as he may be absent from the state due to official business, on vacation, or absence due to illness.

SEC. 42.2. Section 138.1 is added to said code, to read:

138.1. The administrative director shall be appointed by the Governor with the advice and consent of the Senate and shall hold office at the pleasure of the Governor. He shall receive an annual salary equal to the annual salary paid a judge of a superior court in this state.

SEC. 42.4. Section 138.2 is added to said code, to read:

138.2. The headquarters of the Division of Industrial Accidents shall be based at and operated from a centrally located city.

The administrative director shall have an office in such city with suitable rooms, necessary office furniture, stationery and supplies, and may rent quarters in other places for the purpose of establishing branch or service offices, and for that purpose may provide such offices with necessary furniture, stationery and supplies.

The administrative director shall provide suitable rooms, with necessary office furniture, stationery and supplies for the

appeals board at the centrally located city where said board shall be based at and operate from, and may rent quarters in other places for the purpose of establishing branch or service offices for said appeals board, and for that purpose may provide such offices with necessary furniture, stationery and supplies.

All meetings held by the administrative director shall be open and public. Notice thereof shall be published in papers of general circulation not more than 30 days and not less than 10 days prior to each such meeting in Sacramento, San Francisco, Fresno, Los Angeles and San Diego. Written notice of all such meetings shall be given to all persons who request in writing directed to the administrative director that they be given such notice.

SEC. 43. Section 138.4 is added to said code, to read:

138.4. The administrative director shall, with respect to injuries involving loss of time:

(a) Prescribe reasonable rules and regulations for the serving on the employee of reports dealing with the payment or nonpayment of benefits with copies to the administrative director.

(b) Prescribe reasonable rules and regulations for termination of benefits together with a statement to the employee of account of benefits paid with a copy to the administrative director.

(c) Establish reasonable rules after notice and hearing to make effective the provisions of this section.

SEC. 44. Section 139 is added to said code, to read:

139. The administrative director shall appoint a medical advisory committee composed of seven members from recognized fields of medical practice. The members of the medical advisory committee shall be physicians representing medical specialties concerned with the treatment of industrial injury and disease, and shall be appointed after consultation with statewide and local associations of physicians for two-year staggered terms. Vacancies shall be filled by appointment for the unexpired terms. Members shall receive actual necessary traveling expenses and a per diem of one hundred dollars ($100) for each day spent in meetings of the medical advisory committee. The medical advisory committee shall counsel and assist the medical director and shall perform such other duties as the administrative director may direct.

The medical advisory committee shall:

(a) Maintain liaison with the medical profession.

(b) Assist in recruiting doctors for the medical bureau.

(c) Advise the medical director as to selection and removal of independent medical examiners.

(d) Assist in developing guidelines for determination of disputed questions of medical fact.

(e) Suggest standards for improving care furnished injured employees.

(f) Undertake continuing studies of developments in the field of rehabilitation, and continuously inform treating physicians of these developments.

(g) Advise the division regarding reasonable levels of fees for physicians performing services under this code.

The administrative director shall appoint for renewable terms of two years, independent expert medical examiners in each of the medical specialties as may be required.

Assignment of cases to independent medical examiners shall be made at the request of a referee by the medical director or his assistant in each office where a unit of the medical bureau is maintained or by the supervising referee in other offices of the division. Insofar as possible, a rotation method of assignment of independent medical examiners shall be followed.

Such medical examiners shall conduct examinations and report their findings and opinions in accordance with guidelines developed for that purpose by the medical director of the division.

Payment for independent medical examination shall be made by the Division of Industrial Accidents from funds appropriated for that purpose or for the support of the division's medical bureau.

The level of fees for such services shall be set periodically by the administrative director at a level which will assure the availability of outstanding medical experts to serve as independent medical examiners.

SEC. 44.5. Section 139.5 is added to said code, to read:

139.5. The administrative director may establish within the medical bureau of the Division of Industrial Accidents a rehabilitation unit, including an appropriate professional staff, to foster, review, and approve rehabilitation plans, and to expedite and facilitate the carrying out of rehabilitation plans. The salaries of the personnel of the rehabilitation unit shall be fixed by the State Personnel Board.

The initiation of a rehabilitation plan shall be by the employer or insurance carrier. If the employer, the insurance carrier, or the injured workman disagree as to the establishment of a rehabilitation plan either may consult with the rehabilitation unit or may seek an advisory determination by the rehabilitation unit which may make an advisory determination that such services are necessary or advisable.

Any plan initiated by an employer or insurance carrier shall be presumed to be necessary and meritorious.

Injured workmen may agree with their employers or the insurance carriers for insured employers upon rehabilitation programs without submission of such programs for approval.

Where an employer or insurance carrier fails or refuses to initiate a rehabilitation plan for an injured workman, or fails or refuses to participate in a plan previously initiated and agreed to by such employer or insurance carrier, such failure and refusal shall be deemed to be final.

Where a rehabilitation plan has been found to be necessary and meritorious, and the injured workman thereafter refuses to undertake and participate in such plan found to be reasonable and meritorious, in absence of his acceptance thereof such refusal shall be deemed to be final.

Upon undertaking a rehabilitation program the injured workman shall continue to receive temporary disability indemnity and in addition shall receive the sum of fifty-two dollars and fifty cents ($52.50) per week as an advance on permanent disability indemnity. Such advance is limited to 26 weeks, but this shall not limit the right of the employer or insurance carrier to continue the rehabilitation plan and advances for a longer period. Such advance shall be credited in full against the permanent disability indemnity determined to be due to such employee for his permanent disability rating when established, up to the extent of the permanent disability indemnity so found and determined. The determination of the employee's permanent disability percentage in such case shall be with reference to his age and occupation at the time that such determination is then made.

The initiation of a rehabilitation program or the acceptance thereof shall be voluntary and not be compulsory on the employer, the insurance carrier or the injured workman.

SEC. 44 6. Section 2503 of said code is amended to read·

2503. Every hospital charge demanded, collected, or received by an employer shall be just and reasonable. The Public Utilities Commission may decide what is an unreasonable charge in all cases where such charge is made by a hospital maintained by a common carrier by rail. In all other cases the Division of Industrial Accidents, including the administrative director and the appeals board, may decide what is an unreasonable charge.

SEC. 45. Section 2507 of said code is amended to read:

2507. Every employer other than a common carrier by rail, required to report under this chapter is subject to the jurisdiction, control, and regulation of the Division of Industrial Accidents, including the administrative director and the appeals board, in respect to the auditing and inspecting of all books, records, and accounts The Division of Industrial Accidents, including the administrative director and the appeals board, may, by appropriate orders and processes, enforce the provisions of this chapter.

SEC. 46. Section 2508 of said code is amended to read:

2508. The written reports made by a common carrier by rail shall be filed with the Public Utilities Commission. All other written reports shall be filed with the Division of Industrial Accidents, including the administrative director and the appeals board.

SEC. 47. Section 3205 of said code is repealed.

SEC. 48. Section 3205 is added to said code, to read:

3205. "Division" means the Division of Industrial Accidents.

SEC. 49. Section 3205.5 is added to said code, to read:

3205.5. "Appeals board" means the Workmen's Compensation Appeals Board of the Division of Industrial Accidents.

SEC. 50. Section 3206 of said code is repealed.

SEC. 51. Section 3206 is added to said code, to read:

3206. "Administrative director" means the Director of the Division of Industrial Accidents.

SEC. 52. Section 3207 of the Labor Code is amended to read:

3207. "Compensation" means compensation under Division 4 and includes every benefit or payment conferred by Division 4 upon an injured employee, including vocational rehabilitation, or in the event of his death, upon his dependents, without regard to negligence.

SEC. 52.5. Section 3212 of said code is amended to read:

3212. In the case of members of a sheriff's office or of police or fire departments of cities, counties, cities and counties, districts, or other public or municipal corporations or political subdivisions, whether such members are volunteer, partly paid, or fully paid, and in the case of active firefighting members of the Division of Forestry of the State Department of Natural Resources whose duties require firefighting or of any county forestry or firefighting department or unit, whether voluntary, fully paid, or partly paid, and in the case of members of the warden service of the Wildlife Protection Branch of the Department of Fish and Game whose principal duties consist of active law enforcement service, excepting those whose principal duties are clerical or otherwise do not clearly fall within the scope of active law enforcement service such as stenographer, telephone operators, and other officeworkers, the term "injury" as used in this act includes hernia when any part of the hernia develops or manifests itself during a period while such member is in the service in such office, division, department or unit, and in the case of members of such fire departments, county forestry or firefighting departments, and in the case of active firefighting members of the Division of Forestry whose duties require firefighting, and in the case of members of the warden service of the Wildlife Protection Branch of the Department of Fish and Game whose principal duties consist of active law enforcement service, excepting those whose principal duties are clerical or otherwise do not clearly fall within the scope of active law enforcement service such as stenographer, telephone operators, and other officeworkers, the term "injury" includes pneumonia and heart trouble which develops or manifests itself during a period while such member is in the service of such office, department or unit. In the case of regular salaried county or city and county peace officers, the term "injury" also includes any hernia which manifests itself or develops during a period while the officer is in the service. The compensation which is awarded for such hernia, heart trouble or pneumonia, shall

include full hospital, surgical, medical treatment, disability indemnity, and death benefits, as provided by the workmen's compensation laws of this state.

Such hernia, heart trouble or pneumonia so developing or manifesting itself in such cases shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it.

Such hernia, heart trouble or pneumonia so developing or manifesting itself in such cases shall in no case be attributed to any disease existing prior to such development or manifestation.

SEC. 53. Section 3212.2 of said code is amended to read:

3212.2. In the case of officers and employees in the Department of Corrections having custodial duties, each officer and employee in the Department of Youth Authority having group supervisory duties, and each security officer employed at the Atascadero State Hospital, the term "injury" includes heart trouble which develops or manifests itself during a period while such officer or employee is in the service of such department or hospital.

The compensation which is awarded for such heart trouble shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits, as provided by the workmen's compensation laws of this state.

Such heart trouble so developing or manifesting itself in such cases shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it.

SEC. 54. Section 3212.5 of said code is amended to read:

3212.5. In the case of a member of a police department of a city or municipality, or a member of the State Highway Patrol, when any such member is employed under civil service upon a regular, full-time salary, and in the case of a sheriff or deputy sheriff employed upon a regular, full-time salary, the term "injury" as used in this division includes heart trouble and pneumonia which develops or manifests itself during a period while such member, sheriff, or deputy sheriff is in the service of the police department, or the State Highway Patrol, or the sheriff's office, as the case may be. The compensation which is awarded for such heart trouble or pneumonia shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the provisions of this division.

Such heart trouble or pneumonia so developing or manifesting itself shall be presumed to arise out of and in the course of the employment; provided, however, that the member of the police department or State Highway Patrol or the sheriff or deputy sheriff shall have served five years or more in such capacity before the presumption shall arise as to the compen-

sability of heart trouble so developing or manifesting itself. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it.

Such hernia, heart trouble or pneumonia so developing or manifesting itself in such cases shall in no case be attributed to any disease existing prior to such development or manifestation.

SEC. 55. Section 3212.6 of said code is amended to read:

3212.6. In the case of a member of a police department of a city or county, or a member of the sheriff's office of a county, when any such member is employed upon a regular, full-time salary, whose principal duties consist of active law enforcement service, excepting those whose principal duties are clerical or otherwise do not clearly fall within the scope of active law enforcement service such as stenographers, telephone operators, and other officeworkers, the term "injury" includes tuberculosis which develops or manifests itself during a period while such member is in the service of such department or office. The compensation which is awarded for such tuberculosis shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the provisions of this division.

Such tuberculosis so developing or manifesting itself shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it.

SEC. 56. Section 3212.7 of said code is amended to read:

3212.7. In the case of an employee having peace officer status, as defined by Section 817 of the Penal Code, in either the Bureau of Narcotic Enforcement or in the Bureau of Criminal Identification and Investigation, when any such individual is employed under civil service upon a regular, full-time salary, the term "injury," as used in this division, includes heart trouble or hernia or pneumonia or tuberculosis which develops or manifests itself during the period while such individual is in the service of the Bureau of Narcotic Enforcement or the Bureau of Criminal Identification and Investigation. The compensation which is awarded for any such injury shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by the provisions of this division.

Such heart trouble, hernia, pneumonia, or tuberculosis so developing or manifesting itself shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence but unless so controverted, the appeals board is bound to find in accordance with it.

Such heart trouble, hernia, pneumonia, or tuberculosis developing or manifesting itself in such cases shall in no case

be attributed to any disease existing prior to such development or manifestation.

SEC. 57. Section 3600.5 of said code is amended to read:

3600.5. (a) If an employee who has been hired or is regularly employed in the state receives personal injury by accident arising out of and in the course of such employment outside of this state, he, or his dependents, in the case of his death, shall be entitled to compensation according to the law of this state.

(b) Any employee who has been hired outside of this state and his employer shall be exempted from the provisions of this division while such employee is temporarily within this state doing work for his employer if such employer has furnished workmen's compensation insurance coverage under the workmen's compensation insurance or similar laws of a state other than California, so as to cover such employee's employment while in this state; provided, the extraterritorial provisions of this division are recognized in such other state and provided employers and employees who are covered in this state are likewise exempted from the application of the workmen's compensation insurance or similar laws of such other state. The benefits under the Workmen's Compensation Insurance Act or similar laws of such other state, or other remedies under such act or such laws, shall be the exclusive remedy against such employer for any injury, whether resulting in death or not, received by such employee while working for such employer in this state.

A certificate from the duly authorized officer of the appeals board or similar department of another state certifying that the employer of such other state is insured therein and has provided extraterritorial coverage insuring his employees while working within this state shall be prima facie evidence that such employer carries such workmen's compensation insurance.

SEC. 58. Section 3704 of said code is amended to read:

3704 The appeals board, in the event that the surety on such bond becomes liable for payment thereunder or resort must be had to the deposited securities or the interest thereon, or both, may direct the order, manner, and amounts of payment due the beneficiaries Payment by the surety pursuant to the order of the appeals board or when ratified by the appeals board constitutes a full release of the surety's liability under the bond to the extent of such payment, and entitles the surety to full reimbursement by the principal or his estate, including necessary attorney fees and other costs and expenses, without prior claim or proceedings on the part of the injured employee or other beneficiaries.

SEC 59. Section 3706 of said code is amended to read:

3706. If any employer fails to secure the payment of compensation, any injured employee or his dependents may proceed against such employer by filing an application for com-

pensation with the appeals board, and, in addition, may bring an action at law against such employer for damages, as if this division did not apply.

SEC. 60. Section 3709 of said code is amended to read:

3709. If, as a result of such action for damages, a judgment is obtained against the employer in excess of the compensation awarded under this division, the compensation awarded by the appeals board, if paid, or security is given for its payment and is approved by the court, shall be credited upon such judgment.

Such judgment shall include a reasonable attorney's fee fixed by the court.

SEC. 61. Section 3710.2 of said code is amended to read:

3710.2. Failure to secure the payment of compensation under this article is a misdemeanor. Failure to secure the payment of compensation within 10 days after service of the notice provided in Section 3710.1 makes mandatory on the tribunal before whom the charge of violation of this article is tried the imposition of a sentence of imprisonment in the county jail for not less than 10 days and a fine of not less than three hundred dollars ($300). Proof of continued violation of this section for 30 days makes mandatory on the tribunal before whom the charge of violation of this section is tried the imposition of a fine of not less than three hundred dollars ($300). An award of the appeals board finding willful uninsurance is prima facie evidence of the employer's failure to secure the payment of compensation under this article. In any prosecution brought under the provisions of Sections 3710 to 3710.2 the statute of limitations shall not commence to run until the discovery by the director or his designated agents of the failure to secure the payment of compensation or the 10th day after service of the notice provided in Section 3710.1, whichever is later.

SEC. 62. Section 3712 of said code is amended to read:

3712. The securing of the payment of compensation in a way provided in this division is essential to the functioning of the expressly declared social public policy of this state in the matter of worker's compensation; and the conduct or operation of any business or undertaking without full compensation security, in continuing violation of such social policy, is hereby declared to be a nuisance which may be abated upon suit brought in the name of the Director of Industrial Relations before the superior court of any county in which all or some part of such business is being thus unlawfully conducted or operated. In no such proceeding may any filing fee be charged to the plaintiff; nor may any charge or cost be imposed for any act or service required of or done by any state or county officer or employee in connection with such proceeding. No bond shall be required as a prerequisite to the granting of a restraining order If the court or the judge before whom the order to show cause in such proceeding shall be made returnable, shall find that the defendant is conducting or operat-

ing a business or undertaking without the full compensation security required, he shall forthwith, and without continuance, issue an order restraining the future or further conduct and operation of said business or undertaking so long as such violation of social public policy shall continue. Such action may be prosecuted by the Attorney General of California, the district attorney of the county in which suit is brought, the city attorney of any city in which such a business or undertaking is being operated or conducted without full compensation security, or any attorney possessing civil service status who is an employee of the Department of Industrial Relations who may be designated by the director for such purpose. No finding made in the course of any such action shall be binding on the appeals board in any subsequent proceeding before it for benefits under this division.

SEC. 63. Section 3715 of said code is amended to read:

3715. If an employee is granted an award by the appeals board wherein the employer is found through evidence presented at an open hearing to be willfully uninsured, and the employee is not represented by an attorney, the employee may request the director or his designated agents to assist in the collection of his award. No state or county agency, officer, or employee shall charge the department for any services rendered the employee in connection with such request, but a fee for services rendered, together with the sum of one hundred dollars ($100) shall be added to the award made by the appeals board. When the award is collected, the fee for services rendered shall be paid to the proper agency, officer, or employee and the sum of one hundred dollars ($100) shall be paid into the General Fund in the State Treasury.

SEC. 64. Section 3755 of said code is amended to read:

3755. If the employer is insured against liability for compensation, and if after the suffering of any injury the insurer causes to be served upon any compensation claimant a notice that it has assumed and agreed to pay any compensation to the claimant for which the employer is liable, such employer shall be relieved from liability for compensation to such claimant upon the filing of a copy of such notice with the appeals board. The insurer shall, without further notice, be substituted in place of the employer in any proceeding theretofore or thereafter instituted by such claimant to recover such compensation, and the employer shall be dismissed therefrom.

Such proceedings shall not abate on account of such substitution but shall be continued against such insurer.

SEC. 65. Section 3756 of said code is amended to read:

3756. If at the time of the suffering of a compensable injury, the employer is insured against liability for the full amount of compensation payable, he may cause to be served upon the compensation claimant and upon the insurer a notice

that the insurer has agreed to pay any compensation for which the employer is liable. The employer may also file a copy of such notice with the appeals board.

SEC. 66. Section 3757 of said code is amended to read:

3757. If it thereafter appears to the satisfaction of the appeals board that the insurer has assumed the liability for compensation, the employer shall thereupon be relieved from liability for compensation to the claimant. The insurer shall, after notice, be substituted in place of the employer in any proceeding instituted by the claimant to recover compensation, and the employer shall be dismissed therefrom.

SEC. 67. Section 3759 of said code is amended to read:

3759. The appeals board may enter its order relieving the employer from liability where it appears from the pleadings, stipulations, or proof that an insurer joined as party to the proceeding is liable for the full compensation for which the employer in such proceeding is liable.

SEC. 68. Section 3760 of said code is amended to read:

3760. Every employer who is insured against any liability imposed by this division shall file with the insurance carrier a complete report of every injury to each employee arising out of or in the course of his employment. Every such report shall be filed within five days after the injury has been reported to the employer. If not so filed, the carrier may petition the appeals board for an order, or the appeals board may of its own motion issue an order, directing the employer to submit a report of the injury within five days after service of the order. Failure of the employer to comply with the appeals board's order may be punished by the Division of Industrial Accidents, including the administrative director and the appeals board as a contempt.

SEC. 69. Section 3860 of said code is amended to read:

3860. (a) No release or settlement under this chapter, with or without suit, is valid or binding as to any party thereto without notice to both the employer and the employee, with opportunity to the employer to recover the amount of compensation he has paid or become obligated to pay and any special damages to which he may be entitled under Section 3852, and opportunity to the employee to recover all damages he has suffered and with provision for determination of expenses and attorney's fees as herein provided.

(b) The entire amount of such settlement, with or without suit, is subject to the employer's full claim for reimbursement for compensation he has paid or become obligated to pay and any special damages to which he may be entitled under Section 3852, together with expenses and attorney fees, if any, subject to the limitations in this section set forth.

(c) Where settlement is effected, with or without suit, solely through the efforts of the employee's attorney, then prior to the reimbursement of the employer, as provided in subdivision (b) hereof, there shall be deducted from the amount of the settlement the reasonable expenses incurred in effecting such

settlement, including costs of suit, if any, together with a reasonable attorney's fee to be paid to the employee's attorney, for his services in securing and effecting settlement for the benefit of both the employer and the employee.

(d) Where settlement is effected, with or without suit, solely through the efforts of the employer's attorney, then, prior to the reimbursement of the employer as provided in subdivision (b) hereof, there shall be deducted from the amount of the settlement the reasonable expenses incurred in effecting such settlement, including costs of suit, if any, together with a reasonable attorney's fee to be paid to the employer's attorney, for his services in securing and effecting settlement for the benefit of both the employer and the employee.

(e) Where both the employer and the employee are represented by the same agreed attorney or by separate attorneys in effecting a settlement, with or without suit, prior to reimbursement of the employer, as provided in subdivision (b) hereof, there shall be deducted from the amount of the settlement the reasonable expenses incurred by both the employer and the employee or on behalf of either, including costs of suit, if any, together with reasonable attorneys' fees to be paid to the respective attorneys for the employer and the employee, based upon the respective services rendered in securing and effecting settlement for the benefit of the party represented. In the event both parties are represented by the same attorney, by agreement, the attorney's fee shall be based on the services rendered for the benefit of both.

(f) The amount of expenses and attorneys' fees referred to in this section shall, on settlement of suit, or on any settlement requiring court approval, be set by the court. In all other cases these amounts shall be set by the appeals board. Where the employer and the employee are represented by separate attorneys they may propose to the court or the appeals board, for consideration and determination, the amount and division of such expenses and fees.

SEC 70. Section 3861 of said code is amended to read:

3861. The appeals board is empowered to and shall allow, as a credit to the employer to be applied against his liability for compensation, such amount of any recovery by the employee for his injury, either by settlement or after judgment, as has not theretofore been applied to the payment of expenses or attorneys' fees, pursuant to the provisions of Sections 3856, 3858, and 3860 of this code, or has not been applied to reimburse the employer.

SEC. 71. Section 3950 of said code is amended to read:

3950. The administrative director may inspect and determine the adequacy of hospitals and hospital facilities supplied by employers or by mutual associations of employees, with or without the concurrence of the employer for the treatment of injuries coming within the provisions of this division.

SEC. 72. Section 3952 of said code is amended to read:

3952. Every such hospital shall, from time to time upon demand, but not less frequently than once a year make to the administrative director reports of receipts, disbursements, and services rendered to or for employees. If in the judgment of the administrative director the services or equipment of any hospital are inadequate to meet the reasonable requirements of medical treatment contemplated in Article 2 of Chapter 2 of Part 2 of this division, the administrative director may, after notice and an opportunity to be heard, find such facilities inadequate. Thereafter, injured employees of such employer may procure treatment elsewhere, and the reasonable cost thereof shall be a charge against such employer under Article 2 of Chapter 2 of Part 2 of this division.

SEC. 73. Section 3953 of said code is amended to read:

3953. In any proceeding for compensation any such finding of inadequacy is conclusive evidence of the fact of such inadequacy during the period covered by the finding. Such finding of inadequacy may be amended, modified, or rescinded by the appeals board at any time upon good cause appearing therefor.

SEC. 74. Section 4050 of said code is amended to read:

4050. Whenever the right to compensation under this division exists in favor of an employee, he shall, upon the written request of his employer, submit at reasonable intervals to examination by a practicing physician, provided and paid for by the employer, and shall likewise submit to examination at reasonable intervals by any physician selected by the administrative director or appeals board or referee thereof.

SEC. 75. Section 4054 of said code is amended to read:

4054. If the employee fails or refuses to submit to examination after direction by the appeals board, or a referee thereof, or in any way obstructs the examination, his right to the disability payments which accrue during the period of such failure, refusal or obstruction, shall be barred.

SEC. 76. Section 4056 of said code is amended to read:

4056. No compensation is payable in case of the death or disability of an employee when his death is caused, or when and so far as his disability is caused, continued, or aggravated, by an unreasonable refusal to submit to medical treatment, or to any surgical treatment, if the risk of the treatment is, in the opinion of the appeals board, based upon expert medical or surgical advice, inconsiderable in view of the seriousness of the injury.

SEC. 77. Section 4151 of said code is amended to read:

4151. Election on the part of the employer shall be made in one of the following ways:

(a) By insuring against liability for compensation, in which case he is deemed, as to all persons employed by him and covered by insurance, to have so elected during the period such insurance remains in force.

(b) By filing with the administrative director a statement to the effect that he accepts the compensation provisions of this division.

SEC. 78. Section 4152 of said code is amended to read:

4152. The statement, when filed, shall operate, within the meaning of Chapter 3 of Part 1 of this division, to subject him to the compensation provisions thereof for the term of one year from the date of filing. Thereafter, without further act on his part, he shall be so subject for successive terms of one year each, unless at least 60 days prior to the expiration of such first or succeeding year, he files with the administrative director a notice that he withdraws his election.

SEC. 79. Section 4365 of said code is amended to read:

4365. If the injury sustained by a disaster service worker causes permanent disability, the percentage of disability to total disability shall be determined as for the occupation of a laborer of like age by applying the schedule for the determination of the percentages of permanent disabilities prepared and adopted by the administrative director. The amount of the weekly payment for permanent disability shall be the same as the weekly benefit which would be paid for temporary total disability pursuant to the provisions of Section 4363.

SEC. 80. Section 4551 of said code is amended to read:

4551. Where the injury is caused by the serious and willful misconduct of the injured employee, the compensation otherwise recoverable therefor shall be reduced one-half, except:

(a) Where the injury results in death.

(b) Where the injury results in a permanent disability of 70 percent or over.

(c) Where the injury is caused by the failure of the employer to comply with any provision of law, or any safety order of the Division of Industrial Safety, with reference to the safety of places of employment.

(d) Where the injured employee is under 16 years of age at the time of injury.

SEC. 81. Section 4552 of said code is amended to read:

4552. The reduction of compensation because of the serious and willful misconduct of an employee is not enforceable, valid, or binding in any respect until the appeals board has so determined by its findings and award as provided in Chapter 6 of Part 4 of this division.

SEC. 82. Section 4553.1 of said code is amended to read:

4553.1. In order to support a holding of serious and willful misconduct by an employer based upon violation of a safety order, the appeals board must specifically find:

(1) That the safety order was established as having been known to a particular identified and named person or persons, either the employer or a representative of the employer designated by Section 4553;

(2) That the violation was established to have been committed by a particular identified and named person or persons, either the employer or a representative of the employer designated by Section 4553;

(3) That the condition making the safety order applicable at the time of the injury or death was established to have been known to a particular identified and named person or persons, either the employer or a representative of the employer designated by Section 4553;

(4) The specific manner in which the order was violated; and

(5) That the violation of such safety order did proximately cause the injury or death, and the specific manner in which the violation constituted such proximate cause.

SEC. 83. Section 4555 of said code is amended to read:

4555. In case of failure by an employer to secure the payment of compensation, the appeals board may award a reasonable attorney's fee in addition to the amount of compensation recoverable. When a fee is awarded under this section no further fee shall be allowed under Section 4903 but the provisions of Section 4903 shall be applicable to secure the payment of any fee awarded under this section.

SEC. 84. Section 4555.5 of said code is amended to read:

4555.5. Whenever a petition to reduce an award, based upon a permanent disability rating which has become final, is denied, the appeals board may order the petitioner to pay to the injured employee all costs incident to the furnishing of X-rays, laboratory services, medical reports, and medical testimony incurred by such employee in connection with the proceeding on such petition.

SEC. 85. Section 4600 of said code is amended to read:

4600. Medical, surgical, and hospital treatment, including nursing, medicines, medical and surgical supplies, crutches, and apparatus, including artificial members, which is reasonably required to cure or relieve from the effects of the injury shall be provided by the employer. In the case of his neglect or refusal seasonably to do so, the employer is liable for the reasonable expense incurred by or on behalf of the employee in providing treatment.

In accordance with the rules of practice and procedure of the appeals board, the employee, or the dependents of a deceased employee, shall be reimbursed for expenses reasonably, actually, and necessarily incurred for X-rays, laboratory fees, medical reports, and medical testimony to prove a contested claim. The reasonableness of and necessity for incurring such expenses to prove a contested claim shall be determined with respect to the time when such expenses were actually incurred Expenses of medical testimony shall be presumed reasonable if in conformity with the fee schedule charges provided for impartial medical experts appointed by the administrative director.

Where at the request of the employer, the employer's insurance carrier, the administrative director, the appeals board or a referee, the employee submits to examination by a physician, he shall be entitled to receive in addition to all other benefits herein provided all reasonable expenses of transportation, meals and lodging incident to reporting for such examination, together with one day of temporary disability indemnity for each day of wages lost in submitting to such an examination.

SEC. 85.5. Section 4601 of said code is amended to read:

4601. If the employee so requests, the employer shall tender him one change of physicians. Upon request of the employee for a change of physicians, 12 days shall be the maximum amount of time permitted by law for the employer or insurance carrier to nominate at least five additional practicing physicians competent to treat the particular case from among whom the employee may choose. In the event the employee is not so notified, the employee may select a physician of his choice and the employer or insurance carrier shall be liable to pay the reasonable cost of treatment. The five physicians so nominated by the employer or insurance carrier upon the employee's request for a change of physicians must be theretofore approved by the administrative director and the medical director. The medical director shall in approving physicians consult with and obtain the advice of the medical advisory committee. The employee is also entitled, in any serious case, upon request, to the services of a consulting physician of his own choice at the expense of the employer. All of such treatment shall be at the expense of the employer.

SEC. 86. Section 4602 of said code is amended to read:

4602. If the employee so requests, the employer shall procure certification by either the administrative director or the appeals board as the case may be of the competency, for the particular case, of the consulting or additional physicians.

SEC. 87. Section 4603 of said code is amended to read:

4603. The foregoing provisions regarding a change of physicians shall not apply to those cases where the employer maintains for his own employees a hospital and hospital staff, the adequacy and competency of which have been approved by the administrative director.

SEC. 88. Section 4604 of said code is amended to read:

4604. Controversies between employer and employee arising under this chapter shall be determined by the appeals board, upon the request of either party.

SEC. 89. Section 4651 of said code is amended to read:

4651. Such permanent or temporary disability payments shall thereafter be made not less frequently than twice in each calendar month, unless otherwise ordered by the appeals board.

No such payment shall be made by any written instrument unless it is negotiable and payable in cash, on demand, without discount at some established place of business in the state.

SEC. 90. Section 4651.1 of said code is amended to read:

4651.1. Where a petition is filed with the appeals board concerning a continuing award of such appeals board, in which it is alleged that the disability has decreased or terminated, there shall be a rebuttable presumption that such temporary disability continues for at least one week following the filing of such petition. In such case, payment for such week shall be made in accordance with the provisions of Sections 4650 and 4651 of this code.

Where the employee has returned to work at or prior to the date of such filing, however, no such presumption shall apply

Service of a copy of such petition on the employee shall be made as provided by Section 5316 of this code.

SEC. 90.5. Section 4651.2 is added to said code, to read:

4651.2. No petitions filed under Section 4651.1 shall be granted while the injured workman is pursuing a rehabilitation plan under Section 139.5 of this code.

SEC. 91. Section 4660 of said code is amended to read:

4660. (a) In determining the percentages of permanent disability, account shall be taken of the nature of the physical injury or disfigurement, the occupation of the injured employee, and his age at the time of such injury, consideration being given to the diminished ability of such injured employee to compete in an open labor market.

(b) The administrative director may prepare, adopt, and from time to time amend, a schedule for the determination of the percentage of permanent disabilities in accordance with this section. Such schedule shall be available for public inspection, and without formal introduction in evidence shall be prima facie evidence of the percentage of permanent disability to be attributed to each injury covered by the schedule.

(c) Any such schedule and any amendment thereto or revision thereof shall apply prospectively and shall apply to and govern only those permanent disabilities which result from compensable injuries received or occurring on and after the effective date of the adoption of such schedule, amendment or revision, as the fact may be.

SEC. 92. Section 4702 of said code is amended to read:

4702. Except as provided in the next paragraph, the death benefit in cases of total dependency, when added to all accrued disability indemnity, shall be the sum of seventeen thousand five hundred dollars ($17,500) except in the case of a surviving widow and one or more dependent minor children, in which case the death benefit shall be twenty thousand five hundred dollars ($20,500) and except as otherwise provided in Sections 4553 and 4554. In cases of partial dependency the death benefit shall be a sum equal to four times the amount annually devoted to the support of the dependents by the employee, not to exceed the sum of fifteen thousand dollars ($15,000). The death benefit in all cases shall be paid in installments in the same manner and amounts as temporary disability indemnity, payments to be made at least twice each calendar month, unless the appeals board otherwise orders.

Disability indemnity shall not be deducted from the death benefit and shall be paid in addition to the death benefit when the original injury resulting in death occurs after the effective date of the amendment to this section adopted at the 1949 Regular Session of the Legislature.

Every computation made pursuant to this section shall be made only with reference to death resulting from an original injury sustained after this section as amended during the 1959 Regular Session of the Legislature becomes effective; provided, however, that all rights presently existing under this section shall be continued in force.

SEC. 93. Section 4704 of said code is amended to read:

4704. The appeals board may set apart or reassign the death benefit to any one or more of the dependents in accordance with their respective needs and in a just and equitable manner, and may order payment to a dependent subsequent in right, or not otherwise entitled thereto, upon good cause being shown therefor. The death benefit shall be paid to such one or more of the dependents of the deceased or to a trustee appointed by the appeals board for the benefit of the person entitled thereto, as determined by the appeals board.

SEC. 94. Section 4705 of said code is amended to read:

4705. The person to whom the death benefit is paid for the use of the several beneficiaries shall apply it in compliance with the findings and directions of the appeals board.

SEC. 95. Section 4706 of said code is amended to read:

4706. (a) If a dependent beneficiary of any deceased employee dies and there is no surviving dependent, the death benefit terminates and does not survive to the estate of the deceased dependent, except that payments of the death benefit accrued and payable at the time of the death of the sole remaining dependent shall be paid upon the order of the appeals board to the heirs of the dependent or, if none, to the heirs of the deceased employee, without administration.

(b) In the event there is no surviving dependent and no surviving heir, the appeals board may order the burial expense of the deceased employee, not to exceed the amount specified in Section 4701, paid to the proper person, without administration.

SEC. 96. Section 4708 of said code is amended to read:

4708. Upon application of any party in interest for a death benefit provided by this division on the death of an employee member of the State Employees' Retirement System, the latter shall be joined as a defendant, and the appeals board shall determine whether the death resulted from injury or illness arising out of and in the course of his employment, for the purpose of enabling the appeals board to apply the provision of this division and the board of administration to apply the provisions of the State Employees' Retirement Law.

SEC. 97. Section 4753.5 of said code is amended to read:

4753.5. In any such hearing, investigation or proceeding, the Attorney General shall represent the state and may, in

accordance with law, reimburse himself for costs of investigations, medical examination and other expert reports, fees of witnesses, and other expenses incident to proper representation of the state before the appeals board and in court in such cases, excluding from such reimbursement the salary of any of his deputies rendering the services. Such reimbursement shall be made out of the appropriations for the payments of the special additional compensation specified in Section 4751. No such witness fees or fees for medical services shall exceed those fees prescribed by the appeals board for the same services in those cases where the appeals board, by rule, has prescribed such fees. Such reimbursement shall be in addition to and in augmentation of any other appropriations made or funds available for his use or support.

SEC 98. Section 4754 of said code is amended to read:

4754. The appeals board shall fix and award the amounts of special additional compensation to be paid under this article, and shall direct the State Compensation Insurance Fund to pay the additional compensation so awarded. Such additional compensation may be paid only from funds appropriated for such purpose. Out of any such appropriation the fund may reimburse itself for the cost of service rendered in payment of compensation awards pursuant to this article and maintenance of accounts and records pertaining thereto, which cost shall not exceed 5 percent of the amount of award paid.

SEC. 99. Section 4754.5 of said code is amended to read:

4754 5. Nothing in this article shall impair the right of the Attorney General to release by compromise any claims brought under the provisions of this article. Such compromise and release agreement shall be submitted by the Attorney General to the Department of Finance for its review and recommendation prior to the filing thereof with the appeals board. No such compromise and release agreement is valid unless it is approved by the appeals board; however, the provisions of Sections 5000 to 5004, inclusive, of this code, shall not apply to such compromise and release agreements.

SEC. 100. Section 4801 of said code is amended to read:

4801. It shall be the duty of the appeals board to determine in any case, upon request of the Department of Motor Vehicles whether or not the disability referred to in Section 4800 arose out of and in the course of duty. The appeals board shall, also, in any disputed case, determine when such disability ceases.

SEC. 101. Section 4851 of said code is amended to read:

4851. The governing body of any city, county or city and county, in addition to anyone else properly entitled, including the State Employees' Retirement System, may request the appeals board to determine in any case, and the appeals board shall determine, whether or not the disability referred to in Section 4850 arose out of and in the course of duty. The appeals board shall, also, in any disputed case, determine when such disability exists.

SEC. 102. Section 4902 of said code is amended to read:

4902. No compensation, whether awarded or voluntarily paid, shall be paid to any attorney at law or in fact or other agent, but shall be paid directly to the claimant entitled thereto unless otherwise ordered by the appeals board. No payment made to an attorney at law or in fact or other agent in violation of this section shall be credited to the employer.

SEC. 103. Section 4903 of said code is amended to read:

4903. The appeals board may determine, and allow as liens against any sum to be paid as compensation, any amount determined as hereinafter set forth in subdivisions (a) through (g) of this section. If more than one such lien be allowed, the appeals board may determine the priorities, if any, between the liens allowed. The liens which may be allowed hereunder are as follows:

(a) A reasonable attorney's fee for legal services pertaining to any claim for compensation either before the appeals board or before any of the appellate courts, and the reasonable disbursements in connection therewith.

(b) The reasonable expense incurred by or on behalf of the injured employee, as provided by Article 2 of Chapter 2 of Part 2 of this division.

(c) The reasonable value of the living expenses of an injured employee or of his dependents, subsequent to the injury.

(d) The reasonable burial expenses of the deceased employee, not to exceed the amount provided for by Section 4701.

(e) The reasonable living expenses of the wife or minor children of the injured employee, or both, subsequent to the date of the injury, where such employee has deserted or is neglecting his family. Such expenses shall be allowed in such proportion as the appeals board deems proper, under application of the wife or guardian of the minor children.

(f) The amount of unemployment compensation disability benefits which have been paid under or pursuant to the Unemployment Insurance Code in those cases where, pending a determination under Division 4 of this code, there was uncertainty whether such benefits were payable under the Unemployment Insurance Code or payable hereunder; provided, however, that any lien under this subdivision shall be allowed and paid as provided in Section 4904.

(g) The amount of unemployment compensation benefits paid erroneously to the injured employee for a period for which he was unable to work and for which he received temporary total disability payments under this division.

SEC. 104. 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 appeals board. In determining the amount of lien to be allowed for unemployment compensation disability benefits un-

der subdivision (f) of Section 4903 the appeals board 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 appeals board, 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 appeals board, subject to petition for reconsideration and to the right of judicial review, as to the amount of lien allowed under subdivision (f) of Section 4903, whether in connection with an award of compensation or the approval of a compromise and release agreement, shall be binding on the lien claimant, the applicant, and the defendant, insofar as the right to benefits paid under the Unemployment Insurance Code for which the lien was claimed. The appeals board 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. 105. Section 4905 of said code is amended to read:

4905. Where it appears in any proceeding pending before the appeals board that a lien should be allowed if it had been duly requested by the party entitled thereto, the appeals board may, without any request for such lien having been made, order the payment of the claim to be made directly to the person entitled, in the same manner and with the same effect as though the lien had been regularly requested, and the award to such person shall constitute a lien against unpaid compensation due at the time of service of the award.

SEC. 106. Section 4906 of said code is amended to read:

4906. No charge, claim, or agreement for the legal services or disbursements mentioned in subdivision (a) of Section 4903, or for the expense mentioned in subdivision (b) of Section 4903, is enforceable, valid, or binding in excess of a reasonable amount. The appeals board may determine what constitutes such reasonable amount.

SEC. 107. Section 4907 of said code is amended to read:

4907 The privilege of any person, including attorneys admitted to practice in the Supreme Court of the state to appear in any proceeding as a representative of any party before the appeals board, or any of its referees, may, after a hearing, be removed, denied, or suspended by the appeals board for a violation of this chapter or for other good cause.

SEC. 108. Section 4909 of said code is amended to read:

4909. Any payment, allowance, or benefit received by the injured employee during the period of his incapacity, or by his dependents in the event of his death, which by the terms of this division was not then due and payable or when there is any dispute or question concerning the right to compensation, shall not, in the absence of any agreement, be an admission of liability for compensation on the part of the employer,

but any such payment, allowance, or benefit may be taken into account by the appeals board in fixing the amount of the compensation to be paid. The acceptance of any such payment, allowance, or benefit shall not operate as a waiver of any right or claim which the employee or his dependents has against the employer.

SEC. 109. Section 5001 of said code is amended to read:

5001. Compensation is the measure of the responsibility which the employer has assumed for injuries or deaths which occur to employees in his employment when subject to this division. No release of liability or compromise agreement is valid unless it is approved by the appeals board or referee.

SEC. 110. Section 5002 of said code is amended to read:

5002. A copy of the release or compromise agreement signed by both parties shall forthwith be filed with the appeals board. Upon filing with and approval by the appeals board, it may, without notice, of its own motion or on the application of either party, enter its award based upon the release or compromise agreement.

SEC. 111. Section 5100 of said code is amended to read:

5100. At the time of making its award, or at any time thereafter, the appeals board, on its own motion either upon notice, or upon application of either party with due notice to the other, may commute the compensation payable under this division to a lump sum and order it to be paid forthwith or at some future time if any of the following conditions appear:

(a) That such commutation is necessary for the protection of the person entitled thereto, or for the best interest of either party.

(b) That commutation will avoid inequity and will not cause undue expense or hardship to either party.

(c) That the employer has sold or otherwise disposed of the greater part of his assets or is about to do so.

(d) That the employer is not a resident of this state.

SEC. 112. Section 5100.5 of said code is amended to read:

5100.5. Notwithstanding the provisions of Section 5100, the appeals board shall not commute the compensation payable under this division to a lump sum when such compensation is payable under Section 4751 of the Labor Code.

SEC. 113. Section 5100.6 is added to said code, to read:

5100.6. Notwithstanding the provisions of Section 5100, the appeals board shall not permit the commutation or settlement of compensation of indemnity payments or other benefits to which the employee is entitled under rehabilitation.

SEC. 114. Section 5101 of said code is amended to read:

5101. The amount of the lump sum shall be determined as follows:

(a) If the injury causes temporary disability, the appeals board shall estimate the probable duration thereof and the probable amount of the temporary disability payments therefor, in accordance with Chapter 2 of Part 2 of this division, and shall fix the lump sum at the amount so determined.

(b) If the injury causes permanent disability or death, the appeals board shall fix the total amount of the permanent disability payment or death benefit payable therefor in accordance with Chapter 2 of Part 2 of this division, and shall estimate the present value thereof, assuming interest at the rate of 3 percent per annum and disregarding the probability of the beneficiary's death in all cases except where the percentage of permanent disability is such as to entitle the beneficiary to a life pension, and then taking into consideration the probability of the beneficiary's death only in estimating the present value of such life pension.

SEC. 115. Section 5102 of said code is amended to read:

5102. The appeals board may order the lump sum paid directly to the injured employee or his dependents, or deposited with any savings bank or trust company authorized to transact business in this state, which agrees to accept the same as a deposit bearing interest; or the appeals board may order the lump sum deposited with the State Compensation Insurance Fund. Any lump sum so deposited, together with all interest derived therefrom, shall thereafter be held in trust for the injured employee, or in the event of his death, for his dependents. In the event of the employee's death, his dependents shall have no further recourse against the employer under this chapter.

SEC. 116. Section 5103 of said code is amended to read:

5103. Payments from the lump sum so deposited shall be made by the trustee only in the amounts and at the time fixed by order of the appeals board and until the lump sum and interest thereon are exhausted.

SEC. 117. Section 5105 of said code is amended to read:

5105. Upon the payment of a lump sum, the employer shall present to the appeals board a proper receipt evidencing the same, executed either by the injured employee or his dependents, or by the trustee. The appeals board shall thereupon issue its certificate in proper form evidencing such payment. Such certificate, upon filing with the clerk of the superior court in which any judgment upon an award has been entered, operates as a satisfaction of the award and fully discharges the employer from any further liability on account thereof.

SEC. 118. Section 5106 of said code is amended to read:

5106. The appeals board may, where the employer is uninsured and the installments of compensation awarded are to be paid for a considerable time in the future, determine the present worth of the future payments, discounted at the rate of 3 percent per annum, and order the present worth paid into the State Compensation Insurance Fund, which fund shall thereafter pay to the beneficiaries of the award the future payments as they become due.

SEC. 119. Section 5300 of said code is amended to read:

5300. All the following proceedings shall be instituted before the appeals board and not elsewhere, except as otherwise provided in Division 4.

(a) For the recovery of compensation, or concerning any right or liability arising out of or incidental thereto.

(b) For the enforcement against the employer or an insurer of any liability for compensation imposed upon him by this division in favor of the injured employee, his dependents, or any third person.

(c) For the determination of any question as to the distribution of compensation among dependents or other persons.

(d) For the determination of any question as to who are dependents of any deceased employee, or what persons are entitled to any benefit under the compensation provisions of this division.

(e) For obtaining any order which by Division 4 the appeals board is authorized to make.

(f) For the determination of any other matter, jurisdiction over which is vested by Division 4 in the Division of Industrial Accidents, including the administrative director and the appeals board.

SEC. 120. Section 5301 of said code is amended to read:

5301. The appeals board is vested with full power, authority and jurisdiction to try and determine finally all the matters specified in Section 5300 subject only to the review by the courts as specified in this division.

SEC. 121. Section 5302 of said code is amended to read:

5302. All orders, rules, findings, decisions, and awards of the appeals board shall be prima facie lawful and conclusively presumed to be reasonable and lawful, until and unless they are modified or set aside by the appeals board or upon a review by the courts within the time and in the manner specified in this division.

SEC. 122. Section 5303 of said code is amended to read:

5303. There is but one cause of action for each injury coming within the provisions of this division. All claims brought for medical expense, disability payments, death benefits, burial expense, liens, or any other matter arising out of such injury may, in the discretion of the appeals board, be joined in the same proceeding at any time.

SEC 123. Section 5304 of said code is amended to read:

5304. The appeals board has jurisdiction over any controversy relating to or arising out of Sections 4600 to 4605 inclusive, unless an express agreement fixing the amounts to be paid for medical, surgical or hospital treatment as such treatment is described in those sections has been made between the persons or institutions rendering such treatment and the employer or insurer.

SEC. 124. Section 5305 of said code is amended to read:

5305. The Division of Industrial Accidents, including the administrative director and the appeals board has jurisdiction over all controversies arising out of injuries suffered without the territorial limits of this state in those cases where the injured employee is a resident of this state at the time of the

injury and the contract of hire was made in this state. Any such employee or his dependents shall be entitled to the compensation or death benefits provided by this division.

SEC. 125. Section 5306 of said code is amended to read:

5306. The death of an employer subsequent to the sustaining of an injury by an employee shall not impair the right of the employee to proceed before the appeals board against the estate of the employer, and the failure of the employee or his dependents to cause the claim to be presented to the executor or administrator of the estate shall not in any way bar or suspend such right.

SEC. 126. Section 5307 of said code is amended to read:

5307. The appeals board may by an order signed by four members:

(a) Adopt reasonable and proper rules of practice and procedure.

(b) Regulate and provide the manner in which, and by whom, minors and incompetent persons are to appear and be represented before it.

(c) Regulate and prescribe the kind and character of notices, where not specifically prescribed by Division 4, and the service thereof.

(d) Regulate and prescribe the nature and extent of the proofs and evidence.

No rule or regulation of the appeals board pursuant to this section shall be adopted, amended, or rescinded without public hearing at which an opportunity is afforded for interested persons to be heard or to present statements with respect to the proposed rule or regulation, or amendment or rescission thereof. Notice of the rule or regulation proposed to be adopted, amended, or rescinded, of the time and place of the public hearing, and of any action thereon by the appeals board must be given to such business and labor organizations and firms or individuals who have requested notice thereof. Any written request hereafter filed with the appeals board seeking a change in its rules or regulations shall be deemed to be denied if not set by the appeals board for public hearing to be held within six months of the date on which such request is received by the appeals board.

SEC 127. Section 5307.1 of said code is amended to read:

5307.1. The administrative director may, after public hearings, adopt an official minimum medical fee schedule.

SEC. 128. Section 5307.3 is added to said code, to read:

5307.3. The administrative director may adopt, amend or repeal such regulations as are reasonably necessary to enforce the provisions of this division, except where such power is specifically reserved to the appeals board

No rule or regulation of the administrative director pursuant to this section shall be adopted, amended, or rescinded without public hearing at which an opportunity is afforded for interested persons to be heard or to present statements with respect to the proposed rule or regulation, or amendment or

rescission thereof. Notice of the rule or regulation proposed to be adopted, amended, or rescinded, of the time and place of the public hearing, and of any action thereon by the administrative director must be given to such business and labor organizations and firms or individuals who have requested notice thereof. Any written request hereafter filed with the administrative director seeking a change in its rules or regulations shall be deemed to be denied if not set by the administrative director for public hearing to be held within six months of the date on which such request is received by the administrative director.

SEC. 129. Section 5307.5 of said code is amended to read:

5307 5. The appeals board or a referee may:

(a) Appoint a trustee or guardian ad litem to appear for and represent any minor or incompetent upon the terms and conditions which it deems proper. Such guardian or trustee shall, if required by the appeals board, give a bond in the form and of the character required by law from a guardian appointed by a superior court and in the amount which the appeals board determines. The bond shall be approved by the appeals board, and such guardian or trustee shall not be discharged from liability until he files an account with the appeals board or with the superior court and such account is approved. The trustee or guardian shall receive the compensation for his services fixed and allowed by the appeals board or by the superior court.

(b) Provide for the joinder in the same proceeding of all persons interested therein, whether as employer, insurer, employee, dependent, creditor, or otherwise.

SEC. 130. Section 5308 of said code is amended to read:

5308. The appeals board has jurisdiction to determine controversies arising out of insurance policies issued to self-employing persons, conferring benefits identical with those prescribed by this division.

The appeals board may try and determine matters referred to it by the parties under the provisions of Part 3, Title 10, of the Code of Civil Procedure, with respect to controversies arising out of insurance issued to self-employing 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 appeals board all controversies susceptible of being arbitrated under this section.

In acting as arbitrator under this section, the appeals board 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 appeals board for arbitrating the issues presented under this section.

SEC. 131. Section 5309 of said code is amended to read:

5309. The appeals board may, in accordance with rules of practice and procedure which it shall adopt and upon the agreement of the parties, on the application of either, or of its own motion, and with or without notice, direct and order a referee:

(a) To try the issues in any proceeding before it, whether of fact or of law, and make and file a finding, order, decision, or award based thereon.

(b) To hold hearings and ascertain facts necessary to enable the appeals board to determine any proceeding or to make any order, decision, or award that the appeals board is authorized to make under Divisions 4 or 5, or necessary for the information of the appeals board.

SEC. 132. Section 5310 of said code is amended to read:

5310. The appeals board may appoint one or more referees in any proceeding, as it may deem necessary or advisable, and may refer, remove to itself, or transfer to a referee the proceedings on any claim. The administrative director may appoint general referees. Any referee appointed by the administrative director has the powers, jurisdiction, and authority granted by law, by the order of appointment, and by the rules of the appeals board.

SEC 133. Section 5311 of said code is amended to read:

5311. Any party to the proceeding may object to the reference of the proceeding to a particular referee upon any one or more of the grounds specified in Section 641 of the Code of Civil Procedure and such objection shall be heard and disposed of by the appeals board. Affidavits may be read and witnesses examined as to such objections.

SEC. 134. Section 5313 of said code is amended to read:

5313. The appeals board or a referee shall, within 30 days after the case is submitted, make and file findings upon all facts involved in the controversy and an award, order, or decision stating the determination as to the rights of the parties. Together with the findings, decision, order or award there shall be served upon all the parties to the proceedings a summary of the evidence received and relied upon and the reasons or grounds upon which the determination was made.

SEC. 135. Section 5315 of said code is amended to read:

5315. Within sixty (60) days after the filing of the findings, decision, order or award, the appeals board may confirm, adopt, modify or set aside the findings, order, decision, or award of a referee and may, with or without further proceedings, and with or without notice, enter its order, findings, decision, or award based upon the record in the case.

SEC. 136. Section 5316 of said code is amended to read:

5316. Any notice, order, or decision required by this division to be served upon any person either before, during, or

after the institution of any proceeding before the appeals board, may be served in the manner provided by Chapter 5, Title 14 of Part 2 of the Code of Civil Procedure, unless otherwise directed by the appeals board. In the latter event the document shall be served in accordance with the order or direction of the appeals board. The appeals board may, in the cases mentioned in the Code of Civil Procedure, order service to be made by publication of notice of time and place of hearing. Where service is ordered to be made by publication the date of the hearing may be fixed at more than 30 days from the date of filing the application.

SEC. 137. Section 5404 of said code is amended to read:

5404. Unless compensation is paid within the time limited in this chapter for the institution of proceedings for its collection, the right to institute such proceedings is barred. The timely filing of an application with the appeals board by any party in interest for any part of the compensation defined by Section 3207 renders this chapter inoperative as to all further claims by such party against the defendants therein named for compensation arising from that injury, and the right to present such further claims is governed by Sections 5803 to 5805, inclusive

SEC. 138. Section 5408 of said code is amended to read:

5408. If an injured employee or, in the case of his death, any of his dependents, is under 21 years of age or incompetent at any time when any right or privilege accrues to such employee or dependent under this division, a general guardian, appointed by the court, or a guardian ad litem or trustee appointed by the appeals board may, on behalf of the employee or dependent, claim and exercise any right or privilege with the same force and effect as if no disability existed.

No limitation of time provided by this division shall run against any person under 21 years of age or any incompetent unless and until a guardian or trustee is appointed. The appeals board may determine the fact of the minority or incompetency of any injured employee and may appoint a trustee to receive and disburse compensation payments for the benefit of such minor or incompetent and his family.

SEC. 139. Section 5410 of said code is amended to read:

5410. Nothing in this chapter shall bar the right of any injured employee to institute proceedings for the collection of compensation within five years after the date of the injury upon the ground that the original injury has caused new and further disability. The jurisdiction of the appeals board in such cases shall be a continuing jurisdiction at all times within such period. This section does not extend the limitation provided in Section 5407.

SEC. 140. Section 5500 of said code is amended to read

5500. No pleadings other than the application and answer shall be required. Both shall be in writing and shall conform to forms prescribed by the appeals board in its rules of practice and procedure, simply but clearly and completely delin-

eating all relevant matters of agreement and all issues of disagreement within the jurisdiction of the appeals board, and providing for the furnishing of such additional information as the appeals board may properly determine necessary to expedite its hearing and determination of the claim

SEC. 141. Section 5500.5 of said code is amended to read:

5500.5. Where a claim for compensation benefits is made on account of an occupational disease which may have arisen out of more than one employment, the application shall state the names and addresses of all employers, the places of employment, and the approximate periods of employment where the employee was exposed to the hazards of the occupational disease. If the application is not so prepared or omits necessary and proper employers, any interested party, at or prior to the first hearing, may request the appeals board to join as defendant any necessary or proper party. If such request is made prior to the first hearing on the application, the appeals board shall forthwith join the employer as a party defendant and cause a copy of the application together with a notice of the time and place of hearing to be served upon such omitted employer; provided, such notice can be given within the time specified in this division. If such notice cannot be timely given or if the motion for joinder is made at the time of the first hearing, then the appeals board or referee before whom the hearing is held, if it is found that the omitted employer named is a necessary or proper party, may order a joinder of such party and continue the hearing so that proper notice may be given to the party or parties so joined. Only one continuance shall be allowed for the purpose of joining additional parties. Subsequent to the first hearing the appeals board shall join as a party defendant any additional employer when it appears that such employer is a proper party, but the liability of such employer shall not be determined until supplemental proceedings are instituted.

In any case involving a claim of occupational disease contracted as a result of more than one employment, the employee making the claim, or his dependents, may elect to proceed against any one or more of the employers named in the application. Where such an election is made, the employee must successfully prove his claim against any one of the employers named, and any award which the appeals board shall issue awarding compensation benefits shall be a joint and several award as against any two or more employers who may be held liable for compensation benefits. If, during the pendency of any claim wherein the employee or his dependents has made an election to proceed against one or more employers, it should appear that there is another proper party not yet joined, such additional party shall be joined as a defendant by the appeals board on the motion of any party in interest, but the liability of such employer shall not be determined until supplemental proceedings are instituted. Any employer joined as a defendant subsequent to the first hearing

or subsequent to the election provided herein shall not be entitled to participate in any of the proceedings prior to the appeal board's final decision, nor to any continuance or further proceedings, but may be permitted to ascertain from the employee or his dependents such information as will enable the employer to determine the time, place, and duration of the alleged employment. On supplemental proceedings, however, the right of the employer to full and complete examination or cross-examination shall not be restricted.

At any time within one year after the appeals board has made an award for compensation benefits in connection with an occupational disease, any employer held liable under such award may institute proceedings before the appeals board for the purpose of determining an apportionment of liability or right of contribution. Such a proceeding shall not diminish, restrict, or alter in any way the recovery previously allowed the employee or his dependents, but shall be limited to a determination of the respective contribution rights, interests or liabilities of all the employers joined in the proceeding, either initially or supplementally; provided, however, if the appeals board finds on supplemental proceedings for the purpose of determining an apportionment of liability or of a right of contribution that an employer previously held liable in fact has no liability, it may dismiss such employer and amend its original award in such manner as may be required.

In any proceeding before the appeals board for the purpose of determining an apportionment of liability or of a right of contribution where any employee incurred a disability or death resulting from silicosis in underground metal mining operations, the determination of the respective rights and interests of all of the employers joined in the proceedings either initially or supplementally shall be as follows:

(a) All employers whose underground metal mining operations resulted in a silicotic exposure during the period of the employee's employment in such operations shall be jointly and severally liable for the payment of compensation and of medical, surgical, legal and hospital expense which may be awarded to the employee or his estate or dependents as the result of disability or death resulting from or aggravated by such exposure.

(b) In making its determination in the supplemental proceeding for the purpose of determining an apportionment of liability or of a right of contribution of percentage liabilities of the various employers engaged in underground metal mining operations the appeals board shall consider as a rebuttal presumption that employment in underground work in any mine for a continuous period of more than three calendar months will result in a silicotic exposure for the employee so employed during the period of employment if the underground metal mine was driven or sunk in rock having a composition which will result in dissemination of silica or silicotic dust particles when drilled, blasted or transported.

Any employer shall be entitled to rebut such presumption by showing to the satisfaction of the appeals board, or its referee, that the mining methods used by the employer in the employee's place of employment did not result during his employment in the creation of silica dust in sufficient amount or concentration to constitute a silicotic hazard. Dust counts, competently made, at such intervals and in such locations as meet the requirements of the Division of Industrial Safety for safe working conditions may be received as evidence of the amount and concentration of silica dust in the workings where such counts have been made at the time when they were made. The appeals board may from time to time, as its experience may indicate proper, promulgate orders as to the frequency with which such dust counts shall be taken in different types of workings in order to justify their acceptance as evidence of the existence or nonexistence of a silicotic hazard in the property where they have been taken.

The amendments to this section adopted at the 1959 Regular Session of the Legislature shall operate retroactively, and shall apply retrospectively to any cases pending before the appeals board or courts. From and after the date this section becomes effective no payment shall be made out of the fund used for payment of the additional compensation provided for in Section 4751 of this code, or out of any other state funds, in satisfaction of any liability heretofore incurred or hereafter incurred, except awards which have become final without regard to the continuing jurisdiction of the appeals board on said effective date, and the state and its funds shall be without liability therefor. This paragraph shall not in any way effect a reduction in any benefit conferred or which may be conferred upon any injured employee or his dependents.

SEC. 142. Section 5501 of said code is amended to read:

5501. The application may be filed with the appeals board by any party in interest, his attorney, or other representative authorized in writing. Upon the filing of the application, a time and place shall thereupon be fixed by the appeals board for a hearing.

SEC. 143. Section 5505 of said code is amended to read:

5505. If any defendant desires to disclaim any interest in the subject matter of the claim in controversy, or considers that the application is in any respect inaccurate or incomplete, or desires to bring any fact, paper, or document to the attention of the appeals board as a defense to the claim or otherwise, he may, within 10 days after the service of the application upon him, file with or mail to the appeals board his answer in such form as the appeals board may prescribe, setting forth the particulars in which the application is inaccurate or incomplete, and the facts upon which he intends to rely. A copy of the answer shall be forthwith served upon all adverse parties. Evidence upon matters not pleaded by answer

shall be allowed only upon the terms and conditions imposed by the appeals board or referee holding the hearing.

SEC. 144. Section 5506 of said code is amended to read:

5506. If the defendant fails to appear or answer, no default shall be taken against him, but the appeals board shall proceed to the hearing of the matter upon the terms and conditions which it deems proper. A defendant failing to appear or answer, or subsequently contending that no service was made upon him, or claiming to be aggrieved in any other manner by want of notice of the pendency of the proceedings, may apply to the appeals board for relief substantially in accordance with the provisions of Section 473 of the Code of Civil Procedure. The appeals board may afford such relief. No right to relief, including the claim that the findings and award of the appeals board or judgment entered thereon are void upon their face, shall accrue to such defendant in any court unless prior application is made to the appeals board in accordance with this section. In no event shall any petition to any court be allowed except as prescribed in Sections 5950 and 5951.

SEC. 145. Section 5507 of said code is amended to read:

5507. If an application shows upon its face that the applicant is not entitled to compensation, the appeals board may, after opportunity to the applicant to be heard orally or to submit his claim or argument in writing dismiss the application without any hearing thereon. Such dismissal may be upon the motion of the appeals board or upon motion of the adverse party. The pendency of such motion or notice of intended dismissal shall not, unless otherwise ordered by the appeals board, delay the hearing on the application upon its merits

SEC. 146. Section 5600 of said code is amended to read:

5600. The appeals board may, upon the filing of an application by or on behalf of an injured employee, his dependents, or any other party in interest, direct the county clerk of any county to issue writs of attachment authorizing the sheriff to attach the property of the defendant as security for the payment of any compensation which may be awarded in any case:

(a) Mentioned in Section 412 of the Code of Civil Procedure, or

(b) Where the employee has failed to secure the payment of compensation as required by Article 1 of Chapter 4 of Part 1 of this division.

Such attachment shall be in an amount fixed by the appeals board, not exceeding the greatest probable award against the defendant in such matter.

SEC. 147. Section 5601 of said code is amended to read:

5601. The provisions of Part 2, Title 7, Chapter 4, of the Code of Civil Procedure, as far as applicable, shall govern the proceedings upon attachment, the appeals board being substituted therein for the superior court.

SEC. 148. Section 5602 of said code is amended to read:

5602. No writ of attachment shall be issued except upon the order of the appeals board. Such order shall not be made where it appears from the application or affidavit in support thereof that the employer was, at the time of the injury to the employee, insured against liability imposed by this division by any insurer. If, at any time after the levying of an attachment, it appears that such employer was so insured, and the requisites for dismissing the employer from the proceeding and substituting the insurer as defendant under any method prescribed by this division are established, the appeals board shall forthwith discharge the attachment.

SEC. 149. Section 5700 of said code is amended to read:

5700. The hearing on the application may be adjourned from time to time and from place to place in the discretion of the appeals board or a referee holding the hearing. Any such hearing adjourned by a referee shall be continued to be heard by and shall be concluded and the decision made by the referee who previously heard it. Either party may be present at any hearing, in person, by attorney, or by any other agent, and may present testimony pertinent under the pleadings.

SEC. 150. Section 5701 of said code is amended to read:

5701. The appeals board may, with or without notice to either party, cause testimony to be taken, or inspection of the premises where the injury occurred to be made, or the time-books and payroll of the employer to be examined by any member thereof or referee appointed by the appeals board. The appeals board may also from time to time direct any employee claiming compensation to be examined by a regular physician. The testimony so taken and the results of any such inspection or examination shall be reported to the appeals board for its consideration.

SEC. 151. Section 5702 of said code is amended to read:

5702. The parties to a controversy may stipulate the facts relative thereto in writing and file such stipulation with the appeals board. The appeals board may thereupon make its findings and award based upon such stipulation, or may set the matter down for hearing and take further testimony or make the further investigation necessary to enable it to determine the matter in controversy.

SEC. 152. Section 5703 of said code is amended to read:

5703. The appeals board may receive as evidence either at or subsequent to a hearing, and use as proof of any fact in dispute, the following matters, in addition to sworn testimony presented in open hearing:

(a) Reports of attending or examining physicians.

(b) Reports of special investigators appointed by the appeals board or a referee to investigate and report upon any scientific or medical question.

(c) Reports of employers, containing copies of timesheets, book accounts, reports, and other records properly authenticated.

(d) Properly authenticated copies of hospital records of the case of the injured employee.

(e) All publications of the Division of Industrial Accidents.

(f) All official publications of state and United States governments.

(g) Excerpts from expert testimony received by the appeals board upon similar issues of scientific fact in other cases and the prior decisions of the appeals board upon such issues.

SEC. 153. Section 5703.5 of said code is amended to read:

5703.5. The appeals board may at any time after an application is filed and prior to the expiration of its jurisdiction, upon the agreement of a party to pay the cost, direct the injured employee to be examined by a doctor selected by the appeals board or agreed upon by the parties to report upon any medical question pertinent to any matter then at issue before the appeals board.

SEC. 154. Section 5706 of said code is amended to read:

5706. Where it is represented to the appeals board, either before or after the filing of an application, that an employee has died as a result of injuries sustained in the course of his employment, the appeals board may require an autopsy. The report of the physician performing the autopsy may be received in evidence in any proceedings theretofore or thereafter brought. If at the time the autopsy is requested, the body of the employee is in the custody of the coroner, the coroner shall, upon the request of the appeals board or of any party interested, afford reasonable opportunity for the attendance of any physicians named by the appeals board at any autopsy ordered by him. If the coroner does not require, or has already performed the autopsy, he shall permit an autopsy or reexamination to be performed by physicians named by the appeals board. No fee shall be charged by the coroner for any service, arrangement, or permission given by him.

SEC. 155. Section 5707 of said code is amended to read:

5707. If the body of a deceased employee is not in the custody of the coroner, the appeals board may authorize the performance of such autopsy and, if necessary, the exhumation of the body therefor. If the dependents, or a majority thereof, of any such deceased employee, having the custody of the body refuse to allow the autopsy, it shall not be performed. In such case, upon the hearing of any application for compensation it is a disputable presumption that the injury or death was not due to causes entitling the claimants to benefits under this division.

SEC. 156. Section 5708 of said code is amended to read:

5708. All hearings and investigations before the appeals board or a referee are governed by this division and by the rules of practice and procedures adopted by the appeals board. In the conduct thereof they shall not be bound by the common law or statutory rules of evidence and procedure, but may make inquiry in the manner, through oral testimony and records, which is best calculated to ascertain the substantial rights of

the parties and carry out justly the spirit and provisions of this division. All oral testimony, objections, and rulings shall be taken down in shorthand by a competent phonographic reporter.

SEC. 157. Section 5710 of said code is amended to read:

5710. The appeals board, a referee, or any party to the action or proceeding, may, in any investigation or hearing before the appeals board, cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior courts of this state. To that end the attendance of witnesses and the production of records may be required. Depositions may be taken outside the state before any officer authorized to administer oaths. The appeals board or a referee in any proceeding before the appeals board may cause evidence to be taken in other jurisdictions before the agency authorized to hear workmen's compensation matters in such other jurisdictions.

SEC. 158. Section 5800 of said code is amended to read:

5800. All awards of the appeals board either for the payment of compensation or for the payment of death benefits, shall carry interest at the same rate as judgments in civil actions on all due and unpaid payments from the date of the making and filing of said award. Such interest shall run from the date of making and filing of an award, as to amounts which by the terms of the award are payable forthwith. As to amounts which under the terms of the award subsequently become due in installments or otherwise, such interest shall run from the date when each such amount becomes due and payable.

SEC. 159. Section 5801 of said code is amended to read:

5801. The appeals board in its award may fix and determine the total amount of compensation to be paid and specify the manner of payment, or may fix and determine the weekly disability payment to be made and order payment thereof during the continuance of disability.

In the event the injured employee or the dependent of a deceased employee prevails in any petition by the employer for a writ of review from an award of the appeals board and the reviewing court finds that there is no reasonable basis for the petition, it shall remand the cause to the appeals board for the purpose of making a supplemental award awarding to the injured employee or his attorney, or the dependent of a deceased employee or his attorney a reasonable attorney's fee for services rendered in connection with the petition for writ of review. Any such fee shall be in addition to the amount of compensation otherwise recoverable and shall be paid as part of the award by the party liable to pay such award.

SEC. 160. Section 5802 of said code is amended to read:

5802. If, in any proceeding under this division, it is proved that an injury has been suffered for which the employer would be liable to pay compensation if disability had resulted

therefrom, but it is not proved that any disability has resulted, the appeals board may, instead of dismissing the application, award a nominal disability indemnity, if it appears that disability is likely to result at a future time.

SEC. 161. Section 5803 of said code is amended to read:

5803. The appeals board has continuing jurisdiction over all its orders, decisions, and awards made and entered under the provisions of this division. At any time, upon notice and after an opportunity to be heard is given to the parties in interest, the appeals board may rescind, alter, or amend any such order, decision, or award, good cause appearing therefor.

Such power includes the right to review, grant or regrant, diminish, increase or terminate, within the limits prescribed by this division, any compensation awarded, upon the grounds that the disability of the person in whose favor such award was made has either recurred, increased, diminished, or terminated.

SEC. 162. Section 5804 of said code is amended to read:

5804. No award of compensation shall be rescinded, altered, or amended after five years from the date of the injury except upon a petition by a party in interest filed within such five years and any counterpetition seeking other relief filed by the adverse party within 30 days of the original petition raising issues in addition to those raised by such original petition. Provided, however, that after an award has been made finding that there was employment and the time to petition for a rehearing or reconsideration or review has expired or such petition if made has been determined, the appeals board upon a petition to reopen shall not have the power to find that there was no employment.

SEC. 163. Section 5806 of said code is amended to read:

5806. Any party affected thereby may file a certified copy of the findings and order, decision, or award of the appeals board with the clerk of the superior court of any county. Judgment shall be entered immediately by the clerk in conformity therewith.

SEC. 164. Section 5807 of said code is amended to read:

5807. The certified copy of the findings and order, decision, or award of the appeals board and a copy of the judgment constitute the judgment-roll. The pleadings, all orders of the appeals board, its original findings and order, decision, or award, and all other papers and documents filed in the cause shall remain on file in the office of the appeals board.

SEC. 165 Section 5808 of said code is amended to read:

5808. The appeals board or a member thereof may stay the execution of any judgment entered upon an order, decision, or award of the appeals board, upon good cause appearing therefor and may impose the terms and conditions of the stay of execution A certified copy of such order shall be filed with the clerk entering judgment Where it is desirable to stay the enforcement of an order, decision, or award and a certified copy thereof and of the findings has not been issued, the ap-

peals board or a member thereof may order the certified copy to be withheld with the same force and under the same conditions as it might issue a stay of execution if the certified copy had been issued and judgment entered thereon.

SEC. 166. Section 5809 of said code is amended to read:

5809. When a judgment is satisfied in fact, otherwise than upon an execution, the appeals board may, upon motion of either party or of its own motion, order the entry of satisfaction of the judgment. The clerk shall enter satisfaction of judgment only upon the filing of a certified copy of such order.

SEC. 167. Section 5810 of said code is amended to read:

5810. The orders, findings, decisions, or awards of the appeals board made and entered under this division may be reviewed by the courts specified in Sections 5950 to 5956 within the time and in the manner therein specified and not otherwise.

SEC. 168. Section 5811 of said code is amended to read:

5811. No fees shall be charged by the clerk of any court for the performance of any official service required by this division, except for the docketing of awards as judgments and for certified copies of transcripts thereof. In all proceedings under this division before the appeals board, costs as between the parties may be allowed by the appeals board.

SEC. 169. Section 5814 of said code is amended to read:

5814. When payment of compensation has been unreasonably delayed or refused, either prior to or subsequent to the issuance of an award, the full amount of the order, decision or award shall be increased by 10 percent. The question of delay and the reasonableness of the cause therefor shall be determined by the appeals board in accordance with the facts. Such delay or refusal shall constitute good cause under Section 5803 to rescind, alter or amend the order, decision or award for the purpose of making the increase provided for herein.

SEC. 170. Section 5815 of said code is amended to read:

5815. Every order, decision or award, other than an order merely appointing a trustee or guardian, shall contain a determination of all issues presented for determination by the appeals board prior thereto and not theretofore determined. Any issue not so determined will be deemed decided adversely as to the party in whose interest such issue was raised.

SEC. 171 Section 5900 of said code is amended to read:

5900. (a) Any person aggrieved directly or indirectly by any final order, decision, or award made and filed by the appeals board or a referee under any provision contained in this division, may petition the appeals board for reconsideration in respect to any matters determined or covered by the final order, decision, or award, and specified in the petition for reconsideration. Such petition shall be made only within the time and in the manner specified in this chapter.

(b) At any time within 60 days after the filing of an order, decision, or award made by a referee and the accompanying

report, the appeals board may, on its own motion, grant reconsideration.

SEC. 172. Section 5901 of said code is amended to read:

5901. No cause of action arising out of any final order, decision or award made and filed by the appeals board or a referee shall accrue in any court to any person until and unless the appeals board on its own motion sets aside such final order, decision, or award and removes such proceeding to itself or such person files a petition for reconsideration, and such reconsideration is granted or denied. Nothing herein contained shall prevent the enforcement of any such final order, decision, or award, in the manner provided in this division.

SEC. 173. Section 5902 of said code is amended to read:

5902. The petition for reconsideration shall set forth specifically and in full detail the grounds upon which the petitioner considers the final order, decision or award made and filed by the appeals board or a referee to be unjust or unlawful, and every issue to be considered by the appeals board. The petition shall be verified upon oath in the manner required for verified pleadings in courts of record and shall contain a general statement of any evidence or other matters upon which the applicant relies in support thereof.

SEC. 174. Section 5903 of said code is amended to read:

5903. At any time within 20 days after the service of any final order, decision, or award made and filed by the appeals board or a referee granting or denying compensation, or arising out of or incidental thereto, any person aggrieved thereby may petition for reconsideration upon one or more of the following grounds and no other:

(a) That by such order, decision, or award made and filed by the appeals board or referee, the appeals board acted without or in excess of its powers.

(b) That the order, decision, or award was procured by fraud.

(c) That the evidence does not justify the findings of fact.

(d) That the petitioner has discovered new evidence material to him, which he could not, with reasonable diligence, have discovered and produced at the hearing.

(e) That the findings of fact do not support the order, decision, or award.

Nothing contained in this section shall limit the grant of continuing jurisdiction contained in Sections 5803 to 5805 inclusive.

SEC. 175. Section 5905 of said code is amended to read:

5905. A copy of the petition for reconsideration shall be served forthwith upon all adverse parties by the person petitioning for reconsideration. Any adverse party may file an answer thereto within 10 days thereafter. Such answer shall likewise be verified. The appeals board may require the petition for reconsideration to be served on other persons designated by it.

SEC. 176. Section 5906 of said code is amended to read:

5906. Upon the filing of a petition for reconsideration, or having granted reconsideration upon its own motion, the appeals board may, with or without further proceedings and with or without notice affirm, rescind, alter, or amend the order, decision, or award made and filed by the appeals board or referee on the basis of the evidence previously submitted in the case, or may grant reconsideration and direct the taking of additional evidence. Notice of the time and place of any hearing on reconsideration shall be given to the petitioner and adverse parties and to such other persons as the appeals board orders.

SEC. 177. Section 5907 of said code is amended to read:

5907. If at the time of granting reconsideration, it appears to the satisfaction of the appeals board that no sufficient reason exists for taking further testimony, the appeals board may affirm, rescind, alter or amend the order, decision, or award made and filed by the appeals board or referee and may, without further proceedings, without notice, and without setting a time and place for further hearing, enter its findings, order, decision, or award based upon the record in the case.

SEC. 178. Section 5908 of said code is amended to read:

5908. After the taking of additional evidence and a consideration of all of the facts the appeals board may affirm, rescind, alter, or amend the original order, decision, or award. An order, decision, or award made following reconsideration which affirms, rescinds, alters, or amends the original order, decision, or award shall be made by the appeals board but shall not affect any right or the enforcement of any right arising from or by virtue of the original order, decision, or award, unless so ordered by the appeals board.

SEC. 179. Section 5908.5 of said code is amended to read:

5908.5. Any decision of the appeals board granting or denying a petition for reconsideration or affirming, rescinding, altering, or amending the original findings, order, decision, or award following reconsideration shall be made by the appeals board and not by a referee and shall be in writing, signed by a majority of the appeals board members assigned thereto, and shall state the evidence relied upon and specify in detail the reasons for the decision.

SEC. 180. Section 5909 of said code is amended to read:

5909. A petition for reconsideration is deemed to have been denied by the appeals board unless it is acted upon within 30 days from the date of filing. The appeals board may, upon good cause being shown therefor, extend the time within which it may act upon such petition for not exceeding 30 days.

SEC. 181. Section 5910 of said code is amended to read:

5910. The filing of a petition for reconsideration shall suspend for a period of 10 days the order, decision, or award affected, insofar as it applies to the parties to the petition, unless otherwise ordered by the appeals board. The appeals

board upon the terms and conditions which it by order directs, may stay, suspend, or postpone the order, decision, or award during the pendency of the reconsideration.

SEC. 182. Section 5911 of said code is amended to read:

5911 Nothing contained in this article shall be construed to prevent the appeals board, on petition of an aggrieved party or on its own motion, from granting reconsideration of an original order, decision, or award made and filed by the appeals board within the same time specified for reconsideration of an original order, decision, or award.

SEC. 183. Section 5950 of said code is amended to read:

5950. Any person affected by an order, decision, or award of the appeals board may, within the time limit specified in this section, apply to the Supreme Court or to the district court of appeal for the appellate district in which he resides, for a writ of review, for the purpose of inquiring into and determining the lawfulness of the original order, decision, or award or of the order, decision, or award following reconsideration. The application for writ of review must be made within 30 days after a petition for reconsideration is denied, or, if a petition is granted or reconsideration is had on the appeal board's own motion, within 30 days after the filing of the order, decision, or award following reconsideration.

SEC. 184. Section 5951 of said code is amended to read:

5951. The writ of review shall be made returnable at a time and place then or thereafter specified by court order and shall direct the appeals board to certify its record in the case to the court within the time therein specified. No new or additional evidence shall be introduced in such court, but the cause shall be heard on the record of the appeals board, as certified to by it.

SEC 185. Section 5952 of said code is amended to read:

5952 The review by the court shall not be extended further than to determine, based upon the entire record which shall be certified by the appeals board, whether:

(a) The appeals board acted without or in excess of its powers.

(b) The order, decision, or award was procured by fraud.

(c) The order, decision, or award was unreasonable.

(d) The order, decision, or award was not supported by substantial evidence.

(e) If findings of fact are made, such findings of fact support the order, decision, or award under review.

Nothing in this section shall permit the court to hold a trial de novo, to take evidence, or to exercise its independent judgment on the evidence.

SEC. 186. Section 5953 of said code is amended to read:

5953. The findings and conclusions of the appeals board on questions of fact are conclusive and final and are not subject to review. Such questions of fact shall include ultimate facts and the findings and conclusions of the appeals board. The appeals board and each party to the action or proceeding

before the appeals board shall have the right to appear in the review proceeding. Upon the hearing, the court shall enter judgment either affirming or annulling the order, decision, or award, or the court may remand the case for further proceedings before the appeals board.

SEC. 187. Section 5954 of said code is amended to read:

5954. The provisions of the Code of Civil Procedure relating to writs of review shall, so far as applicable, apply to proceedings in the courts under the provisions of this article. A copy of every pleading filed pursuant to the terms of this article shall be served on the appeals board and upon every party who entered an appearance in the action before the appeals board and whose interest therein is adverse to the party filing such pleading.

SEC. 188. Section 5955 of said code is amended to read:

5955. No court of this state, except the Supreme Court and the district courts of appeal to the extent herein specified, has jurisdiction to review, reverse, correct, or annul any order, rule, decision, or award of the appeals board, or to suspend or delay the operation or execution thereof, or to restrain, enjoin, or interfere with the appeals board in the performance of its duties but a writ of mandate shall lie from the Supreme Court or the district courts of appeal in all proper cases.

SEC. 189. Section 5956 of said code is amended to read:

5956. The filing of a petition for, or the pendency of, a writ of review shall not of itself stay or suspend the operation of any order, rule, decision, or award of the appeals board, but the court before which the petition is filed may stay or suspend, in whole or in part, the operation of the order, decision, or award of the appeals board subject to review, upon the terms and conditions which it by order directs, except as provided in Article 3 of this chapter.

SEC. 190. Section 6000 of said code is amended to read:

6000. The operation of any order, decision, or award of the appeals board under the provisions of this division or any judgment entered thereon, shall not at any time be stayed by the court to which petition is made for a writ of review, unless a written undertaking is executed on the part of the petitioner by two or more sureties.

SEC. 191. Section 6001 of said code is amended to read:

6001. The undertaking shall provide that:

(a) The petitioner and sureties are bound in double the amount named in such order, decision, or award.

(b) If the order, decision, or award appealed from, or any part thereof, is affirmed, or the proceeding upon review is dismissed, the petitioner will pay the amount directed to be paid by the order, decision, or award or the part of such amount as to which the order, decision, or award is affirmed, and all damages and costs which are awarded against the petitioner.

(c) If the petitioner does not make such payment within 30 days after the filing with the appeals board of the remittitur

from the reviewing court, judgment in favor of the adverse party may be entered on motion of the adverse party, and the undertaking shall apply to any judgment entered thereon. Such judgment may be entered in any superior court in which a certified copy of the order, decision, or award is filed, against the sureties for such amount, together with interest that is due thereon, and the damages and costs which are awarded against the petitioner. The provisions of the Code of Civil Procedure, except insofar as they are inconsistent with this division, are applicable to the undertaking.

SEC. 192. Section 6002 of said code is amended to read:

6002. The undertaking shall be filed with the appeals board. The certificate of the appeals board, or any proper officer thereof, of the filing and approval of such undertaking, is sufficient evidence of the compliance of the petitioner with the provisions of this article.

SEC. 193. Section 6101 of said code is amended to read:

6101. Unless the context otherwise requires, as used in this division:

(a) "State agency" means any agency, department, division, commission, board, bureau, officer, or other authority of the State of California.

(b) "Fund" means State Compensation Insurance Fund.

(c) "Appeals board" means the Workmen's Compensation Appeals Board.

SEC. 194. Section 6143 of said code is amended to read:

6143. The appeals board is vested with all power not inconsistent with Article VI of the Constitution of the State of California to hear and determine any dispute or matter arising out of an obligation under this division to provide directly, or through the medium of insurance, benefits identical with those prescribed by Division 4 of this code, with such limitations as are authorized, in the case of insurance, by Section 11657 of the Insurance Code.

SEC. 195. Section 6144 of said code is amended to read:

6144. The appeals board may try and determine controversies under this division referred to it by the parties under the provisions of Part 3, Title 10, of the Code of Civil Procedure, when such controversies are 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.

SEC. 196. Section 6145 of said code is amended to read:

6145. The state, acting by or through any state agency, or when the consent of the opposing party is obtained, shall submit to the appeals board all controversies under this division susceptible of being arbitrated.

SEC. 197. Section 6146 of said code is amended to read:

6146. In acting as arbitrator, the appeals board has all the powers which it has in compensation cases, and its findings and award upon an 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 appeals board for acting as arbitrator.

SEC. 198. Section 6147 of said code is amended to read:

6147. No state agency, either directly or through its adjusting agency, the State Compensation Insurance Fund, shall pay or provide any benefit authorized by this division unless and until the claimant makes and delivers to such state agency or to the fund an agreement in writing that if he, or his dependents in the event of his death, elects or elect to bring suit against the state with respect to the injury or death, except an action before the appeals board pursuant to the provisions of this division, or an action against the state for damages resulting from the negligence of an employee of another state agency, he or they will allow, and take all proper measures to effect, a credit to the reasonable value of all benefits which he or they have received under the provisions of this division, deductible from any verdict or judgment obtained in such suit, and from the date of commencement of suit will forego further benefits under this division.

SEC. 199. Section 6148 of said code is amended to read:

6148. The insurer, when insurance exists, shall not pay or provide any benefit authorized by this division unless and until the claimant makes and delivers to the insurer an agreement in writing that if he, or his dependents in the event of his death, elects or elect to bring suit against the state or the insurer with respect to the injury or death, except an action before the appeals board pursuant to the provisions of this division, or an action against the state for damages resulting from the negligence of an employee of another state agency, he or they will allow, and take all proper measures to effect, a credit to the reasonable value of all benefits which he or they have received under the provisions of this division, deductible from any verdict or judgment obtained in such suit, and from the date of commencement of suit will forego further benefits under such insurance.

SEC. 200. Section 6413 of said code is amended to read:

6413. No information furnished to the Division of Labor Statistics and Research by an employer or an insurer shall be open to public inspection or made public. No report of injury required to be filed by an employer or an insurer by this chapter shall be admissible as evidence in any adversary proceeding before the appeals board; provided, however, that the reports required of physicians or surgeons by Section 6407 of this code shall be admissible as evidence in such proceeding.

SEC. 201. Section 6414 of said code is amended to read:

6414. Except where another penalty is specifically provided, every person is guilty of a misdemeanor who does any of the following:

(a) Violates any safety provision or part thereof in, or authorized by, this part.

(b) Fails or refuses to comply with any such safety provision or any part thereof.

(c) Directly or indirectly, knowingly induces another so to do.

In any prosecution under this section, it is prima facie evidence of a violation of any such safety provision, that the accused has failed or refused to comply with any order, rule, regulation or requirement of the Division of Industrial Safety relative thereto. The burden of proof shall thereupon rest upon the accused to show that he has complied with such safety provision.

SEC. 202. Section 11558 of the Government Code is amended to read:

11558. An annual salary of twenty thousand five hundred dollars ($20,500) shall be paid to each of the following:

(a) Each member of the Adult Authority.

(b) Each member of the Board of Equalization.

(c) Each member of the State Water Rights Board.

(d) Each member of the Unemployment Insurance Appeals Board.

(e) Each member of the Youth Authority.

(f) Deputy Director of the Department of Justice.

(g) Deputy Director of Employment.

SEC. 203. Section 21026 of said code is amended to read:

21026. The appeals board, using the same procedure as in workmen's compensation hearings, shall determine whether all or any part, and if a part, what part of the disability claimed by a member who is entitled to different disability retirement allowance according to whether his disability is industrial or nonindustrial, is industrial.

SEC. 204. Section 21026.1 of said code is amended to read:

21026.1. At any time within 20 days after the service of any findings of fact by the appeals board under this part, any party aggrieved thereby, or the board, may petition for a rehearing upon one or more of the following grounds, and no other:

(a) That the appeals board acted without or in excess of its powers.

(b) That the findings of fact were procured by fraud.

(c) That the evidence does not justify the findings of fact.

(d) That the petitioner has discovered new evidence material to him, which he could not, with reasonable diligence, have discovered and produced at the hearing.

SEC. 205. Section 21026.2 of said code is amended to read:

21026.2. Within 30 days after the petition for rehearing is denied, or, if the petition is granted, within 30 days after the rendition of amended findings of fact on rehearing, any person affected thereby, including the retirement system, may apply to the Supreme Court or to the district court of appeal of the appellate district in which he resides, for a writ of review, for the purpose of inquiring into and determining the lawfulness of the findings of the appeals board.

SEC. 206. Section 21026.3 of said code is amended to read:

21026.3. The writ of review shall be made returnable not later than 30 days after the date of issuance thereof, and shall direct the appeals board to certify its record in the case to the court. On the return day the cause shall be heard in the court unless continued for good cause. No new or additional evidence shall be introduced in such court, but the cause shall be heard on the record of the appeals board, as certified to by it.

SEC. 207. Section 21026.4 of said code is amended to read:

21026.4. The review by the court shall not be extended further than to determine whether the appeals board acted without or in excess of its powers, or unreasonably, or whether its act was procured by fraud.

SEC. 208. Section 21026.5 of said code is amended to read:

21026.5. The appeals board shall have continuing jurisdiction over its determinations made under Section 21026 and may at any time within five years of the date of injury, upon notice and after an opportunity to be heard is given to the parties in interest, rescind, alter, or amend any such determination, good cause appearing therefor.

SEC. 209. Section 21027 of said code is amended to read:

21027. If it is not claimed that the disability is industrial or if such claim is made and the member so requests, the board shall proceed with retirement and with the payment of such benefits as are payable when disability is not industrial. If the appeals board subsequently determines that disability is industrial, an amount equal to the benefits paid shall be deducted from the benefits payable under this system because of such determination. No additional benefits shall be payable, however, because disability is determined to be industrial unless the application for such determination is filed with the appeals board or in the office of this system in Sacramento, for transmission to the appeals board, within two years after the effective date of the member's retirement.

SEC. 210. Section 21363 of said code is amended to read:

21363. The special death benefit is payable if the deceased was a patrol, prison, or local safety member, if his death was industrial, as determined by the appeals board, using the same procedure as in workmen's compensation hearings, and if there is a wife or child who qualifies under subdivision (b), Section 21364.

SEC. 211 Section 21367 of said code is amended to read:

21367. In the absence of an application to the appeals board, filed by a proper party, the board shall proceed with the payment of the basic death benefit. If an application is filed subsequently with the appeals board and the appeals board determines that the death was industrial, an amount equal to the basic death benefits paid, if any, shall be deducted from the special death benefit. The special death benefit shall not be payable, however, because the death is determined to be industrial unless the application for such determination is filed

with the appeals board or in the office of this system in Sacramento for transmission to the appeals board within two years after the date of death of the member.

SEC. 212. Section 20.5 is added to the Insurance Code, to read:

20.5. Whenever in this code the terms "State Industrial Accident Commission" or "Industrial Accident Commission" or "commission," relating to the said "State Industrial Accident Commission" or the said "Industrial Accident Commission," appear, said terms shall mean "Division of Industrial Accidents," including "administrative director" of said division or "appeals board," or both, as the context may require.

SEC. 213. Section 342 of the Military and Veterans' Code is amended to read:

342. The appeals board is empowered to hear and determine all issues concerning any obligation of the State of California to provide to any officer, warrant officer, or enlisted man on active duty with the Office of the Adjutant General any rights or benefits provided in Section 3, Public Law 108, Chapter 225, 81st Congress, First Session, and any and all issues arising under or in connection with such law. In doing so, the appeals board shall follow the same procedures in all respects as are provided in Division 4 of the Labor Code for the determination of workmen's compensation claims. The orders, decisions, and awards of the appeals board issued in exercising such jurisdiction are subject to review and rehearing in the manner provided in Sections 5900 to 5956, inclusive, of the Labor Code.

SEC. 214. The functions of the Industrial Accident Commission, its personnel, funds, records, files, equipment, supplies, and interest of any kind whatsoever in real or personal property of any nature, together with its powers, duties, rights, obligations, responsibilities and liabilities, including all cases pending before it and all cases heretofore decided by it, are now and shall continue to be those of the Division of Industrial Accidents, including, as appropriate, the administrative director and the Workmen's Compensation Appeals Board, and said division, director and appeals board are and shall constitute and be the Industrial Accident Commission under Article XX, Section 21 of the Constitution of the State of California, continuing uninterruptedly all matters of any kind or nature whatsoever heretofore delegated to said Industrial Accident Commission by the Constitution, the Legislature, the courts and the people.

SEC. 215. This act shall become operative on January 15, 1966.

CHAPTER 1514

An act to amend Section 3672 of the Corporations Code, relating to the amendment of articles of incorporation.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 3672 of the Corporations Code is amended to read:

3672. In the case of amendments adopted after the issuance of shares or while any subscription to shares is outstanding prior to the issuance of any shares or after members other than the incorporators have been admitted by a nonstock corporation, the certificate shall be signed by the president or a vice president and the secretary or an assistant secretary, and shall be verified by their affidavit stating, in effect, that the matters set forth in the certificate are true of their own knowledge.

The certificate shall set forth the following:

(a) If the amendment is one for the adoption of which a resolution of the board of directors alone is required, a copy of the resolution of the board of directors.

(b) If the amendment is one for the adoption or approval of which the vote or consent of the shareholders or members alone is required, a copy of the resolution adopting the amendment; the time and place of the meeting at which the resolution was adopted, and the number of shares or members voting in favor of the resolution; or if approval was by written consent, a copy of the form of written consent; the number of shares or members consenting; and in either case, the total number of shares entitled to vote on or consent to the amendment, or, in the case of a nonstock corporation, the number of members constituting a quorum, except that in the case of nonstock corporations having members with unequal voting power the certificate shall state that fact and shall state the total number of votes entitled to be voted for or to consent to the amendment and the number of votes cast for or consenting to the amendment.

(c) If the amendment is one which is required to be adopted by the vote of different classes of shares, the total number of outstanding shares of each class and the number of shares of each class consenting to or voting in favor of the resolution amending the articles.

(d) If the holders of any class of shares or memberships are entitled to more or less than one vote per share or membership, the total number of votes entitled to be cast or to be represented by written consents and the total number of votes cast in favor of the proposed amendment or represented by the written consents thereto.

(e) If the amendment is one for the adoption of which the approval of both the board of directors and the shareholders

or members is required, the certificate shall set forth the matter required by subdivision (a) and the matter required by subdivisions (c) and (d) if applicable. The certificate shall also set forth the matter required by subdivision (b), except that it need not set out a copy of the shareholders' resolution or written consent adopting the amendment, but in lieu thereof the certificate shall state that the wording of the amended article or articles as set forth in the shareholders' resolution or written consent is the same as that set forth in the directors' resolution.

CHAPTER 1515

An act to add Section 22152.7 to the Government Code, relating to federal social security coverage for public employees.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. 22152.7 is added to the Government Code, to read:

22152.7. Notwithstanding the provisions contained in a charter of any chartered city, the legislative body of such a city may by ordinance provide that employees may either add or combine old age, survivors, and disability insurance with any existing pension system. The board subsequent to the passage of such an ordinance may, pursuant to this part, divide the retirement system of such city for coverage of members of such system under the federal system upon terms and conditions as the board and legislative body may determine.

CHAPTER 1516

An act to amend Section 4380 of, and to add Section 4381 to, the Government Code, relating to specifications for bids.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 4380 of the Government Code is amended to read:

4380. No agency of the state nor any political subdivision, municipal corporation, or district, nor any public officer or person charged with the letting of contracts for the construction, alteration, or repair of public works shall draft or cause to be drafted specifications for bids, in connection with the construction, alteration, or repair of public works, (1) in such

a manner as to limit the bidding, directly or indirectly, to any one specific concern, or (2) except in those instances where the product is designated to match others in use on a particular public improvement either completed or in the course of completion, calling for a designated material, product, thing, or service by specific brand or trade name unless the specification lists at least two brands or trade names of comparable quality or utility and is followed by the words "or equal" so that bidders may furnish any equal material, product, thing, or service. In those cases involving a unique or novel product application required to be used in the public interest, or where only one brand or trade name is known to the specifying agency, it may list only one. Specifications shall provide a period of time of at least 35 days after award of the contract for submission of data substantiating a request for a substitution of "an equal" item.

SEC. 2. Section 4381 is added to said code, to read:

4381. Section 4380 shall not be applicable if the governing body of one of the entities named therein by resolution makes a finding which is included in the specifications that a particular material, product, thing, or service is designated by specific brand or trade name in order that a field test or experiment may be made to determine the product's suitability for future use.

CHAPTER 1517

An act to add Chapter 1.5 (commencing with Section 6090) to Division 7 of Title 1 of the Government Code, relating to news coverage of governmental agencies.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 1.5 (commencing with Section 6090) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 1.5. NEWS COVERAGE OF GOVERNMENTAL AGENCIES

6090. It is the public policy in this state that public administrative agencies exist to aid in the conduct of the people's business and that the proceedings of public administrative agencies should be conducted openly and in an orderly manner so that the public may remain informed

In enacting this chapter, the Legislature finds and declares that the orderly use of broadcasting, telecasting and photographic equipment at proceedings of public administrative agencies serves this public purpose.

6091. Radio and television stations shall be permitted to broadcast and telecast, either directly or by means of transcriptions and film, the proceedings of all meetings and hear-

ings, other than adjudicative proceedings conducted pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, of all state, county, and municipal administrative agencies that are required by law to be open to the public, provided that cameras and other equipment used at the meeting or hearing must operate silently and not require auxiliary lighting.

Any such agency may waive the provisions requiring silent operation of the cameras and other equipment or excluding auxiliary lighting for such cameras and other equipment.

The chairman or presiding officer of the agency may require pooling of equipment when he deems it necessary to limit the number of pieces of equipment for the orderly conduct of the meeting.

Meetings of, or hearings by, administrative agencies to consider the appointment, employment or dismissal of a public officer or employee or to hear appeals by or complaints or charges brought against such officer or employee shall not be subject to the provisions of this chapter.

CHAPTER 1518

An act to add Sections 27460.5 and 27461 to the Vehicle Code, relating to tire sales.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 27460.5 is added to the Vehicle Code, to read:

27460.5. No person shall knowingly sell or offer or expose for sale any motor vehicle tire except a commercial vehicle tire, or any motor vehicle equipped with any tire except a commercial vehicle tire, which has been recut or regrooved. For purposes of this section a recut or regrooved tire is an unretreaded or unrecapped tire into which new grooves have been cut or burned.

SEC. 2. Section 27461 is added to said code, to read:

27461. No person shall cause or permit the operation of and no driver shall knowingly operate any motor vehicle except a commercial vehicle, on any street or highway, which is equipped with one or more recut or regrooved tires. For purposes of this section a recut or regrooved tire is an unretreaded or unrecapped tire into which new grooves have been cut or burned.

CHAPTER 1519

An act to amend Sections 24048.1 and 24048.3 of the Business and Professions Code, relating to renewal of retailers' licenses.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 24048.1 of the Business and Professions Code is amended to read:

24048.1. All retailers' on-sale licenses issued on a calendar year basis shall be renewed as follows:

(a) On or before November 1st, the department shall mail to each such licensee at his licensed premises, or at such other mailing address as the licensee has designated, an application to renew the license.

(b) The application to renew the license may be filed on or before December 31st upon payment of the annual fee set forth in Section 23320.

(c) After December 31st, and on or before February 15th, such license may be renewed upon payment of the annual renewal fee set forth in Section 23320 plus a penalty fee which shall be equal to the annual fee or fifty dollars ($50), whichever is the lesser.

(d) Unless otherwise terminated, a license which is in effect on December 31st continues in effect through the next February 15th. However, if on or before said February 15th the renewal application has not been filed and the fees provided for in either subdivision (b) or (c) hereof have not been paid, then the license is automatically revoked at 2 a.m. February 15th, and may only be reinstated as follows: (1) upon application filed during the six-month period beginning with such February 15th; (2) upon proof satisfactory to the department of good cause for the failure to so file and pay; and (3) in accordance with rules promulgated by the department. The fee for filing an application for such reinstatement shall, in addition to the annual fee, include the penalty fee provided in subdivision (c) hereof, no part of which shall be returnable to the applicant.

(e) On or before February 5th the department shall mail a notice of forfeiture to each licensee who has not theretofore either filed an application to renew his license or notified the department of his intent not to do so. Failure to mail the renewal application in accordance with subdivision (a) or to mail the notice provided in this subdivision shall not continue the right to a license.

(f) No renewal application shall be deemed filed within the meaning of this section unless the document itself has been actually delivered to, and the required renewal fee has been

paid at, any office of the department during office hours, or unless both such document and fee have been filed and remitted pursuant to Section 11003 of the Government Code

SEC. 2. Section 24048.3 of said code is amended to read:

24048.3. All licenses issued on a fiscal year basis shall be renewed as follows:

(a) On or before May 1st, the department shall mail to each such licensee at his licensed premises, or at such other mailing address as the licensee has designated, an application to renew the license.

(b) The application to renew the license may be filed on or before June 30th upon payment of the annual fee as set forth in Section 23320.

(c) After June 30th, and on or before August 15th, such license may be renewed upon payment of the annual renewal fee as set forth in Section 23320 plus a penalty fee which shall be equal to the annual fee or fifty dollars ($50), whichever is the lesser.

(d) Unless otherwise terminated, a license which is in effect on June 30th continues in effect through the next August 15th. However, if on or before said August 15th the renewal application has not been filed and the fees provided for in either subdivision (b) or (c) hereof have not been paid, then the license is automatically revoked at 2 a.m. August 15th, and may only be reinstated as follows: (1) upon application filed during the six-month period beginning with such August 15th; (2) upon proof satisfactory to the department of good cause for the failure to so file and pay; and (3) in accordance with rules promulgated by the department. The fee for filing an application for such reinstatement shall, in addition to the annual fee, include the penalty fee provided in subdivision (c) hereof, no part of which shall be returnable to the applicant.

(e) On or before August 5th the department shall mail a notice of forfeiture to each licensee who has not theretofore either filed an application to renew his license or notified the department of his intent not to do so. Failure to mail the renewal application in accordance with subdivision (a) or to mail the notice provided in this subdivision shall not continue the right to a license.

(f) No renewal application shall be deemed filed within the meaning of this section unless the document itself has been actually delivered to, and the required renewal fee has been paid at, any office of the department during office hours, or unless both such document and fee have been filed and remitted pursuant to Section 11003 of the Government Code.

CHAPTER 1520

An act to add Section 72602.3 to the Government Code, relating to Compton municipal court judges.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 72602.3 is added to the Government Code, to read:

72602.3. In addition to the number of judges prescribed by Section 72602, there shall be one judge for the Compton Municipal Court District.

CHAPTER 1521

An act to amend Section 72602.2 of the Government Code, relating to Downey municipal court judges.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 72602.2 of the Government Code is amended to read:

72602.2. In addition to the number of judges prescribed by Section 72602, there shall be two judges for the Downey Municipal Court District.

CHAPTER 1522

An act to amend Section 72052 of the Government Code, relating to municipal and justice courts.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 72052 of the Government Code is amended to read:

72052. Upon order of the presiding judge of a municipal court, the clerk may destroy all records, papers, and exhibits filed or kept in the court in any civil action or special proceeding other than the register of actions, minutes, and permanent indexes after the lapse of 10 years from the date on which judgment in such case became final, or if it has not been prosecuted to judgment, after a like period from the date of the commencement of the action or proceeding.

CHAPTER 1523

An act to add Section 13601.5 to the Education Code, relating to salaries of noncertificated personnel.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 13601.5 is added to the Education Code, to read:

13601.5. In any school district with an average daily attendance of more than 400,000 which includes within its boundaries a chartered city, the charter of which requires the fixing of wages and salaries at levels at least equal to the prevailing salary or wage for the same quality of service rendered to private employers under similar employment when such prevailing salary or wage can be ascertained, the governing board of the district, in fixing the compensation of classified employees, shall fix salaries or wages by use of the same standard.

CHAPTER 1524

An act to add Section 25.8 to the Civil Code, relating to authorization of medical treatment of minors.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 25.8 is added to the Civil Code, to read:

25.8. Either parent if both parents have legal custody, or the parent or person having legal custody or the legal guardian, of a minor may authorize in writing any adult person into whose care the minor has been entrusted to consent to any X-ray examination, anesthetic, medical or surgical diagnosis or treatment and hospital care to be rendered to said minor under the general or special supervision and upon the advice of a physician and surgeon licensed under the provisions of the Medicine Practice Act or to consent to an X-ray examination, anesthetic, dental or surgical diagnosis or treatment and hospital care to be rendered to said minor by a dentist licensed under the provisions of the Dental Practice Act.

CHAPTER 1525

An act to amend Section 16377 of, and to add Section 16378 to, the Vehicle Code, relating to financial responsibility.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 16377 of the Vehicle Code is amended to read:

16377. Every judgment shall for the purposes of this chapter be deemed satisfied:

(a) When ten thousand dollars ($10,000) has been credited, upon any judgment in excess of that amount, or upon all judgments, collectively, which together total in excess of that amount, for personal injury to or death of one person as a result of any one accident.

(b) When, subject to the limit of ten thousand dollars ($10,000) as to one person, the sum of twenty thousand dollars ($20,000) has been credited, upon any judgment in excess of that amount, or upon all judgments, collectively, which together total in excess of that amount, for personal injury to or death of more than one person as a result of any one accident.

(c) When five thousand dollars ($5,000) has been credited, upon any judgment in excess of that amount, or upon all judgments, collectively, each of which is in excess of one hundred dollars ($100), and which together total in excess of five thousand dollars ($5,000), for damage to property of others as a result of any one accident.

(d) When the judgment debtor or a person designated by him has deposited with the department a sum equal to the amount of the unsatisfied judgment for which the suspension action was taken and presents proof, satisfactory to the department, of inability to locate the judgment creditor.

SEC. 2. Section 16378 is added to said code, to read:

16378. Money deposited pursuant to subdivision (d) of Section 16377 shall be:

(a) Deposited by the department in the special deposit fund with the State Treasurer.

(b) Payable to the judgment creditor upon presentation of a valid claim establishing that he is the judgment creditor for which the deposit was made and that the judgment remains unsatisfied.

(c) Refunded to the person making the deposit or to a person designated by him if the deposit remains unclaimed by the judgment creditor for a period of two years following the date of the deposit.

(d) The State Controller shall draw his warrant on the State Treasurer for any payment ordered pursuant to this section as ordered by the department.

CHAPTER 1526

An act authorizing the Director of General Services to dispose of surplus property belonging to the state.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. The Director of General Services is hereby authorized to sell, exchange, or otherwise dispose of, for current market value and upon such terms and conditions and with such reservations and exceptions as in his opinion may be for the best interest of the state, all or any part of the following real property:

Parcel 1. Approximately 6.3 acres in Napa County lying at the northeast corner of Silverado Trail and Rector Creek approximately two miles north of Yountville being a portion of the old state farm property under the control of the Department of Veterans Affairs.

Parcel 2. Approximately 6.3 acres in the City of Los Angeles lying between the abandoned portion of the Pacific Coast Highway and the relocated portion of the Pacific Coast Highway being a portion of the Will Rogers' Beach State Park under the control of the Department of Parks and Recreation.

Parcel 3. Approximately 35 acres in the County of San Diego, immediately north of the San Diego State College campus across the U.S. 80 freeway being a portion of San Diego State College land.

Parcel 4. A strip of land approximately two feet wide along the southerly boundary line of the Department of Employment office in the City of San Bernardino.

Parcel 5. Approximately 20 acres in the County of Butte, being the northerly portion of the existing Division of Forestry, Paradise Forest Fire Station.

Parcel 6. Approximately one acre in the County of Santa Clara, City of Santa Clara, located on North Winchester Boulevard, being the office building and parking lot for the Department of Veterans Affairs.

Parcel 7. Approximately 8,000 square feet in the County of Los Angeles, City of Long Beach, located west of the west line of an extension of Loma Avenue to the south line of Stearns Street, being a portion of the existing Military Department, National Guard facilities.

SEC. 2. The Director of General Services is authorized to quitclaim to the County of Lassen, State of California, at no cost to the county, approximately 1 3 acres of land in Lassen County.

The County of Lassen by deed dated March 5, 1934, granted this property to the state for the sum of one dollar ($1) for use by the Department of Natural Resources for its forestry

work upon the condition it would revert to the county in the event the land ceased to be used for the purpose for which it was purchased The Department of Conservation has purchased a new site and will abandon their use of this parcel. A quitclaim by the state is necessary to clear title to the county.

SEC. 3. The Director of General Services is authorized to convey to the City of Sacramento that certain parcel of real property designated as the State Burial Grounds in the City of Sacramento subject to the obligation of the city to maintain in perpetuity the property for cemetery purposes and to only inter in the parcel the remains of state officers or Members of the Senate or Assembly and their spouses.

SEC. 3 5. The Director of General Services is hereby authorized to transfer to the City and County of San Francisco and to convey to said city and county all of the state's rights, title, and interest in not to exceed 10 acres of land in the City and County of San Francisco upon which land is or will be situated the San Francisco Center for the Mentally Retarded, constructed with funds appropriated by Item 391 1 of the Budget Act of 1962, and all buildings constituting such center, upon such terms and conditions and with such reservations and exceptions as in his opinion may be for the best interests of the state. Such terms and conditions shall include a provision requiring the City and County of San Francisco to operate a program for the mentally retarded within the center for at least 10 years and, in the event the said city and county ceases to do so within such 10-year period, to require the said city and county to reimburse the state for the cost of the land acquisition and construction of the center at a sum computed at the rate of one-tenth ($\frac{1}{10}$) of such cost for each full year of the 10-year period remaining at the time of such cessation.

SEC. 4. Prior to the sale of parcels of property for value pursuant to this act, notice thereof shall be posted on the property to be sold and shall be published pursuant to Government Code Section 6061 in a newspaper published in the county in which the real property to be sold is situated; provided, the requirement shall not be applicable to the disposition of said parcels to any federal, state or local governmental agency.

SEC. 5. Any costs or expenses incurred in the sale or other disposition of any parcel herein referred to shall be reimbursed from the proceeds of such sale or disposition.

SEC. 6. Subject to Section 5 hereof, any monies received from the sale or other disposition of said property shall be paid into the General Fund, except any monies received from the sale or disposition of Parcel 3 shall be paid into the State Construction Program Fund and any monies received, up to the sum of ninety thousand dollars ($90,000), from the sale or disposition of Parcel 6 shall be paid into the Veterans' Farm and Home Building Fund of 1943 and the balance, if any, shall be paid into the General Fund.

CHAPTER 1527

An act to amend Sections 17000, 17001, and 17004 of, and to repeal Section 17002 of, and to add Section 17002 to, the Vehicle Code, relating to liability arising out of ownership or operation of vehicles.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 17000 of the Vehicle Code is amended to read:

17000. As used in this chapter:

(a) "Employee" includes an officer, employee, or servant, whether or not compensated, but does not include an independent contractor.

(b) "Employment" includes office or employment.

(c) "Public entity" includes the state, the Regents of the University of California, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the state.

SEC. 2. Section 17001 of said code is amended to read:

17001. A public entity is liable for death or injury to person or property proximately caused by a negligent or wrongful act or omission in the operation of any motor vehicle by an employee of the public entity acting within the scope of his employment.

SEC. 3. Section 17002 of said code is repealed.

SEC. 4. Section 17002 is added to said code, to read:

17002. Subject to Article 4 (commencing with Section 825) of Chapter 1 of Part 2 of Division 3 6 of Title 1 of the Government Code, a public entity is liable for death or injury to person or property to the same extent as a private person under the provisions of Article 2 (commencing with Section 17150) of this chapter.

SEC. 5. Section 17004 of said code is amended to read:

17004. A public employee is not liable for civil damages on account of personal injury to or death of any person or damage to property resulting from the operation, in the line of duty, of an authorized emergency vehicle while responding to an emergency call or when in the immediate pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm or other emergency call.

CHAPTER 1528

An act to add Sections 7.1, 7.7, and 12.1 to the Ventura County Flood Control Act (Chapter 44, Statutes 1944, Fourth Extraordinary Session), relating to the Ventura County Flood Control District.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 7.1 is added to the Ventura County Flood Control Act (Chapter 44, Statutes 1944, Fourth Extraordinary Session), to read:

Sec. 7.1. In addition to the powers described in Section 7 of this act, the district shall have the power to prescribe, revise and collect fees and charges in any zone and in any special zone as a condition of development of land. Land to be developed within a special zone shall be subject both to the fees and charges of the zone in which it is located and the fees and charges of the special zone in which it is located. Development of land for the purposes of this section shall include, but not be limited to, subdivision development as governed by the Subdivision Map Act; construction of new buildings, structures and improvements for residential, commercial or industrial purposes; and any development of land requiring either zone variance or special use permit. The amount of fees and charges levied for each zone and for each special zone shall be determined separately and shall be based upon the need created by development of land for flood control facilities within the zone or special zone. The amount of fees and charges levied for any zone, other than a special zone, shall not exceed four hundred dollars ($400) for each acre or portion thereof of land to be developed. Fees and charges prescribed as a condition of development of land pursuant to this section shall be in addition to any other conditions imposed on such development by any other agency having power to prescribe such other conditions. Revenues derived from fees and charges prescribed for any zone may be used only for the acquisition, construction, reconstruction, maintenance or operation of flood control or storm drainage facilities within such zone, or within any special zone located in such zone, or used to pay the interest on or reduce the principal of any bonded indebtedness of such zone. At the discretion of the board of supervisors, all or part of fees and charges prescribed for any zone which are collected as a condition of development of land located within a special zone may be used to pay the interest on or reduce the principal of any bonded indebtedness of such special zone. Revenues derived from fees and charges prescribed for any special zone shall be used only for the acquisition, construction, reconstruction, maintenance or operation of flood control or storm drainage facilities within such special zone or used to

pay the interest on or reduce the principal of any bonded indebtedness of such special zone. At the discretion of the board of supervisors, all or part of fees and charges prescribed for any zone or special zone need not be collected as a condition of development of land located within a protection district established under the Protection District Act of 1907 or if collected from such land, all or part of such fees may be remitted to the protection district to be used to pay the interest on or reduce the principal of any bonded indebtedness of such protection district No fees or charges shall be levied on the development of land located within the corporate boundaries of a city except upon the consent and approval of the legislative body of the city.

SEC. 2. Section 7.7 is added to said act, to read:

Sec. 7.7. In addition to the powers specified in Sections 7 and 7.5 of this act, the district shall have the power to issue notes of indebtedness in amounts not exceeding five hundred thousand dollars ($500,000) to repair or remove flood control structures including dams and appurtenant works which the board of supervisors has determined by four-fifths vote are a danger to life or property. Such notes shall be authorized investments for a local agency as provided in Section 53601 of the Government Code. All such notes may be payable in installments over a period fixed by the board of supervisors and shall be obligations of the district or of any zone thereof. The notes may be issued without an election.

SEC. 3. Section 12.1 is added to said act, to read:

Sec. 12.1. In addition to the taxes which may be levied pursuant to Section 12 of this act, the board of supervisors may levy an additional tax in Zone 1 not to exceed five cents ($0.05) on each one hundred dollars ($100) of the assessed valuation of the taxable property in Zone 1 for the purpose of financing the repair or removal of Matilija Dam.

CHAPTER 1529

An act to amend Sections 1810.1 and 1810.2 of the Civil Code, relating to retail installment sales.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1810.1 of the Civil Code is amended to read:

1810.1. A retail installment account may be established by the seller upon the request of a buyer or prospective buyer. A statement setting forth the rates of service charge, which shall not exceed those authorized by Section 1810.4, and describing the balance on which such service charge will be computed, shall be printed in type no smaller than eight point

in every application form used by the seller and shall be stated to the applicant when such installment accounts are negotiated by telephone.

SEC. 2. Section 1810.2 of said code is amended to read:

1810.2. At the time a seller accepts the credit of the buyer and establishes a retail installment account for his use, the seller shall confirm this fact to the buyer in writing. Such confirmation shall contain the same disclosures as required by Section 1810.1. This confirmation shall also contain a legend that the buyer may at any time pay his entire balance.

(a) The confirmation shall be in type no smaller than elite typewriter characters.

(b) If no copy of the confirmation is retained by the seller, a notation in his permanent record showing that such confirmation was mailed, and the date of the mailing, shall serve as prima facie evidence of such mailing.

SEC. 3. This act shall become operative on July 1, 1966.

CHAPTER 1530

An act to add Sections 233.5, 233.6, 235.5, and 237.5, to the Civil Code, relating to child custody.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 233.5 is added to the Civil Code, to read:

233.5. A petition filed in any superior court proceeding under this chapter and any reports of the probation officer filed in any such case may be inspected only by court personnel, the minor who is the subject of the proceeding, his parents or guardian, and the attorneys for such parties, and such other persons as may be designated by the judge of the superior court.

SEC. 1.5. Section 233.6 is added to said code, to read:

233.6. Notwithstanding any other provision of law, the superior court and the probation officer may furnish information, pertaining to a petition under this chapter, to the State Department of Social Welfare, to any county welfare department, to any public welfare agency, or to any private welfare agency licensed by the State Department of Social Welfare, whenever it is believed that the welfare of the child will be promoted thereby.

SEC. 2. Section 235.5 is added to said code, to read:

235.5. Unless requested by the minor concerning whom the petition has been filed and any parent or guardian present, the public shall not be admitted to a proceeding under this chap-

ter. The judge may nevertheless admit such persons as he deems to have a direct and legitimate interest in the particular case or the work of the court.

SEC. 3. Section 237.5 is added to said code, to read:

237.5. At the beginning of the proceeding on a petition filed pursuant to this chapter, the judge shall first read the petition to the child's parents, if they are present, and may explain to the child the effect of the granting of the petition and upon request of the minor upon whose behalf the petition has been brought or upon the request of either parent the judge shall explain any term or allegation contained therein and the nature of the proceeding, its procedures, and possible consequences. The judge shall ascertain whether the minor and his parent, have been informed of the right of the minor to be represented by counsel, and if not, the judge shall advise the minor and the parents, if present, of the right to have counsel present. The court may appoint counsel to represent the minor, and, if they are unable to afford counsel, shall appoint counsel to represent the parents. The court may continue the proceeding for not to exceed seven days, as necessary to make an appointment of counsel, or to enable counsel to acquaint himself with the case, or to determine whether the parents are unable to afford counsel at their own expense.

CHAPTER 1531

An act to amend Section 266 of the Revenue and Taxation Code, relating to the college exemption, declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 266 of the Revenue and Taxation Code is amended to read:

266. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year of 1957, 1958, 1962 or 1963 on property as to which the college exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged erroneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Some colleges have inadvertently failed to file the required affidavit in support of the tax exemption of their property which is granted by the State Constitution, and as a result now are confronted with obligations which, if met, will substantially impair their ability to function effectively. This act will remedy the situation by, in effect, removing the procedural bar to the application of the exemption to such property. In doing so, the public policy of the state as expressed in the Constitution will be entirely fulfilled and the state as a whole will benefit.

CHAPTER 1532

An act to amend Section 9309 of the Education Code, relating to the schools.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 9309 of the Education Code is amended to read:

9309. The State Board of Education shall include in the textbooks and teachers' manuals adopted such materials as it may deem necessary and proper to encourage thrift, fire prevention, and the humane treatment of animals, and teach the health hazards of tobacco and the evil effects of alcohol and narcotics on the human system.

CHAPTER 1533

An act to add Section 33396 to the Health and Safety Code, relating to community redevelopment.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 33396 is added to the Health and Safety Code, to read:

33396. An agency at the request of the legislative body of the community may accept a conveyance of real property (located either within or outside a survey area) owned and declared surplus by the community.

The agency may dispose of such property to private persons for development and use as privately owned housing. All or any part of the funds derived from the sale of such property may at the discretion of the legislative body of the community be paid to the community.

CHAPTER 1534

An act to repeal Sections 21020.7, 21290.7, 21292.7 and 21363.7 of, and to amend Sections 15005, 20017.7 and 20750.42 of the Government Code, relating to narcotic enforcement members' retirement benefits.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 15005 of the Government Code is amended to read:

15005. Notwithstanding Section 18932, the minimum age limit for any examination for the position of special or narcotic agent shall be 21 years, and the maximum age limit shall be 40 years. The age limits set forth herein shall not affect civil service eligible lists in effect at the time this section becomes effective nor the right of a special or narcotic agent to participate in promotional examinations.

SEC. 2. Section 20017.7 of said code is amended to read:

20017.7. "Law enforcement member" includes persons employed in the Division of Narcotic Enforcement in the Department of Justice, whose principal duties consist of active law enforcement, including persons employed to perform the duties now performed under the titles of chief of bureau, assistant chief of bureau, supervising narcotic agent, narcotic field supervisor, senior narcotic agent, narcotic pharmacist-agent, narcotic chemist agent, narcotic agent, narcotic-specialist agent, and narcotic agent-trainee, but excluding those whose principal duties are clerical or otherwise and which do not clearly fall within the scope of active law enforcement service, even though such a person is subject to occasional call, or is occasionally called upon, to perform duties within the scope of active law enforcement. Any employee of the division who is eligible for law enforcement membership on September 30, 1965, shall have the right to elect not to accept law enforcement membership. If such an election is made the member shall remain subject to the provisions governing narcotic enforcement members in effect as of June 1, 1965. A member shall be conclusively presumed to have accepted law enforcement membership unless he states in writing to the board within 90 days after the board's mailing to him notice of his right of election that he has elected not to become a law enforcement member.

SEC. 3. Section 20750.42 of said code is amended to read:

20750.42. The state's contribution to the retirement fund in respect to law enforcement members is a sum equal to 21.780 percent of the compensation paid law enforcement members.

SEC. 4. Section 21020.7 of said code is repealed.
SEC. 5. Section 21290.7 of said code is repealed.
SEC. 6. Section 21292.7 of said code is repealed.
SEC. 7. Section 21363.7 of said code is repealed.
SEC. 8. This act shall become operative October 1, 1965.

CHAPTER 1535

An act to repeal Section 20820.1 of the Business and Professions Code, relating to trading stamp signs on gasoline dispensing apparatus.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 20820.1 of the Business and Professions Code is repealed.

CHAPTER 1536

An act to add Article 17 (commencing with Section 6481) to Chapter 6 of Division 6 of the Education Code, relating to the public school system.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Article 17 (commencing with Section 6481) is added to Chapter 6 of Division 6 of the Education Code, to read:

Article 17. English Language Centers

6481. The Legislature hereby declares that there is a need in this state for special instruction programs in the English language at all levels of education, including preschool, regular school and adult education. It is the intention of the Legislature in enacting this article to provide for the establishment and maintenance of English language centers, to be supported by federal funds, where instructional programs in the English language are provided for children, minors and adults, of all ages, whose inability to read, write and speak the English language, impairs their ability to cope with the challenges of an ordinary education program or impairs their ability to obtain and retain employment of a kind which is commensurate with their unrealized abilities. It is the further intention of the Legislature that the county superintendent

of each county, and that the governing board of a unified or junior college school district, participate in the establishment of English language centers pursuant to this article.

6482. A county superintendent of schools may establish and maintain one or more English language centers pursuant to this article.

The governing board of any unified or junior college school district may establish and maintain one or more English language centers pursuant to this article

6483. Each English language center shall provide an instructional program in the English language at all levels of education, including preschool, regular school and adult education.

6484. Each English language center shall, subject to the approval of the State Department of Education, utilize any available technique or method in language instruction, including audiovisual methodology, so that the most effective techniques may be utilized, including any which may meet individual requirements of deficient pupils at the center.

6485. Any person, including children, minors, and adults, is eligible to attend an English language center whose inability to read, write or speak the English language impairs his ability to cope with the challenges of an ordinary educational program, or impairs his ability to obtain and retain employment of a kind commensurate with his unrealized abilities.

6486. Each English language center shall be maintained and operated, and provide an instructional program in the English language, according to uniform standards prescribed by the State Department of Education.

6487. A county superintendent of schools or the governing board of a unified or junior college school district that wishes to establish and maintain an English language center may apply to the State Department of Education for an allocation of funds for such purpose. Upon application the State Department of Education shall allocate to such county superintendent of schools or the governing board of a unified or junior college school district, as the case may be, such funds as may be available to establish and maintain the center.

6488. The State Board of Education shall accept and receive any funds under the "National Defense Education Act of 1958," under the "Economic Opportunity Act of 1964," or under the "Elementary and Secondary Education Act of 1965," or similar provisions of any act of Congress, for the purposes of this article, and shall for this article have all the powers it has under Section 553.

6489. The State Department of Education shall administer this article, and shall establish by rules and regulations uniform standards under which an English language center shall be operated and maintained, and under which an instructional program in the English language shall be provided. The State Department of Education may adopt such other rules and regulations as may be necessary to administer this article.

CHAPTER 1537

An act to add Section 17672.5 to the Education Code, relating to the public school system.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 17672.5 is added to the Education Code, to read:

17672.5. Notwithstanding the provisions of Section 17672, or any other provision of law to the contrary, the increase in foundation programs prescribed by Section 17671 shall also be provided, for the 1965–1966 fiscal year, for any school district which is an elementary school district or a high school district included, on or before October 1, 1965, in a unified school district formed by approval of the electors at an election held after June 30, 1965, provided that such unified school district meets the requirements of subdivision (b) of Section 17672.

For purposes of this section, the Superintendent of Public Instruction shall have full authority to effectuate the mid-fiscal-year transition required, and shall take all actions necessary for such purpose for the affected districts, including, but not necessarily limited to adjusting allowance computations, apportionments, and disbursements made under prior law.

This section shall be operative until June 30, 1966.

CHAPTER 1538

An act to amend Section 53094 of the Government Code, relating to school construction.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 53094 of the Government Code is amended to read:

53094. Notwithstanding any other provisions of this article, the governing board of a school district, by vote of two-thirds of its members, may render a city or county zoning ordinance inapplicable to a proposed use of property by such school district except when the proposed use of the property by such school district is for nonclassroom facilities, including, but not limited to, warehouses, administrative buildings, automotive storage and repair buildings, when such nonclassroom facilities will not be located upon, or adjacent to, or contiguous to land

used for classroom facilities. The board shall, within 10 days, notify the city or county concerned of such action. If such governing board has taken such action the city or county may commence an action in the superior court of the county whose zoning ordinance is involved or in which is situated the city whose zoning ordinance is involved, seeking a review of such action of the governing board of the school district to determine whether it was arbitrary and capricious. The city or county shall cause a copy of the complaint to be served on the board. If the court determines that such action was arbitrary and capricious, it shall declare it to be of no force and effect, and the zoning ordinance in question shall be applicable to the use of the property by such school district.

CHAPTER 1539

An act to amend Sections 16354 and 16409 of the Government Code, to amend Section 14780 as added to the Government Code by Chapter 371 of the 1965 Statutes, and to amend Section 25235 of the Education Code, relating to the State College Contract Law.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 14780 as added to the Government Code by Chapter 371 of the 1965 Statutes is amended to read:

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 or the State College Contract Law, 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 con-

tract let by the Legislature, nor to any contract entered into under the authority of Chapter 4 of Part 3 of Division 2 of the Insurance Code

SEC. 2. Section 16354 of said code is amended to read:

16354. There is hereby appropriated from the State Construction Program Fund, without regard to fiscal years, any amounts transferred to this appropriation in accordance with the provisions of Section 16353, and such amounts may be expended for acquisition of real property or for construction and equipment of state public works projects for which an appropriation has been made from the State Construction Program Fund. Expenditures shall be made pursuant to allocations made by the Director of Finance upon approval of the State Public Works Board.

Allocations may be made for expenditure upon any state public works project in augmentation of appropriations made from the State Construction Program Fund, where such project cannot be undertaken because the estimate exceeds the amount available for such construction or bids received are in excess of the estimate, and upon such augmentation, contracts may be awarded therefor, notwithstanding the provisions of Section 14275 or of Section 25235 of the Education Code.

Allocations may be made for acquisition of real property in augmentation of appropriations made from the State Construction Program Fund for acquisition of real property and which cannot be acquired because acquisition costs are in excess of the amounts provided in the appropriation.

Allocations may be made for purchase of equipment in augmentation of appropriations made from the State Construction Program Fund from which purchase of equipment is authorized.

Allocations made pursuant to this section shall be included in the total amount of annual Budget Act appropriations in the same manner and with the same effect as if such allocations had been included in a section of the annual Budget Act as provided in the State Construction Program Bond Act of 1958 (Statutes of 1958, First Extraordinary Session Chapter 88).

SEC. 3. Section 16409 of said code is amended to read:

16409. There is hereby appropriated from the General Fund, without regard to fiscal years, any amounts transferred to this appropriation in accordance with the provisions of Section 16408, and such amounts may be expended for acquisition of real property or for construction and equipment of state public works projects for which an appropriation has been made from the Capital Outlay and Savings Fund or the General Fund. Expenditures shall be made pursuant to allocations made by the Director of Finance upon approval of the State Public Works Board.

Allocations may be made for expenditure upon any state public works project in augmentation of appropriations made from the Capital Outlay and Savings Fund or the General

Fund, where such project cannot be undertaken because the estimate exceeds the amount available for such construction or bids received are in excess of the estimate, and upon such augmentation, contracts may be awarded therefor, notwithstanding the provisions of Section 14275 or of Section 25235 of the Education Code.

Allocations may be made for acquisition of real property in augmentation of appropriations made from the Capital Outlay and Savings Fund or the General Fund for acquisition of real property and which cannot be acquired because acquisition costs are in excess of the amounts provided in the appropriation.

Allocations may be made for purchase of equipment in augmentation of appropriations made from the Capital Outlay and Savings Fund or the General Fund from which purchase of equipment is authorized.

SEC. 4. Section 25235 of the Education Code is amended to read:

25235. Except in unit basis contracts, contracts shall not be made exceeding in amount the estimates of costs approved by the trustees. Plans and specifications and estimates of costs including expense of advertising and inspection, shall not be approved by the trustees requiring a greater expenditure of money than is appropriated for the specific purpose in the law authorizing the expenditure.

CHAPTER 1540

An act to amend Sections 1861, 1861a, and 1862 of the Civil Code, relating to claims and liens of hotel, motel, inn, boardinghouse, apartment house and lodginghouse keepers.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1861 of the Civil Code is amended to read:

1861. Hotel, motel, inn, boardinghouse, furnished apartment house and lodginghouse keepers shall have a lien upon the baggage and other property belonging to or legally under the control of their guests, boarders, tenants, or lodgers which may be in such hotel, motel, inn, or apartment, boarding or lodging house for the proper charges due from such guests, boarders, tenants, or lodgers, for their accommodation, board and lodging and room rent, and such extras as are furnished at their request, and for all money paid for or advanced to such guests, boarders, tenants, or lodgers, and for the costs of enforcing such lien, with the right to the possession of such baggage and other property until such charges and moneys

are paid; and unless such charges and moneys shall be paid within 60 days from the time when the same become due, said hotel, motel, inn, furnished apartment house, boardinghouse or lodginghouse keeper may sell said baggage and property at public auction to the highest bidder, after giving notice of such sale by publication of a notice containing the name of the debtor, the amount due, a brief description of the property to be sold, and the time and place of such sale, pursuant to Section 6064 of the Government Code in the county in which said hotel, motel, inn, furnished apartment house, boardinghouse or lodginghouse is situated and also by mailing, at least fifteen (15) days before such sale, a copy of such notice addressed to such guest, boarder, tenant, or lodger at his post office address, if known, and if not known, such notice shall be addressed to such guest, boarder, tenant, or lodger at the place where such hotel, motel, inn, furnished apartment house, boardinghouse or lodginghouse is situated; and after satisfying such lien out of the proceeds of such sale together with any reasonable costs that may have been incurred in enforcing said lien, the residue of said proceeds of sale, if any, shall upon demand made within six months after such sale, be paid by said hotel, motel, inn, furnished apartment house, boardinghouse, or lodginghouse keeper to such guest, boarder, tenant, or lodger; and if not demanded within six months from the date of such sale, such residue shall be paid into the treasury of the county in which such sale took place; and if the same be not claimed by the owner thereof, or his legal representatives, within one year thereafter, the same shall be paid into the general fund of said county; and such sale shall be a perpetual bar to any action against said hotel, motel, inn, furnished apartment house, boardinghouse or lodginghouse keeper for the recovery of such baggage or property or of the value thereof, or for any damages growing out of the failure of such guest, boarder, tenant, or lodger to receive such baggage or property; provided, however, that if any baggage or property becoming subject to the lien herein provided for does not belong to the guest, lodger, tenant, or boarder who incurred the charges or indebtedness secured thereby, at the time when such charges or indebtedness was incurred, and if the hotel, motel, inn, furnished apartment house, boarding or lodginghouse keeper entitled to such lien receives notice of such fact at any time before the sale of such baggage or property hereunder, then, and in that event, such baggage and property which is subject to said lien and did not belong to said guest, boarder, tenant, or lodger at the time when such charges or indebtedness was incurred shall not be subject to sale in the manner hereinbefore provided, but such baggage and property may be sold in the manner provided by the Code of Civil Procedure for the sale of property under a writ of execution, to satisfy a judgment obtained in any action brought to recover the said charges or indebtedness.

This section does not apply to:

1. Any musical instrument of any kind or description which is used by the owner thereof to earn all or a part of his living.

2. Any prosthetic or orthopedic appliance personally used by a guest, boarder,, tenant, or lodger.

SEC. 1.5. Section 1861a of said code is amended to read:

1861a. Keepers of unfurnished apartment houses, apartments, cottages, or bungalow courts shall have a lien upon the baggage and other property of value belonging to their tenants or guests, and upon all the right, title and interest of their tenants or guests in and to all property in the possession of such tenants or guests which may be in such unfurnished apartment house, apartment, cottage, or bungalow court, for the proper charges due from such tenants or guests, for their accommodation, rent, services, meals, and such extras as are furnished at their request, and for all moneys expended for them, at their request, and for the costs of enforcing such lien, with the right to the possession of such baggage and other property of value until such charges are paid, and such moneys are repaid. Unless such charges shall be paid and unless such moneys shall be repaid within 60 days from the time when such charges and moneys, respectively, become due, said keeper of an unfurnished apartment house, apartment, cottage, or bungalow court, may sell said baggage and property, at public auction to the highest bidder, after giving notice of such sale by publication of a notice containing the name of the debtor, the amount due, a brief description of the property to be sold, and the time and place of such sale, pursuant to Section 6064 of the Government Code in the county in which said unfurnished apartment house, apartment, cottage, or bungalow court is situated, and also by mailing, at least 15 days prior to the date of sale, a copy of such notice addressed to such tenant or guest at his post office address, if known, and if not known, such notice shall be addressed to such tenant or guest at the place where such unfurnished apartment house, apartment, cottage, or bungalow court is situated; and, after satisfying such lien out of the proceeds of such sale, together with any reasonable costs, that may have been incurred in enforcing said lien, the residue of said proceeds of sale, if any, shall, upon demand made within six months after such sale, be paid by said keeper of an unfurnished apartment house, apartment, cottage, or bungalow court to such tenant or guest; and if not demanded within six months from the date of such sale, said residue, if any, shall be paid into the treasury of the county in which such sale took place; and if the same be not claimed by the owner thereof, or his legal representative within one year thereafter, it shall be paid into the general fund of the county; and such sale shall be a perpetual bar to any action against said keeper of an unfurnished apartment house, apartment, cottage, or bungalow court for the recovery of such

baggage or property, or of the value thereof, or for any damages, growing out of the failure of such tenant or guest to receive such baggage or property.

This section does not apply to:

(a) Any musical instrument of any kind or description which is used by the owner thereof to earn all or a part of his living.

(b) Any prosthetic or orthopedic appliance personally used by a tenant or guest.

(c) Table and kitchen furniture, including one refrigerator, washing machine, sewing machine, stove; bedroom furniture, one overstuffed chair, one davenport, one dining table and chairs, and also all tools, instruments, clothing and books used by the tenant or guest in gaining a livelihood; beds, bedding and bedsteads, oil paintings and drawings drawn or painted by any member of the family of the tenant or guest, and any family portraits and their necessary frames.

(d) All other household, table or kitchen furniture not expressly mentioned in paragraph (c), including but not limited to radios, television sets, phonographs, records, motor vehicles that may be stored on the premises except so much of any such articles as may be reasonably sufficient to satisfy the lien provided for by this section; and provided further, that such lien shall be secondary to the claim of any prior bona fide holder of a chattel mortgage on and the rights of a conditional seller of such articles, other than the tenant or guest. A motor vehicle that is exempt from attachment or execution under the provisions of Section 690.24 of the Code of Civil Procedure shall not be subject to the lien provided for in this section.

SEC. 3. Section 1862 of said code is amended to read:

1862. Whenever any trunk, carpetbag, valise, box, bundle, baggage or other personal property has heretofore come, or shall hereafter come into the possession of the keeper of any hotel, inn, or any boarding or lodging house, furnished apartment house or bungalow court and has remained or shall remain unclaimed for the period of six months, such keeper may proceed to sell the same at public auction, and out of the proceeds of such sale may retain the charges for storage, if any, and the expenses of advertising and sale thereof;

But no such sale shall be made until the expiration of four weeks from the first publication of notice of such sale in a newspaper published in or nearest the city, town, village, or place in which said hotel, inn, boarding or lodging house, furnished apartment house or bungalow court is situated. Said notice shall be published once a week, for four successive weeks, in some newspaper, daily or weekly, of general circulation, and shall contain a description of each trunk, carpetbag, valise, box, bundle, baggage, or other personal property as near as may be; the name of the owner, if known; the name and address of such keeper; the address of the place where such trunk, carpetbag, valise, box, bundle, baggage, or other personal property is stored; and the time and place of sale;

And the expenses incurred for advertising shall be a lien upon such property in a ratable proportion, according to the value of such piece of property, or thing, or article sold;

And in case any balance arising from such sale shall not be claimed by the rightful owner within one week from the day of sale, the same shall be paid into the treasury of the county in which such sale took place; and if the same be not claimed by the owner thereof, or his legal representatives, within one year thereafter, the same shall be paid into the general fund of said county.

CHAPTER 1541

An act to amend Section 26002 of the Government Code, relating to transportation facilities.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 26002 of the Government Code is amended to read:

26002. Unless otherwise provided by law, the board may lay out, maintain, control, construct, repair, and manage public ferries, bridges, wharves, chutes, other shipping facilities, and passenger transportation facilities within the county and may cooperate with any city in so doing.

The board of supervisors of a chartered county may operate a transit system within a city, if the city consents thereto. Any such agreement shall be terminable only on mutual consent.

CHAPTER 1542

An act to add Section 22364 to the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 22364 is added to the Vehicle Code, to read:

22364. Whenever the Department of Public Works determines upon the basis of an engineering and traffic survey that the safe and orderly movement of traffic upon any state highway will be facilitated by the establishment of different speed limits for the various lanes of traffic, the department may place signs upon the state highway, or any portion thereof, which signs shall designate the speed limits for each of the lanes of traffic.

CHAPTER 1543

An act to amend Section 1345 of the Education Code, relating to school district elections.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 1345 of the Education Code is amended to read:

1345. In the case of any school district election called or conducted under the provisions of this code, except as hereafter provided in this section, the county clerk, or the registrar of voters if such office has been established, of the county in which the majority of the territory of the district is located, shall, at the time provided in the Elections Code for the mailing of sample ballots for a statewide primary election, mail to each registered voter residing within the district, a sample ballot and a card designating the polling place and time of the election and containing a statement of the purposes of the election. If the school district election is consolidated with a statewide election, the sample ballot and card shall be mailed at the same time as sample ballots are mailed to the voters.

In any district or territory located wholly or partially in a county with a population of less than 60,000 as determined by Section 28020 of the Government Code, the governing board of the school district, rather than the county clerk or registrar of voters, shall mail the sample ballot and card notice required in this section.

As used in this section, the word "card" means a card or other notice, as determined by the officer charged with the duty of mailing the same to the voters.

CHAPTER 1544

An act to amend Section 262 of the Revenue and Taxation Code, relating to property tax exemptions.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 262 of the Revenue and Taxation Code is amended to read:

262. Any tax or penalty or interest thereon for any fiscal year commencing during the calendar year 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964 or 1965 on property as to which the church exemption was available for such fiscal year shall be canceled pursuant to Article 1 (commencing with Section 4986) of Chapter 4 of Part 9 of this division as if it had been levied or charged er-

roneously, and, if paid, a refund thereof shall be made pursuant to Article 1 (commencing with Section 5096) of Chapter 5 of Part 9 of this division as if it had been erroneously collected.

CHAPTER 1545

An act to amend Section 564 of the Welfare and Institutions Code, relating to juveniles.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 564 of the Welfare and Institutions Code is amended to read:

564. Upon a hearing conducted in accordance with Section 563, upon an admission by the minor of the commission of a traffic violation charged, or upon a finding that the minor did in fact commit such traffic violation, the judge, referee, or traffic hearing officer may

(1) Reprimand the minor and take no further action, or

(2) Direct the probation officer to file a petition as provided for in Article 7 (commencing with Section 650) of this chapter, or

(3) Make any or all of the following orders:

(a) That the driving privileges of the minor be suspended or restricted for a period not to exceed 90 days,

(b) That the minor attend traffic school over a period not to exceed 60 days,

(c) That the minor pay to the general fund of the county a sum, not to exceed fifty dollars ($50),

(d) That the probation officer undertake a program of supervision of the minor for a period not to exceed six months.

The judge, referee, or traffic hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.

CHAPTER 1546

An act to amend Section 23793 of the Business and Professions Code, relating to alcoholic beverages.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 23793 of the Business and Professions Code is amended to read:

23793. No new original public premises licenses shall be issued, and no public premises licenses shall be transferred from county to county, unless the applicant can show that substantial public demand cannot otherwise be satisfied.

CHAPTER 1547

An act to add Section 1142 to the Insurance Code, relating to investments of insurers.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1142 is added to the Insurance Code, to read:

1142. In situations of hardship, financial embarrassment or where other good cause is shown the commissioner may, in his discretion, by written order, permit an insurer to acquire by gift, devise, bequest or other transfer an asset, or a part thereof, not otherwise permissible, or retain an asset, however obtained. Such order, or any amendments thereto, shall specify the asset and the mode of acquisition or retention which is to be permitted and shall specify such reasonable time as the commissioner may determine in his discretion for the retention, or further retention of such asset. At the end of such time or earlier if he determines circumstances warrant such action the commissioner may invoke the procedure of Section 1202 for the purpose of requiring the insurer to dispose of the asset, or a part thereof, so acquired or held.

This section shall not apply to any asset of an insurer which:

(1) Has been held for 25 years or more, and

(2) Consists entirely of corporate securities, and

(3) The value does not exceed more than one-tenth of 1 percent of the total assets of the insurer.

The insurer may retain such an asset.

CHAPTER 1548

An act to amend Section 36125 of, and to add Section 36106 to, the Vehicle Code, relating to farm vehicles, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 36106 is added to the Vehicle Code, to read:

36106. A motor vehicle of such a size as to require a permit under Section 35780 owned and operated by a farmer, designed and used exclusively for carrying or returning empty from carrying, feed and seed products of farming and used on a highway between one part of a farm to another part thereof, or from one farm to another farm, is exempt from registration but shall be subject to the same equipment and device requirements as if registered, provided the owner has obtained an identification plate pursuant to Section 36125.

SEC. 2. Section 36125 of said code is amended to read:

36125. Owners of cotton trailers, farm trailers as defined in Section 36010, or motor vehicles which are farmer owned and operated and used as provided in Section 36106, which are exempt from registration, shall, prior to any movement of such vehicles upon a highway, make application to the Department of Motor Vehicles to obtain for display thereon special identification plates of the type provided for implements of husbandry, except that the service charge shall be five dollars ($5) for each vehicle and the photograph provisions are waived. Such plates shall be renewed between the inclusive dates of January 1 through February 4 every three years by application and payment of the five-dollar ($5) service charge.

As used in this section, three years means three (3) calendar years. Any part of the year of first application shall constitute a calendar year.

SEC. 2.5. Section 36125 of said code is amended to read:

36125. Owners of cotton trailers, farm trailers as defined in Section 36010, or motor vehicles which are farmer owned and operated and used as provided in Section 36106 or 36107, which are exempt from registration, shall, prior to any movement of such vehicles upon a highway, make application to the Department of Motor Vehicles to obtain for display thereon special identification plates of the type provided for implements of husbandry, except that the service charge shall be five dollars ($5) for each vehicle and the photograph provisions are waived. Such plates shall be renewed between the inclusive dates of January 1 through February 4 every three years by application and payment of the five-dollar ($5) service charge.

As used in this section, three years means three (3) calendar years. Any part of the year of first application shall constitute a calendar year.

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:

This act eliminates the necessity of registering certain implements provided the owner obtains a special identification plate for such vehicles. Because these implements are vital to the growing and harvesting of crops it is necessary that its

provisions take immediate effect in order that the vehicles may be used during the 1965 crop season.

SEC. 4. Section 2.5 of this act shall become operative only if Senate Bill No. 1432 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Senate Bill No. 1432 takes effect; at which time Section 36125 of the Vehicle Code as amended by Section 2 of this act is repealed.

CHAPTER 1549

An act to add Section 1500.02 to the Welfare and Institutions Code and to add Section 11211 to Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682, relating to aid to families with dependent children.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1500.02 is added to the Welfare and Institutions Code, to read:

1500.02. Aid shall be paid under this chapter, upon application, to the family of any person killed and to the victim and family, if any, of any person incapacitated as the result of a crime of violence, if there is need of such aid.

The department shall establish criteria for payment of aid under this chapter, which criteria shall be substantially the same as those provided for aid to families with dependent children, provided, however, that aid shall be paid regardless of whether or not the applicant meets the property qualifications prescribed for that program. In no event shall expenditures under this section for the 1965–1966 fiscal year exceed one hundred thousand dollars ($100,000).

Upon conviction of a person of a crime of violence resulting in the injury or death of another person, the court shall take into consideration the defendant's economic condition, and unless it finds such action will cause the family of the defendant to be dependent on public welfare, shall, in addition to any other penalty, order the defendant to pay a fine commensurate in amount with the offense committed. The fine shall be deposited in the Indemnity Fund in the State Treasury, which is hereby established, and the proceeds in such fund shall be used for the payment of aid under this section.

This section shall not constitute part of this state's plan for participation in any aid program under the federal Social Security Act, and shall be financed entirely by state and county funds. In all other respects, it shall be administered in the same manner as any other provision of this chapter.

SEC. 2. Section 11211 is added to Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682, to read:

11211. Aid shall be paid under this chapter, upon application, to the family of any person killed and to the victim and family, if any, of any person incapacitated as the result of a crime of violence, if there is need of such aid

The department shall establish criteria for payment of aid under this chapter, which criteria shall be substantially the same as those provided for aid to families with dependent children, provided, however, that aid shall be paid regardless of whether or not the applicant meets the property qualifications prescribed for that program. In no event shall expenditures under this section for the 1965–1966 fiscal year exceed one hundred thousand dollars ($100,000).

Upon conviction of a person of a crime of violence resulting in the injury or death of another person, the court shall take into consideration the defendant's economic condition, and unless it finds that such action will cause the family of the defendant to be dependent on public welfare, shall, in addition to any other penalty, order the defendant to pay a fine commensurate in amount with the offense committed. The fine shall be deposited in the Indemnity Fund, in the State Treasury, which is hereby established, and the proceeds in such fund shall be used for the payment of aid under this section.

This section shall not constitute part of this state's plan for participation in any aid program under the federal Social Security Act, and shall be financed entirely by state and county funds. In all other respects, it shall be administered in the same manner as any other provision of this chapter.

SEC. 3. Section 2 of this act shall become operative only if Assembly Bill No. 1682 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No 1682 takes effect; at which time Section 1500.02 as added to the Welfare and Institutions Code by Section 1 of this act is repealed.

CHAPTER 1550

An act to add Section 25812 to the Health and Safety Code, relating to radioactive wastes.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 25812 is added to the Health and Safety Code, to read:

25812. The department shall not grant any license to receive radioactive material from other persons for disposal on land unless all of the following requirements are satisfied:

(a) The land on which the radioactive wastes are to be buried is owned by the federal or state government.

(b) The department determines that the site is consistent with the public health and safety.

(c) The department receives a finding from the Coordinator of Atomic Energy Development and Radiation Protection that the establishment and operation of the site will be of economic benefit to atomic energy development in this state. The coordinator, in arriving at such a finding, shall consult with the Advisory Council on Atomic Energy Development and Radiation Protection. If the office of the Coordinator of Atomic Energy Development and Radiation Protection is not in operation, the finding that the establishment and operation of the site will be of economic benefit to atomic energy development in this state shall be made by the State Board of Public Health.

CHAPTER 1551

An act to amend Sections 7501, 7503 and 7505 of, and to add Sections 7501.5 and 7508.5 to, the Education Code, relating to the State Curriculum Commission.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 7501 of the Education Code is amended to read:

7501. There is in the state government the State Curriculum Commission consisting of the Superintendent of Public Instruction, and 12 additional members appointed by the State Board of Education. So far as it is practical and consistent with the duties assigned to the Curriculum Commission by the State Board of Education, at least one-half of the members of the commission shall be persons, who because they have taught, written, or lectured on the subject matter fields specified in Section 7501.5, in the course of public or private employment, have thereby become recognized authorities or experienced practitioners in such fields.

SEC. 2. Section 7501.5 is added to said code, to read:

7501.5. The State Board of Education shall consider for membership on the Curriculum Commission persons representing subjects commonly taught in the public schools, including:

(a) English grammar or composition
(b) American or world literature
(c) American or world history
(d) American or California government or economics
(e) Mathematics
(f) Classical or modern foreign languages
(g) Physical, biological or health sciences
(h) Business, commercial or secretarial vocations

(i) Industrial or agricultural vocations
(j) Fine arts

SEC. 3. Section 7503 of said code is amended to read:

7503. (a) Except as provided in subparagraphs (b) and (c) hereof, all members of the Curriculum Commission shall be appointed for a term of four years commencing March 1.

(b) The term of each person who is a member of the Curriculum Commission on the effective date of the amendment to this section enacted at the 1965 session of the Legislature and the term of each person who, after that date, is appointed to fill any vacancy in the membership of the Curriculum Commission shall terminate on the last day of February, 1969.

(c) To follow the terms that under subsection (b) expire the last day of February 1969, the State Board of Education shall appoint members to the Curriculum Commission whose terms shall commence March 1, 1969; three members for a one-year term; three members for a two-year term; three members for a three-year term; and three members for a four-year term. Thereafter, all members shall be appointed to serve a term of four years.

SEC. 4. Section 7505 of said code is amended to read:

7505. The Superintendent of Public Instruction shall be the chairman of the Curriculum Commission. In his absence, the Chief of the Division of Instruction of the State Department of Education shall be acting chairman.

SEC. 5. Section 7508.5 is added to said code, to read:

7508 5. Whenever an employee of any public school district, state college, or other public agency is appointed to membership on the Curriculum Commission, his employer shall grant him sufficient time away from his regular duties, without loss of income or other benefits to which he is entitled by reason of his employment, to attend meetings of the commission and to attend to the duties imposed upon him by reason of his membership on the commission. The employer of any such member may make available such stenographic, secretarial, and staff assistance as is reasonably necessary to enable him to execute the duties imposed upon him by reason of his membership on the commission.

CHAPTER 1552

An act to amend Sections 3285 and 3351 of the Health and Safety Code, relating to health officers.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 3285 of the Health and Safety Code is amended to read:

3285. Each health officer is hereby directed to use every available means to ascertain the existence of, and immediately to investigate, all reported or suspected cases of tuberculosis in the infectious stages within his jurisdiction and to ascertain the sources of such infections. In carrying out such investigations, each health officer is hereby invested with full powers of inspection, examination and quarantine or isolation of all persons known to be infected with tuberculosis in an infectious stage and is hereby directed:

(a) To make such examinations as are deemed necessary of persons reasonably suspected of having tuberculosis in an infectious stage and to isolate or isolate and quarantine such persons, whenever deemed necessary for the protection of the public health.

(b) Follow local rules and regulations regarding examinations, quarantine, or isolation, and all general and special rules, regulations, and orders of the state department in carrying out such examination, quarantine or isolation.

(c) Whenever the health officer shall determine on reasonable grounds that an examination of any person is necessary for the preservation and protection of the public health, he shall make an examination order in writing, setting forth the name of the person to be examined, the time and place of the examination, and such other terms and conditions as may be necessary to protect the public health. Nothing contained in this subdivision shall be construed to prevent any person whom the health officer determines should have an examination for infectious tuberculosis from having such an examination made by a physician of his own choice who is licensed to practice medicine under the provisions of Chapter 5 (commencing with Section 2000), Division 2 of the Business and Professions Code under such terms and conditions as the health officer shall determine on reasonable grounds to be necessary to protect the public health.

(d) Whenever the health officer shall determine that quarantine or isolation in a particular case is necessary for the preservation and protection of the public health, he shall make an isolation or quarantine order in writing, setting forth the name of the person to be isolated, the period of time during which the order shall remain effective, the place of isolation or quarantine, and such other terms and conditions as may be necessary to protect the public health.

(e) Upon the making of an examination, isolation, or quarantine order as provided in this section, a copy of such order shall be served upon the person named in such order.

(f) Upon the receipt of information that any examination, quarantine, or isolation order, made and served as herein provided, has been violated, the health officer shall advise the district attorney of the county in which such violation has occurred, in writing, and shall submit to such district attorney the information in his possession relating to the subject matter

of such examination, isolation, or quarantine order, and of such violation or violations thereof.

(g) Any and all orders authorized under this section shall be made by the health officer and his authority to make such orders shall be delegated only pursuant to Section 7. The health officer shall not make any orders incorporating by reference any other rules or regulations.

SEC. 2. Section 3351 of said code is amended to read:

3351. Inasmuch as the order provided for by Section 3285 is for the protection of the public health, any person who, after service upon him of an order of a health officer directing his isolation or examination as provided in Section 3285, violates or fails to comply with the same or any provision thereof, is guilty of a misdemeanor, and, upon conviction thereof, in addition to any and all other penalties which may be imposed by law upon such conviction, may be ordered by the court confined until such order of such health officer shall have been fully complied with or terminated by such health officer, but not exceeding six months from the date of passing judgment upon such conviction; further provided, that the court, upon suitable assurances that such order of such health officer will be complied with, may place any person convicted of a violation of such order of such health officer upon probation for a period not to exceed two years, upon condition that the said order of said health officer be fully complied with; and provided further, that upon any subsequent violation of such order of such health officer, such probation shall be terminated and confinement as herein provided ordered by the court.

CHAPTER 1553

An act to amend Section 241 of the Penal Code, relating to assault and battery on peace officers.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 241 of the Penal Code is amended to read:

241. An assault is punishable by fine not exceeding five hundred dollars ($500), or by imprisonment in the county jail not exceeding six months, or by both. When it is committed against the person of a peace officer, and the person committing the offense knows or reasonably should know that such victim is a peace officer engaged in the performance of his duties, and such peace officer is engaged in the performance of his duties, the offense shall be punished by imprisonment in the state prison not exceeding two years.

As used in this subdivision, "peace officer" refers to any person designated as a peace officer in the first paragraph of

Section 817, as well as any inspector or investigator regularly employed as such in the office of a district attorney, any member of the California Highway Patrol, any member of the California State Police, any policeman of the San Francisco Port Authority, each member of an arson investigating unit of an organized fire department, and each deputized law enforcement member of the Wildlife Protection Branch of the Department of Fish and Game.

CHAPTER 1554

An act to amend Sections 16501 and 21100 of the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 16501 of the Vehicle Code is amended to read:

16501. The provisions of this chapter shall not prevent local authorities, within the reasonable exercise of the police power, from adopting rules and regulations, by ordinance or resolution, licensing and regulating the operation of any vehicle for hire and the drivers of passenger vehicles for hire.

SEC. 2. Section 21100 of said code is amended to read:

21100. Local authorities may adopt rules and regulations by ordinance or resolution on the following matters:

(a) Regulating or prohibiting processions or assemblages on the highways.

(b) Licensing and regulating the operation of vehicles for hire and the drivers of passenger vehicles for hire.

(c) Regulating traffic by means of traffic officers.

(d) Regulating traffic by means of semaphores or other official traffic control devices.

CHAPTER 1555

An act to amend Sections 12519 and 12521 of the Vehicle Code, relating to drivers' licenses.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 12519 of the Vehicle Code is amended to read:

12519. No person shall operate a farm labor truck or a farm labor bus unless he has in his possession a driver's license

for the appropriate class of vehicle to be driven, such license to be endorsed or have attached to it a certificate issued by the department to permit the operation of farm labor vehicles unless such operation is expressly exempted under this code.

SEC. 2. Section 12521 of said code is amended to read:

12521. Any person operating any piece of special construction equipment upon a highway when its dimensions are such that permission of the authorities having jurisdiction of the highways must be obtained prior to its movement thereon and when such permission has been obtained shall have a driver's license in his possession which is appropriately endorsed or to which is attached a special construction equipment certificate issued by the department.

CHAPTER 1556

An act to amend Section 13113 of the Health and Safety Code, relating to fire protection.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 13113 of the Health and Safety Code is amended to read:

13113. No person, firm, or corporation shall establish, maintain, or operate any children's home, children's nursery, or institution, or a home or institution for the care of aged and senile persons, or any sanitarium or institution for insane or mentally retarded persons and any nursing or convalescent home, wherein more than six guests or patients are housed or cared for on a 24-hour-per-day basis unless there is installed and maintained in an operable condition in every building or portion thereof where patients or guests are housed an automatic sprinkler system, except that in instances where this is deemed impossible or impracticable in the opinion of the inspecting officer, a heat-activated fire alarm system of a type approved by the State Fire Marshal is acceptable. The provisions of this section shall apply to all new occupancies on the effective date of this section. This section shall not apply to such institutional occupancies where the buildings are of a fire-resistive construction. "Fire-resistive construction," as used in this section, shall mean a building of type I or type II construction as designated in the Basic Building Design and Construction Standards of the State Fire Marshal.

This section does not prevent the State Fire Marshal, with the written approval of the chief fire official of the city, county or district, from exempting individual buildings from the provisions of this section if fire safety substantially equivalent to that specified in this section has been provided.

CHAPTER 1557

An act to amend Section 108 of the Insurance Code, relating to liability insurance.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 108 of the Insurance Code is amended to read:

108. Liability insurance includes:

(a) Insurance against loss resulting from liability for injury, fatal or nonfatal, suffered by any natural person, or resulting from liability for damage to property, or property interests of others but does not include workmen's compensation, common carrier liability, boiler and machinery, or team and vehicle insurance.

(b) (1) With respect to operations or property covered by a policy of liability insurance as defined in subdivision (a), insurance of medical, hospital, surgical and funeral loss or expense of the insured or other persons injured, and in the case of an automobile liability policy disability benefits to the insured or other persons injured and in the event of their death, funeral and accidental death benefits to their dependents, beneficiaries or personal representatives irrespective of legal liability of the insured, when issued with or supplemental to the insurance defined in subdivision (a);

(2) When issued with or supplemental to the insurance defined in subdivision (a), disability insurance covering the insured and members of his household, or other persons who customarily operate any automobile covered by such a policy and who are named in such policy; and such disability insurance may cover against accidental injury, death or dismemberment caused by any or all hazards as defined in such coverage;

(c) Insurance covering injuries sustained by an insured resulting from a tort committed by a third party against which such third party is not himself covered by liability insurance;

(d) The provisions of this code relating to disability insurance do not apply to insurance defined in this section.

CHAPTER 1558

An act to add Section 35103 to the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 35103 is added to the Vehicle Code, to read:

35103. When any vehicle carries a load composed solely of plywood stacked side by side, the total outside width of the load shall not exceed 100 inches.

This section shall not be applicable to any highway when it would operate to prevent the state from receiving federal funds for highway purposes.

CHAPTER 1559

An act to add Section 23127 to the Vehicle Code, relating to riding and hiking trails.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1 Section 23127 is added to the Vehicle Code, to read:

23127. No person shall operate an unauthorized motor vehicle on any state, county, city, private, or district hiking or horseback riding trail that is clearly marked by an authorized agent or owner with signs at all entrances and exits and at intervals of not more than one mile indicating no unauthorized motor vehicles are permitted on the hiking or horseback riding trail.

For the purpose of this section "unauthorized motor vehicle" means any motor vehicle that is driven upon a hiking or horseback riding trail without the written permission of an agent or the owner of the trail.

This section does not apply to the operation of an authorized emergency or maintenance vehicle on a hiking or horseback riding trail whenever necessary in furtherance of the purpose for which the vehicle has been classed as an authorized emergency vehicle. Any person who violates this section is guilty of a misdemeanor.

CHAPTER 1560

An act to amend Sections 729 and 8046 of the Fish and Game Code, relating to fish-handling privilege taxes.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 729 of the Fish and Game Code is amended to read:

729. Money deposited in the Fish and Game Preservation Fund pursuant to Section 8046 shall be separately accounted for in the fund and shall be available for the support of the Marine Research Committee pursuant to appropriations thereof which may be made from time to time by the Legislature. The money so appropriated shall be disbursed at the direction of a majority of the Marine Research Committee for the purpose of committee expenses and financing research in the development of commercial fisheries of the Pacific Ocean and of marine products susceptible to being made available to the people of California.

No research project shall be authorized except by a majority of the committee.

SEC. 2. Section 8046 of said code is amended to read:

8046. Every person operating under a license pursuant to this article shall, in addition to the license fee and the tax imposed by Section 8045, pay a privilege tax of five cents ($0.05) for each 100 pounds, or fraction thereof, of sardines, Pacific mackerel, jack mackerel, squid, herring, or anchovies purchased, received, or taken by him until December 31, 1967.

The money shall be deposited in the Fish and Game Preservation Fund for use by the Marine Research Committee pursuant to Sections 729 and 730.

The committee shall pay the department for accounting and other services rendered to the committee by the department. The fiscal year cost of such services shall not be in excess of 2 percent of the money so collected each fiscal year under this section.

CHAPTER 1561

An act to amend Section 27401 of the Education Code, relating to municipal libraries.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 27401 of the Education Code is amended to read:

27401. The legislative body of any municipality in which a public library is established pursuant to this chapter (commencing at Section 27301), shall in making the annual tax levy and as part thereof, if the construction and maintenance of the library has not been otherwise provided for, levy a tax for the purpose of construction and maintaining the library and purchasing property necessary therefor. The tax shall be in addition to other taxes, the levy of which is permitted in the municipality. The tax levy shall not exceed thirty cents ($0.30) per one hundred dollars ($100) of assessed valuation. As used in this section, maintenance includes preserving, repairing and altering existing structures.

CHAPTER 1562

An act to amend Section 11010.5 of the Government Code, relating to state contracts.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 11010.5 of the Government 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 so provided in the contract or is authorized under provision of law other than this section. The compensation payable if any for such amendments and modifications shall be determined as provided in the contract. The compensation payable if any in the event the contract is so terminated shall be determined as provided in the contract or applicable statutory provision providing for such termination.

CHAPTER 1563

An act to add Section 21690.2 to the Public Utilities Code, relating to state funds for airports.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 21690.2 is added to the Public Utilities Code, to read:

21690.2. Effective July 1, 1967, no payments shall be made from the Airport Assistance Fund for expenditure on any airport or for the acquisition or development of any airport if the division determines that the airspace control and height restrictions in any airport hazard area of the airport is inadequate to provide reasonable assurance that the landing and taking off of aircraft at the airport will be conducted without obstruction or will be otherwise free from hazards. The airspace control provisions shall not be considered adequate unless as a minimum they comply with the requirements of the Federal Aviation Agency's Technical Standard Order N 18 or any corresponding rules or regulations of the Federal Aviation Agency are met.

This section shall not prevent or prohibit the division from assisting any city, county or airport district in planning airport development or in planning the zoning needs around an airport.

CHAPTER 1564

An act to add Section 1239.3 to the Code of Civil Procedure, relating to acquisition of airspace by eminent domain.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1239.3 is added to the Code of Civil Procedure, to read:

1239.3. Airspace above the surface of property or an air easement in such airspace may be acquired under this title by a county, city, port district, or airport district if such taking is necessary to provide an area in which excessive noise, vibration, discomfort, inconvenience or interference with the use and enjoyment of real property located adjacent to or in the vicinity of an airport and any reduction in the market value of real property by reason thereof will occur through the operation of aircraft to and from the airport.

CHAPTER 1565

An act to add Article 6 (commencing with Section 31530) to Chapter 5 of Division 13 of the Vehicle Code, relating to transportation of empty boxes.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Article 6 (commencing with Section 31530) is added to Chapter 5 of Division 13 of the Vehicle Code, to read:

Article 6. Boxes

31530 (a) The department shall adopt and enforce regulations relating to the safe loading, securement, and transportation of loads consisting of in excess of 100 empty wooden boxes not exceeding any of the following dimensions: 36 inches in length, 24 inches in width and 12 inches in height.

(b) Violation of any provision of the regulations adopted by the department shall be a misdemeanor.

CHAPTER 1566

An act to add Article 8 (commencing with Section 2049) to Chapter 1 of Title 1 of Part 3 of the Penal Code, relating to correctional institutions.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Article 8 (commencing with Section 2049) is added to Chapter 1 of Title 1 of Part 3 of the Penal Code, to read:

Article 8. Special Security Facility

2049. The Director of Corrections is authorized to establish a state prison for the confinement of males under the custody of the Director of Corrections, to be known as the Special Security Facility.

2049.1. The primary purpose of the prison authorized to be established by Section 2049 shall be to provide custody, industrial and other training,, treatment and care to persons confined therein.

2049.2. Any person under the custody of the Director of Corrections may be transferred to the Special Security Facility in accordance with law.

2049.3. The Director of Corrections shall make rules and regulations for the government of the Special Security Facility and the management of its affairs.

2049.4. The Superintendent of the Special Security Facility shall be appointed pursuant to Section 6050, and the Director of Corrections shall appoint, subject to civil service, such other officials and employees as may be necessary therefor.

2049.5. The Director of Corrections shall construct and equip, in accordance with law, suitable buildings, structures, and facilities for the Special Security Facility.

2049.6. The provisions of Part 3 of this code shall apply to the Special Security Facility and to the persons confined therein insofar as such provisions may be applicable.

CHAPTER 1567

An act to add Section 12929 to the Insurance Code, relating to powers of the Insurance Commissioner to correct his records, findings, determinations, orders, rule or regulation in cases of mistake, clerical error, inadvertence, surprise or excusable neglect.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 12929 is added to the Insurance Code, to read:

12929. Irrespective of any provision in any law of this state the commissioner, pursuant to this code, has been and is authorized to correct: by amendment, by partial deletion or by partial addition, any record, finding, determination, order, rule or regulation made by him upon becoming satisfied that it is fair, just and equitable to make the correction and that any such record, finding, determination, order, rule or regulation would have included such correction except for mistake, clerical error, inadvertence, surprise or excusable neglect.

Such correction shall only be made within a period of six months following the original action.

When the facts are within the knowledge of the commissioner personally he may, upon his own motion and ex parte, enter an order making any such correction.

Otherwise he shall enter such an order of correction only after receipt and consideration of a written petition of a person described in Section 12923 or an employee of the Department of Insurance, accompanied in either case by a sworn affidavit of the facts constituting the mistake, clerical error, inadvertence, surprise or excusable neglect relied upon to justify the correction requested. In such case the order may be made ex parte.

In either case the order shall recite the grounds and bases for the correction and shall be promptly given the same distribution, publicity, and circulation as was given the matter being corrected.

If, within 60 days following the making of the order of correction anyone objects thereto in writing, the commissioner shall set the matter for hearing, giving the same notice thereof, if any, as was given to the proceeding which gave rise to the original record, finding, determination, order, rule or regulation.

CHAPTER 1568

An act to amend Section 839 of, and to add Section 839.1 to, the Insurance Code, relating to issuance of securities.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 839 of the Insurance Code is amended to read:

839. The commissioner shall issue a permit if he finds that:

(a) The proposed plan of business of the applicant and the proposed issuance of securities are fair, just, and equitable.

(b) The applicant intends fairly and honestly to transact its business, and

(c) The securities the applicant proposes to issue and the methods to be used by it in issuing or disposing of them are such as, in his opinion, will not work a fraud upon the purchaser thereof, or upon policyholders or other security holders of applicant.

Otherwise, he shall deny the application and notify the applicant in writing of his decision.

SEC. 2. Section 839.1 is added to said code, to read:

839.1. (a) In any case where a domestic insurer is directly affected by the total transaction for some part of which the permit applied for is needed, and the commissioner in his discretion determines that reasonable grounds exist for contentions that such total transaction or any part thereof:

(1) Is a combination of capital, skill, or acts to create or carry out restrictions on or to prevent competition in the insurance business; or

(2) Is a combination (in the form of a trust or otherwise) in restraint of the insurance business; or

(3) Is an attempt to monopolize the insurance business; or

(4) Is a conspiracy to create any of the foregoing; or

(5) That such total transaction, or any part thereof, if consummated will create or result in any of the foregoing or will substantially lessen competition in the insurance business.

Then, in such event, the Insurance Commissioner may make findings with respect to whether such total transaction, or any part thereof, would or would not do or be any of the foregoing.

(b) In the event the Insurance Commissioner makes affirmative findings as provided in subdivision (a) of this section, he may deny the permit applied for.

CHAPTER 1569

An act to add Section 827.7 to the Insurance Code, relating to securities.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 827.7 is added to the Insurance Code, to read:

827.7. Where required by this article the commissioner is authorized to issue subscription and preorganization permits of and pertaining to insurers or proposed insurers. Applications for such permits shall set forth such of the matters described in Sections 834, 835, 836 and 837 as the commissioner deems appropriate or requires.

CHAPTER 1570

An act to add Section 11588 to the Water Code, relating to acquisition of property for the Central Valley Project.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 11588 is added to the Water Code, to read:

11588. Whenever the right of occupancy of any person upon national forest or national park lands is terminated because of the construction of the project, the department shall, in connection with the construction of the project, acquire, by purchase or condemnation, any buildings or improvements constructed upon such lands by the person. In any such purchase or condemnation proceedings, the department shall pay the value of the improvements in place as the value existed prior to revocation of the federal permit or their replacement cost, less depreciation, whichever is lesser.

This section is not applicable to improvements located on rights-of-way across national forest or national park lands.

CHAPTER 1571

An act to amend Section 23624 of the Education Code, relating to the California State Colleges.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 23624 of the Education Code is amended to read:

23624. The trustees, on behalf of any state college, may enter into contracts for the purpose of participating in or the procuring or transmitting of television broadcasts, may purchase broadcast time over, and may own, lease and operate television transmitting facilities for use in providing educational, noncommercial television broadcasts, and may provide necessary services in connection therewith.

CHAPTER 1572

An act to add Section 25457.6 to the Education Code, relating to junior college district organization.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 25457.6 is added to the Education Code, to read:

25457.6. If the county committee on school district organization fails to submit plans and recommendations, as provided in Section 25457.5, the Department of Education shall prepare a plan or plans and submit them to the State Board of Education on or before September 15, 1968, for its approval. Plans formulated by the Department of Education may include any or all provisions authorized to be included in a recommendation of a county committee pursuant to Chapter 10 (commencing with Section 3101), Division 5, and Chapter 2 (commencing with Section 25430), Division 18.5, of the Education Code.

CHAPTER 1573

An act to add Sections 5703, 5704, 5705, and 5710 to the Education Code, relating to adult education.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 5703 is added to the Education Code, to read:

5703. The governing board of a high school district or unified school district may establish classes for adults. If such classes result in average daily attendance in any school year of 100 or more, such districts shall establish an adult school for the administration of the program.

SEC. 2. Section 5704 is added to said code, to read:

5704. The governing board of a high school district or unified school district may establish and maintain one or more adult schools by resolution of the governing board.

SEC. 3. Section 5705 is added to said code, to read:

5705. Classes for adults shall conform to any course of study and graduation requirements otherwise imposed by law or under the authority of law.

SEC. 4. Section 5710 is added to said code, to read:

5710. The governing board of a high school district or a unified school district shall have the authority to award diplomas or certificates to adults and eligible minors enrolled in adult schools upon satisfactory completion of a prescribed course of study in an elementary school program.

CHAPTER 1574

An act to add Section 19623.1 to the Education Code, relating to state school building funds.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 19623.1 is added to the Education Code, to read:

19623.1. Interest earned on those portions of deposits in a state school building fund representing allocations from the proceeds of state school construction bonds received by the county treasurer for the benefit of a school district under this chapter (Sections 19551 to 19689, inclusive) shall be paid into the State School Building Aid Fund. Such interest which prior to the 1964–65 fiscal year was deposited in the general fund of the school district for which the state school building fund was established shall remain the property of that general fund.

CHAPTER 1575

An act to amend Sections 5, 7, 8, 12, and 15 of, and to repeal Sections 3 and 4 of, the Desert Water Agency Law (Chapter 1069, Statutes of 1961), relating to district powers.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 3 of the Desert Water Agency Law (Chapter 1069, Statutes of 1961) is repealed.

SEC. 2. Section 4 of said law is repealed.

SEC. 3. Section 5 of said law is amended to read:

Sec. 5. The board of directors of the Desert Water Agency organized under this act shall consist of five members. The Board of Supervisors of Riverside County shall appoint the first board of directors, each of whom shall be a resident of the agency, and shall hold office until his successor is elected. All successors of the first board shall be elected or chosen at the time and in the manner hereinafter provided.

(a) Each director elected or appointed at the first general Desert Water Agency election shall hold office for the term of four (4) years from and after the date of his taking office as herein provided, and until the election and qualification of his successor; except that the five directors elected or appointed at the first general Desert Water Agency election shall classify themselves by lot, so that two of them shall hold office until the qualification of and taking office by their successors elected at an election held the next succeeding even-numbered year, and so that three shall hold office until the qualification of and taking office by their successors at an election held in the second successive even-numbered year.

(b) The elections of directors shall be held at the time of the direct primary election and shall be consolidated therewith Each candidate for director who at such election receives votes on a majority of all the ballots cast for candidates for the office for which he seeks nomination shall be elected to such office. If at such primary election, as to any such office, none of the candidates receives such majority, the two candidates who receive the highest number of votes cast on all the ballots cast for candidates for such office, shall be the candidates for such office at the ensuing agency election, which latter election shall be held at the same time as the next succeeding general election and shall be consolidated therewith. Candidates shall declare their candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, in the same manner as the declaration of candidacy, nomination, election, canvassing of returns, declaration of results, and issuance of certificates of election for county officers are made, declared, held, and conducted, and

issued, so far as consistent with the provisions of this act and except as otherwise herein expressly provided. Directors elected hereunder, except the first board of directors, shall take office at the same time provided by the Government Code for county officers. Said election held at the same time of the direct primary election and consolidated therewith shall be known as the general Desert Water Agency election and each other election which may be held by authority of this act or the Elections Code or other law applicable thereto shall be known as a special Desert Water Agency Election.

SEC. 4. Section 7 of said law is amended to read:

Sec. 7. No person shall vote at any Desert Water Agency election held under the provisions of this act who is not a voter within the meaning of the Elections Code. For the purpose of registering voters who shall be entitled to vote at Desert Water Agency elections, the county clerk or registrar of voters is authorized, in any county in which there is the Desert Water Agency to indicate upon the affidavit of registration whether the voter is a voter of the Desert Water Agency

In case the boundary line of the Desert Water Agency crosses the boundary line of a county election precinct only those voters within such Desert Water Agency and within such precinct who are registered as being voters within the Desert Water Agency shall be permitted to vote, and for that purpose the county clerk or registrar of voters is hereby empowered to provide two sets of ballots within such precincts, one containing the names of candidates for office in said Desert Water Agency, and the other not containing such names, and it shall be the duty of the election officers in such precincts to furnish only those persons registered as voters within such Desert Water Agency with the ballots upon which are printed the names of the candidates for office in the Desert Water Agency

SEC. 5. Section 8 of said law is amended to read:

Sec. 8. The provisions of the Elections Code so far as they may be applicable shall govern all general Desert Water Agency elections and all special Desert Water Agency elections, except as in this act or otherwise provided.

In counties in which the Desert Water Agency is located the county clerk or registrar of voters is hereby given authority, and he hereby is authorized to have printed upon the official ballots provided for voters at elections for directors a heading in the same form as that provided by the Elections Code for nonpartisan officers, which heading shall be marked "Desert Water Agency," with subheading "For a Member of the Board of Directors—Vote for Two" (except in even-numbered years commencing in 1964, the number shall be "Three"), and beneath which shall appear the names of the candidates for the office of member of the board of directors, with the appropriate blank space for the writing-in of the name of a candidate if desired by the voters, and with a voting

square place opposite the space. The ballots thus provided shall be furnished by the precinct officers only to those voters within their respective precincts who shall appear on the register as duly registered voters, within the Desert Water Agency, and in precincts which lie partly within such Desert Water Agency, and partly without the precinct board shall be supplied with two kinds of ballots by said county clerk or registrar of voters, one of which shall contain the matters hereinabove set forth for the use of voters of the Desert Water Agency, and the other of which shall be without such heading containing the names of candidates for the office of members of the board of directors, and which shall be furnished to those voters who are not voters of the Desert Water Agency and who are voters of the precinct.

SEC. 6. Section 12 of said law is amended to read:

Sec. 12. The board of directors shall act only by ordinance, resolution, or motion On all ordinances the roll shall be called and the ayes and noes recorded in the journal of the proceedings of the board of directors. Resolutions and orders may be adopted by voice vote, but on demand of any member the roll shall be called. No ordinance, motion, or resolution shall be passed or become effective without the affirmative vote of a majority of the members of the board. The enacting clause of all ordinances passed by the board shall be: "Be it ordained by the Board of Directors of the Desert Water Agency as follows:" Each of the members of the board of directors shall receive for each attendance at the meetings of the board thirty dollars ($30). No directors, however, shall receive pay for more than three meetings in any calendar month Any vacancy in the board of directors shall be filled by a majority of the remaining directors, the person so chosen shall be a resident of and otherwise qualified to be a director from the division in which the vacancy shall occur and shall hold office for the remainder of the unexpired term.

SEC. 7 Section 15 of said law is amended to read:

Sec. 15. The Desert Water Agency incorporated as herein provided, shall have the power:

1. To have perpetual succession;

2. To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

3. To adopt a seal and alter it at pleasure;

4. To take by grant, purchase, gift, devise, or lease, hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the Desert Water Agency;

5. To acquire, or contract to acquire, waterworks or a waterworks system, waters, water rights, lands, rights and privileges and construct, maintain and operate conduits, pipelines, reservoirs, works, machinery and other property useful or necessary to store, convey, supply or otherwise make use of water for a

waterworks plant or system for the benefit of the agency, and to complete, extend, add to, repair or otherwise improve any waterworks or waterworks system acquired by it as herein authorized.

6. To construct, maintain, improve and operate public recreational facilities appurtenant to any water reservoir operated or contracted to be operated by the Desert Water Agency, and to provide by ordinance regulations binding upon all persons to govern the use of such facilities including regulations imposing reasonable charges for the use thereof. Violation of any such regulation shall be a misdemeanor.

7. To lease of and from any person, firm or public or private corporation, or public agency, with the privilege of purchasing or otherwise, all or any part of water storage, transportation or distribution facilities, existing waterworks or a waterworks system, and to carry on and conduct waterworks or a waterworks system; also to sell water under the control of the agency to cities, and to other public corporations and public agencies within the agency, and to the inhabitants of such cities and of other territory within the agency, and to persons, corporations, and other private agencies within the agency for use within said agency without any preference; also to sell water outside the boundaries of the agency to the extent that the lands and inhabitants so served are southerly and westerly of the White Water River and northerly of the township line between Township 4 South and Township 5 South, S.B B. & M., and exclusive of that certain subdivision known as Palm Springs Outposts Estates situated in Section 21, Township 4 South, Range 5 East, S.B.B. & M. and it may, whenever the board shall find that there is a surplus of water above that which may be required by such consumers within said agency, sell or otherwise dispose of such surplus water to any persons, firms, public or private corporations or public agencies or other consumers;

8. To supply and deliver agency water to publicly owned and operated golf courses and other publicly owned and operated recreational facilities and to public schools, school districts and public school properties, and to fix and establish special rates, terms and conditions for the use and sale of water for each of these purposes; provided, however, that this provision shall not be construed to indicate legislative intent either for or against the existence of any power of the agency to furnish water to other persons, firms or corporations at just and reasonable rates;

9. To have and exercise the right of eminent domain and in the manner provided by law for the condemnation of private property for public use, to take any property necessary to supply the agency or any portion thereof with water, whether such property be already devoted to the same use or otherwise, and may condemn any existing waterworks or system, or any portion thereof, or any waters or water rights owned by any person, firm or private corporation. In proceedings relative to

the exercise of such right, the agency shall have all of the rights, powers and privileges of a city; provided, the agency in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be removed to a new location. The agency shall have or exercise no power of eminent domain with respect to property situated outside the boundaries of the agency other than the power to acquire by eminent domain any integrated water production, transmission and distribution facilities located partially within and without the boundaries of the agency, provided such integrated facilities are located southerly and westerly of the White Water River and northerly of the township line between Township 4 South and Township 5 South, S.B.B. & M., and exclusive of that certain subdivision known as Palm Springs Outposts Estates situated in Section 21, Township 4 South, Range 5 East, S.B.B. & M. The agency shall not have or exercise power of eminent domain as to any property belonging to a county water district which has more than 50,000 acres of land within its boundaries.

10. To issue bonds, borrow money and incur indebtedness as authorized by law or in this act provided; also to refund (by the issuance of the same obligations following the same procedure) or retire any indebtedness or lien that may exist against the agency or property thereof; also to issue warrants to pay the formation expenses of the agency, which warrants may bear interest at a rate not exceeding 6 percent per annum from the date of issue until funds are available to pay the warrants, and which formation expenses may include fees of attorneys and others employed to conduct the formation proceedings.

11. To issue negotiable promissory notes bearing interest at a rate not exceeding 6 percent per annum; provided, however, that said notes shall be general obligations of the agency payable from revenues and taxes in the same manner as bonds of said agency; and provided further that the maturity shall not be later than three years from the date thereof and that the total aggregate amount of such notes outstanding at any one time may be at least equal to seventy-five thousand dollars ($75,000) in the Desert Water Agency but shall not otherwise exceed the lesser of either one million dollars ($1,000,000) or 2 percent of the assessed valuation of the taxable property in the Desert Water Agency, or, if said assessed valuation is not obtainable, 2 percent of the county auditor's estimate of the assessed valuation of the taxable property in the agency evidenced by his certificate;

12. To cause taxes to be levied, in the manner hereinafter provided, for the purpose of paying any obligation of the agency, including its formation expenses and any warrants issued therefor;

13. To restrict the use of agency water during any emergency caused by drought, or other threatened or existing water shortage, and to prohibit the wastage of agency water or the use of agency water during such periods, for any purpose other than household uses or such other restricted uses as may be determined to be necessary by the agency; to prohibit the use of such water during such periods for specific uses which the agency may from time to time find to be nonessential;

14. To prescribe and define by ordinance, the restrictions, prohibitions and exclusions referred to in subdivision 13 hereof. Every ordinance relating to the matters referred to in this subdivision shall be in full force and effect forthwith upon adoption, but shall be published pursuant to Section 6061 of the Government Code in full in a newspaper of general circulation, printed, published and circulated in the agency within 10 days after adoption, or if there be no such newspaper it shall be posted within said time in three public places within the agency;

15. To make contracts, to employ labor, and do all acts necessary for the full exercise of the foregoing powers;

16. In case of condemnation proceedings the board shall proceed in the name of the agency;

17. To provide by ordinance of its board of directors for the pensioning of officers or employees and the creation of a special fund for the purpose of paying such pensions, and the accumulation of contributions to said fund from the revenues of the agency, the wages of officers or employees, voluntary contributions, gifts, donations or any source of revenue not inconsistent with the general powers of the board, and to contract with any insurance corporation or any other insurance carrier for the maintenance of a service covering the pension of such officers or employees, and to provide in such ordinance for the terms and conditions under which such pensions shall be awarded, and for the time and extent of service of officers or employees before such pensions shall be available to them;

18. To acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the agency or its inhabitants or the owners of rights to water therein; provided, however, that all waters of the Whitewater River System are excluded from the provisions hereof, except such waters of said system as may be lawfully acquired by the Desert Water Agency.

19. Subject to the limitations in subdivision 9 of this section, to join with one or more public agencies, private corporations or other persons for the purpose of carrying out any of the powers of the agency, and for that purpose to contract with such other public agencies or private corporations or persons for the purpose of financing such acquisitions, constructions and operations. Such contracts may provide for contributions to be made by each party thereto and for the division and apportionment of the expenses of such acquisi-

tions and operations, and the division and apportionment of the benefits, the services and products therefrom, and may provide for any agency to effect such acquisitions and to carry on such operations, and shall provide in the powers and methods of procedure for such agency the method by which such agency may contract. Such contracts with other public agencies or private corporations or persons may contain such other and further covenants and agreements as may be necessary or convenient to accomplish the purposes thereof. The term "public agency," as used in this subdivision, shall be deemed to mean and include the United States of America or any department or agency thereof, the State of California or any department or agency thereof, a county, city, public corporation, the Metropolitan Water District of Southern California, or other public district of this state. The term "private corporation," as used in this subdivision, shall be deemed to mean and include any private corporation organized under the laws of the United States of America or of this or any other state thereof. Contracts mentioned herein include those made with the United States, under the Federal Reclamation Act of June 17, 1902, and all acts amendatory thereof or supplementary thereto or any other act of Congress heretofore or hereafter enacted permitting cooperation. Any such contract with the United States of America or any department or agency thereof, or with any private corporation organized under the laws of the United States of America, by which the Desert Water Agency, or an improvement district thereof, incurs an indebtedness or liability exceeding in any year the income and revenue for such year shall not be executed without the assent of two-thirds of the qualified electors of the agency, or an improvement district thereof, voting at a special election to be held for that purpose, such election to be called and held, so far as practicable, in the same manner as bond elections for the agency. The exact form of such contract need not be available at the time of the special election, but the (1) purpose of the contract; (2) maximum amount of the indebtedness created thereby; (3) maximum term of repayment, and (4) maximum interest rate on such indebtedness shall be known and included in the proposition or measure submitted to the qualified electors of the agency, or an improvement district thereof, at such special election.

20. To commence, maintain, intervene in, compromise and assume the costs of any action or proceeding, in the name of the agency, involving or affecting the ownership or use of water or water rights within the agency, used or useful for any purpose of the agency, or a common benefit to the lands within the agency or its inhabitants.

21. Distribute water to persons in exchange for ceasing or reducing ground water extractions and to fix the terms and conditions of any contract under which producers may agree voluntarily to use replenishment water from a nontributary source in lieu of ground water, and to such end an agency

may become a party to such contract and pay from the agency funds such portion of the cost of such replenishment waters as will encourage the purchase and use of such water in lieu of pumping so long as the persons or property within the agency are directly or indirectly benefited by the resulting replenishment.

22. To issue bonds under Section 28 of this act for the purpose of providing money required to be paid by this agency as all or part of the terms and conditions under which the corporate area of the Desert Water Agency may be annexed to and become a part of any metropolitan water district organized under the Metropolitan Water District Act. The amount of said bonds may include expenses of all proceedings for the authorization, issuance and sale of the bonds.

23. To issue revenue bonds for any purpose for which such bonds could be issued under the provisions of the Revenue Bond Law of 1941 or any other law which by its terms is applicable to agencies formed under this act.

24. To use the Improvement Act of 1911 for the construction of any facilities authorized to be constructed under the provisions of this act. The powers and duties conferred by the Improvement Act of 1911 on the various boards, officers and agents of cities shall be exercised by the respective boards, officers and agents of the Desert Water Agency. In the application of said Improvement Act of 1911 to proceedings instituted by the Desert Water Agency, the terms used in said Improvement Act of 1911 shall have the following meanings:

(a) "City council" and "council" shall mean the board of directors of the Desert Water Agency.

(b) "Municipality" and "city" shall mean the Desert Water Agency.

(c) "Clerk" and "city clerk" shall mean the secretary.

(d) "Superintendent of streets," "street superintendent" and "city engineer" shall mean the chief engineer of the agency.

(e) "Tax collector" shall mean the county tax collector.

(f) "Treasurer" and "city treasurer" shall mean the treasurer of the Desert Water Agency.

(g) "Mayor" shall mean the president of the board of directors of the Desert Water Agency.

(h) "Right-of-way" shall mean any parcel of land in, on, under or through which a right-of-way or easement has been granted to the agency for the purpose of constructing and maintaining any works or improvements of the Desert Water Agency.

Any certificates or documents required to be filed or recorded in the office of the superintendent of streets or street superintendent shall be filed and recorded in the office of the secretary of the Desert Water Agency.

CHAPTER 1576

An act to add Chapter 13 (commencing with Section 7100) to Division 7 of Title 1 of the Government Code, relating to migratory agricultural workers, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 13 (commencing with Section 7100) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 13. MIGRATORY AGRICULTURAL WORKERS

7100. In implementation of Section 311 of Public Law 88-452, known as the Economic Opportunity Act of 1964, the Director of Finance may contract with school districts, housing authorities, health agencies, and other appropriate local public and private nonprofit agencies for the procurement, or construction of housing or shelter and to obtain services for migratory agricultural workers in the fields of education and sanitation, and to obtain day care services for the children of such workers.

In the event that an Office of Economic Opportunity is created, it shall succeed to the authority granted the Director of Finance under this section to enter into contracts. All such contracts shall be subject to the approval of the director.

7101. Any county, city or other local agency may enter into contracts of the nature described in Section 7100, to the extent that such an agency is otherwise authorized by law to engage in the activity which it contracts to undertake.

SEC. 2. Chapter 13 (commencing with Section 7100) of Division 7 of Title 1 of the Government Code, as enacted by Section 1 of this act, shall be operative, insofar as it pertains to the authority of the Director of Finance to enter into contracts, only until the 91st day after the final adjournment of the 1967 Regular Session of the Legislature, and all contracts entered into by the director pursuant to said Chapter 13 shall terminate not later than that date.

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:

This act will enable the state to obtain federal funds under the Economic Opportunity Act of 1964 for the provision of services to migratory agricultural workers. In order that federal funds may be obtained at the earliest possible time, it is essential that this act go into effect immediately.

CHAPTER 1577

An act to amend Sections 74692 and 74693 of, and to add Sections 74693.1 and 74693.2 to, the Government Code, relating to municipal courts.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 74692 of the Government Code is amended to read:

74692. There shall be one clerk of the municipal court who shall receive a biweekly salary at the rate specified in range 38 of the salary schedule provided in Section 74693.1.

SEC. 2. Section 74693 of said code is amended to read:

74693. The clerk may appoint:

(a) One assistant municipal court clerk who shall receive a biweekly salary at the rate specified in range 34 of the salary schedule provided in Section 74693.1.

(b) Five deputy court clerks grade III who shall receive a biweekly salary at the rate specified in range 29 of the salary schedule provided in Section 74693.1.

(c) Nine deputy court clerks grade II who shall receive a biweekly salary at the rate specified in range 26 of the salary schedule provided in Section 74693.1.

SEC. 3. Section 74693.1 is added to said code, to read:

74693.1. Whenever reference to a numbered salary range is made in any section of this article, the following schedule of biweekly salaries shall apply:

Range	Step 1	Step 2	Step 3	Step 4	Step 5
26	$156.00	$164.40	$172.00	$180.80	$189.60
27	164.40	172.00	180.80	189.60	199.20
28	172.00	180.80	189.60	199.20	209.60
29	180.80	189.60	199.20	209.60	220.00
30	189.60	199.20	209.20	220.00	231.20
31	199.20	209.60	220.00	231.20	242.40
32	209.60	220.00	231.20	242.40	254.40
33	220.00	231.20	242.40	254.40	268.00
34	231.20	242.40	254.40	268.00	280.80
35	242.40	254.40	268.00	280.80	295.20
36	254.40	268.00	280.80	295.20	309.60
37	268.00	280.80	295.20	309.60	325.60
38	280.80	295.20	309.60	325.60	341.60
39	295.20	309.60	325.60	341.60	358.40
40	309.60	325.60	341.60	358.40	376.80

Unless otherwise specifically provided, each person appointed to a position, the compensation of which is fixed by reference to a salary range set forth in this section, shall for the first twelve (12) months of service, receive the rate of biweekly compensation specified in the first step of the salary range for

the position to which he is appointed. On and after the first day of the pay period following each ensuing twelve (12) months of such service such compensation shall be increased upon approval of the appointing authority to the rate specified in the next higher step of the salary range for the position occupied until such compensation equals the sum specified in step 5 of such range.

In the case of persons in the positions specified in Sections 74692 and 74693, on the date the adoption of this section becomes effective, they shall have their existing salaries adjusted to the same relative step in the new range, and such adjustment shall not alter the anniversary date or eligibility of the employee for consideration for a regular step increase under this section.

SEC. 4. Section 74693.2 is added to said code, to read:

74693.2. Notwithstanding any other provision in this article, the salaries of municipal court employees may, upon approval by the board of supervisors, be increased in the same manner and at the same rate as a general salary increase is effective for other permanent county salaried employees, provided that such increases shall not exceed a total amount in excess of 20 percent of the salaries established by the 1965 amendments to this article. A "general salary increase" shall be considered to have been granted when 75 percent or more of the permanent salaried employees of the county have been granted a salary increase of one or more ranges, as adopted by the Santa Cruz County Board of Supervisors by amendment to the Santa Cruz County Code, in addition to any regular annual step increase.

It is the purpose of this section to provide compensation for municipal court employees which is comparable to that paid to county employees of similar qualifications and experience holding equal or comparable positions in the Santa Cruz County classified service, as such comparability is determined by the Santa Cruz County Board of Supervisors.

Any adjustments of salaries made pursuant to this section shall remain in effect until the 91st day after adjournment of the 1967 Regular Session of the Legislature.

CHAPTER 1578

An act to amend Section 13185 of the Education Code, relating to certification documents.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 13185 of the Education Code is amended to read:

13185. Whenever satisfactory proof is presented to the issuing authority by any person to whom the said authority has heretofore granted a certification document that the same has been lost or destroyed, the issuing authority shall issue to him a new certification document of the same kind, grade, character, and tenure as that lost or destroyed

For issuance of the new certification document, the State Board of Education shall require a fee to cover the cost of replacement not to exceed the fee for issuance of an original certification document pursuant to Section 13182. The revenues from the fee provided for in this section shall not be available for expenditure until appropriated.

CHAPTER 1579

An act to add Article 14.5 (commencing with Section 1065.1) to Chapter 1 of Part 2 of Division 1 of the Insurance Code, relating to powers of the Insurance Commissioner.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Article 14.5 (commencing with Section 1065.1) is added to Chapter 1 of Part 2 of Division 1 of the Insurance Code, to read:

Article 14.5. Stop Order Power of the Commissioner

1065.1. Whenever the commissioner has reasonable cause to believe, and determines, after a public hearing, that any person specified in Section 1010 is conducting its business and affairs in such a manner as to threaten to render it insolvent, or that it is in a hazardous condition, or is conducting its business and affairs in a manner which is hazardous to its policyholders, creditors or the public, or that it has committed or engaged in, or is committing or engaging in, any act, practice, or transaction which under any provision of this code would constitute ground rendering the person subject to conservation or liquidation proceedings, he may make and serve upon the person such order or orders as shall be reasonably necessary to correct, eliminate or remedy such conduct, condition or ground.

The commissioner shall serve notice of any hearing required by this article upon the person, stating the time and place therefor, and the conduct, condition or ground upon which the commissioner would make his order. The hearing shall occur not less than 20 nor more than 30 days after notice is served upon the person.

1065.2. (a) Whenever it appears to the commissioner that any conduct, condition or ground set forth in Section 1065.1 exists, and that irreparable loss and injury to the property

and business of a person specified in Section 1010 has occurred or may occur unless the commissioner acts immediately, the commissioner may, without notice, and before hearing, issue and cause to be served upon such person an order requiring such person to forthwith cease and desist from engaging further in the acts, practices or transactions which are causing such conduct, condition or ground to exist

(b) At the same time an order is served pursuant to subdivision (a) of this section, the commissioner shall issue and also serve upon the person a notice of hearing to be held at a time and place fixed therein which shall not be less than 20 or more than 30 days after the service thereof. The notice shall contain a statement of the conduct, condition or ground which the commissioner deems violative of the provisions of Section 1065.1.

(c) At any time prior to the commencement of a hearing as provided in Section 1065.1 or subdivision (b) of this section, the person may waive the hearing and have judicial review of the order by means of any remedy afforded by law without first exhausting administrative remedies or procedures.

1065.3. If, after hearing as provided by Section 1065.1 or subdivision (b) of Section 1065.2, any of the statements as to conduct, conditions or grounds in the notice are found to be true, the commissioner shall make such order or orders as may be reasonably necessary to correct, eliminate or remedy such conduct, conditions or grounds.

1065.4 Any person subject to an order or proceeding pursuant to this article shall be entitled to judicial review of the order or proceeding by means of any remedy afforded by law. Proceedings for judicial review shall be commenced within 60 days from the making and service of any order issued pursuant to Sections 1065.1 or 1065.3.

1065.5 If any person violates or fails to comply with any order of the commissioner or any part thereof which as to such person has become final and is still in effect, the commissioner may, after a hearing, notice of which shall be given in accordance with the provisions of Section 1065.1, at which it is determined that a violation of such order has been committed, further order that:

(a) Such person shall forfeit and pay to the State of California a sum not to exceed one hundred dollars ($100) per day for each and every day that such violation or failure to comply shall continue, but in no event to exceed a maximum amount of five thousand dollars ($5,000). Such liability shall be enforced in an action brought in any court of competent jurisdiction by the commissioner in the name of the people of the State of California; and that

(b) Proceedings be commenced to revoke or suspend any license or certificate of authority held by such person under this code, in accordance with the procedures provided therefor.

1065.6. The powers vested in the commissioner by this article shall be additional to any and all other powers and

remedies vested in the commissioner by law, and nothing herein shall be construed as requiring that the commissioner shall employ the powers conferred herein instead of or as a condition precedent to the exercise of any other power or remedy vested in the commissioner.

1065.7. Any order or notice of the commissioner hereunder may be served on any person, in the same manner and with the same effect as provided for in civil actions in a superior court of this state.

CHAPTER 1580

An act to add Section 9701.5 to the Education Code, relating to distribution of obsolete textbooks.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 9701.5 is added to the Education Code, to read:

9701.5. Surplus obsolete textbooks usable for educational purposes may be donated by the Superintendent of Public Instruction or by governing boards of school districts in which a superintendent of schools is employed, and by other school districts, with the approval of the county superintendent of schools, to any nonprofit charitable incorporated or unincorporated association or society for distribution and use in foreign countries for educational purposes, subject to the following conditions: The president or chief executive officer of the association or society shall execute an affidavit that the textbooks will be used only for educational purposes, that they will not be sold, that they will be distributed free of any charge therefor, and that any textbooks not so distributed and used will be returned to the Superintendent of Public Instruction, the school district from which obtained, or disposed of pursuant to other provisions of law.

Violation of this section shall be a misdemeanor.

CHAPTER 1581

An act to amend Section 74512 of the Government Code, relating to court reporters.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 74512 of the Government Code is amended to read:

74512. Pursuant to Section 72194, the judges of such court may appoint as many additional reporters as the business of the court may require, who shall be known as official reporters pro tempore, and who shall serve without salary but shall receive the fees provided by Section 69947 to 69953, inclusive, except that in lieu of the per diem fees provided in said sections for reporting testimony and proceedings, the official reporters pro tempore shall in all cases receive the same per diem as is paid the official reporters pro tempore of the superior court in the City and County of San Francisco which shall be a charge against the general fund of the city and county

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CHAPTER 1582

An act to add Section 1421.5 to the Health and Safety Code, relating to hospitals.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1 Section 1421.5 is added to the Health and Safety Code, to read:

1421.5. On or before the 1st day of January of any calendar year, the board of supervisors of any county with a population in excess of six million persons may elect to have the county health department during the next succeeding fiscal year, commencing on July 1st of such calendar year, verify compliance with this chapter, investigate unlicensed facilities, consult with licensees, require licensees to comply with statutory provisions and the rules and regulations of the state department, recommend disciplinary action by the state department against licensees, and recommend to the district attorney the prosecution of any action for the violation of any provision of this chapter in such county.

The election shall be made by the adoption by the board of supervisors of an ordinance which recites that, pursuant to this section, the board of supervisors has elected to have the county health department perform hospital inspection and enforcement functions in such county during the next succeeding fiscal year. Immediately, upon the adoption of the ordinance, a certified copy of the ordinance shall be transmitted to the state department.

In exercising the authority which is vested in it pursuant to this section and the election of the board of supervisors, the county health department shall conform to the requirements of this chapter and to the rules and regulations as interpreted by the state department. It shall, however, have the power to recommend directly to the district attorney the prosecution of any action for the violation of any provision of this chapter.

During any fiscal year in which the board of supervisors of the county has elected to have the county health department perform hospital inspection and enforcement functions in such county, the costs of the performance of such inspection and enforcement functions by the county health department shall be paid by the state. Such expenditures shall not, however, exceed amounts appropriated by the Legislature for the purpose of such inspection and enforcement.

Each health department performing such inspection and enforcement functions shall at such times and in such manner as required by the State Director of Public Health, present to the director a proposed annual budget for the reasonable cost, including necessary overhead, of such inspection and enforcement functions to be conducted hereunder by the county health department. Such budget shall be examined by the director and, to the extent found by him to be reasonable for efficient inspection service, and after concurrence by the Department of Finance, shall be approved in writing. Nothing in this section shall prevent a county health department from providing more than the minimum inspectional services as prescribed in Section 1421 providing that the cost of such additional service shall be borne by the county health department.

During any period with regard to which federal law requires state inspection of hospitals other than as provided in this section as a condition for the receipt of federal aid for medical care, the provisions of this section shall not be operative.

CHAPTER 1583

An act to add Section 34322.5 to the Health and Safety Code, relating to housing authorities.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 34322.5 is added to the Health and Safety Code, to read:

34322.5. No authority shall require occupants of any project to be citizens of the United States, provided, however, that in the event there are insufficient housing units to accommodate the number of applicants for such units, the authority may give preference to citizens of the United States.

CHAPTER 1584

An act to amend Section 680.1 of the Harbors and Navigation Code, relating to undocumented vessels.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 680.1 of the Harbors and Navigation Code is amended to read:

680.1. The commission may promulgate rules and regulations for the registration of undocumented vessels belonging to the state, local public agencies, or to the United States without payment of any fee therefor.

CHAPTER 1585

An act to amend Section 136.5 of the Streets and Highways Code, relating to state highways.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 136.5 of the Streets and Highways Code is amended to read:

136.5. The contracts referred to in Sections 135 and 136 are not subject to the provisions of the State Contract Act. Whenever the total consideration of such a contract exceeds two thousand five hundred dollars ($2,500), it shall be awarded to the lowest responsible bidder, after competitive bidding on such reasonable notice as the department may prescribe, except in cases of emergency rental of tools or equipment as hereinafter provided Posting of notice for five days in a public place in the district office of the Division of Highways within which the work is to be done, or the equipment used, is sufficient. Such contracts involving a consideration in excess of two thousand five hundred dollars ($2,500) shall be accompanied by labor and material bonds. The department may require faithful performance bonds when considered necessary. The advertisement for each contract shall state whether or not a bond shall be required Where a faithful performance bond is required, labor and material bonds shall be required.

In cases of emergency work necessitated by the imminence or occurrence of a landslide, flood, storm damage, accident or other casualty, tools or equipment may be rented for a period of not to exceed 10 days without competitive bidding.

CHAPTER 1586

An act to amend Section 25102 of the Corporations Code, relating to securities.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 25102 of the Corporations Code is amended to read:

25102. 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 (except notes, bonds, debentures, or other evidences of indebtedness, whether interest-bearing or not) issued by a company organized under the laws of this state exclusively for educational, benevolent, fraternal, charitable, or reformatory purposes and not for pecuniary profit, no part of the earnings of which inures to the benefit of any private shareholder or individual.

(b) Bills of exchange, trade acceptances, promissory notes and any guarantee thereof, and other commercial paper issued, given, or acquired in a bona fide way in the ordinary course of legitimate business, trade, or commerce.

(c) Promissory notes, whether secured or unsecured, and any guarantee thereof, where the notes are not offered to the public, or are not sold to an underwriter for the purpose of resale.

(d) A promissory note, secured by a lien on a single parcel of real property, when such note is not offered to the public and is not one of a series of notes secured by interest in the same real property.

(e) Conditional sale agreements and certificates of interest or participation therein or partial assignments thereof covering the purchase of railroad rolling stock or equipment, where such agreements or certificates or partial assignments are not offered to the public, or are not sold to an underwriter for the purpose of resale.

SEC. 2. Section 25102 of said code is amended to read:

25102. 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 (except notes, bonds, debentures, or other evidences of indebtedness, whether interest-bearing or not) issued by a company organized under the laws of this state exclusively for educational, benevolent, fraternal, charitable, or reformatory purposes and not for pecuniary profit, no part of the earnings of which inures to the benefit of any private shareholder or individual.

(b) Bills of exchange, trade acceptances, promissory notes and any guarantee thereof, and other commercial paper is-

sued, given, or acquired in a bona fide way in the ordinary course of legitimate business, trade, or commerce.

(c) Promissory notes, whether secured or unsecured, and any guarantee thereof, where the notes are not offered to the public, or are not sold to an underwriter for the purpose of resale.

(d) A promissory note, secured by a lien on a single parcel of real property, when such note is not offered to the public and is not one of a series of notes secured by interests in the same real property.

(e) Any interest in all or portions of a parcel or parcels of real property which said parcel or parcels are:

(1) "Subdivided lands" or a "subdivision" as defined in Sections 11000 and 11004.5 of the Business and Professions Code.

(2) A real estate development described in Section 25102.1.

Provided, however, that the exemption provided in this subdivision shall not be applicable to any such interest sold, to be sold or offered for sale as, or as part of an investment contract, nor shall it be applicable to any corporation organized for or engaged in the business of selling, distributing, supplying or delivering water for irrigation purposes or domestic use, and which is not a public utility.

(f) Conditional sale agreements and certificates of interest or participation therein or partial assignments thereof covering the purchase of railroad rolling stock or equipment, where such agreements or certificates or partial assignments are not offered to the public, or are not sold to an underwriter for the purpose of resale.

SEC. 3. Section 2 of this act becomes operative only if Assembly Bill No. 2000 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as said Assembly Bill takes effect, at which time Section 25102 of the Corporations Code as amended by Section 1 of this act is repealed.

CHAPTER 1587

An act to amend Section 31514 of the Streets and Highways Code, relating to parking districts.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 31514 of the Streets and Highways Code is amended to read:

31514. The Special Assessment Investigation, Limitation and Majority Protest Act of 1931 applies to the proceeding under this part, except that Part 5 (commencing with Section 2900) of Division 4 of this code shall not apply to any proceedings under this part.

CHAPTER 1588

An act to amend Sections 172, 172a, 172b, 172d, 172g, 172.5, and 172.9 of the Penal Code, relating to alcoholic beverages.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 172 of the Penal Code is amended to read:

172. 1. Every person who, within one-half mile of the land belonging to this state upon which any state prison, or within 1,900 feet of the land belonging to this state upon which any reformatory, is situated, or within one mile of the grounds belonging to the University of California, at Berkeley, or within one mile of the grounds belonging to the University of California at Santa Barbara, as such grounds existed as of January 1, 1961, or within one mile of the grounds belonging to Fresno State College, or within one and one-half miles of the exterior limits of the land on which is located the Veterans' Home at Yountville, Napa County, California, or within three miles of the University Farm at Davis, or within one and one-half miles of any building actually occupied as a home, retreat, or asylum for ex-soldiers, sailors, and marines of the Army and Navy of the United States, established or to be established by this state, or by the United States within this state, or within the State Capitol, or within the limits of the grounds adjacent and belonging thereto, sells or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment for not less than 50 days or by both such fine and imprisonment, in the discretion of the court.

2. Except within the State Capitol or the limits of the grounds adjacent and belonging thereto, as mentioned in subdivision 1 of this section, the provisions of this section shall not apply to the sale or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale or exposing or offering for sale of beer.

3. Distances provided in this section shall be measured not by airline but by following the shortest highway or highways as defined in Section 360 of the Vehicle Code connecting the points in question. In measuring distances from the Folsom State Prison, the measurement shall start at the entrance gate of the prison.

SEC. 2. Section 172a of said code is amended to read:

172a. Every person who, within one and one-half miles of the university grounds or campus, upon which are located the principal administrative offices of any university hav-

ing an enrollment of more than 1,000 students, more than 500 of whom reside or lodge upon such university grounds or campus, sells or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor; provided, however, that the provisions of this section shall not apply to nor prohibit the sale of any of said liquors by any regularly licensed pharmacist who shall maintain a fixed place of business in said territory, upon the written prescription of a physician regularly licensed to practice medicine under the laws of the State of California when such prescription is dated by the physician issuing it, contains the name of the person for whom the prescription is written, and is filled for such person only and within 48 hours of its date; provided further, that the provisions of this section shall not apply to nor prohibit the sale of any of said liquors for chemical or mechanical purposes; provided further, that the provisions of this section shall not apply to nor prohibit the sale or exposing or offering for sale of ale, porter, wine, similar fermented malt, or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale or exposing or offering for sale of beer.

In measuring distances from the university grounds or campus of any such university, such distances shall not be measured by airline but by following the shortest road or roads connecting the points in question. With respect to Leland Stanford Junior University measurements from the university grounds or campus shall be by airline measurement.

Any license issued and in effect in the City and County of San Francisco on the effective date of the amendment of this section enacted at the 1961 Regular Session of the Legislature may be transferred to any location in the City and County of San Francisco.

SEC. 3. Section 172b of said code is amended to read:

172b. 1. Every person who, within one and one-half miles of the boundaries of the grounds belonging to the University of California at Los Angeles on which the principal administrative offices of the university are located, as such boundaries were established as of July 1, 1959, sells or exposes for sale any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment for not less than 50 days, or by both such fine and imprisonment, in the discretion of the court.

2 The provisions of this section shall not apply to the sale or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale or exposing or offering for sale of beer.

3. Distances provided in this section shall be measured not by airline but by following the shortest road or roads connecting the points in question

SEC. 4. Section 172d of said code is amended to read:

172d. 1. Every person who, within one mile of that portion of the grounds at Riverside (hereinafter described) belonging to the University of California, that will be used by the College of Letters and Sciences, sells, or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment for not less than 50 days or by both such fine and imprisonment in the discretion of the court.

2. The provisions of this section shall not apply to the sale or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale or exposing or offering for sale of beer.

3. Distances provided in this section shall be measured not by air line but by following the shortest road or roads connecting the points in question.

4. The portion of the grounds of the University of California referred to in paragraph 1 are situated in the County of Riverside and more particularly described as follows: beginning at the intersection of Canyon Crest Drive and U.S. Highway 60, thence southeasterly along said highway to a point opposite the intersection of said U.S. Highway 60 and Pennsylvania Avenue, thence northeasterly following centerline of present drive into University campus, thence continuing north along said centerline of drive on west side of Citrus Experiment Station buildings to a point intersecting the present east-west road running east from intersection of Canyon Crest Drive and U.S. Highway 60, thence east 500 feet more or less, thence north 1,300 feet more or less, thence east to intersection of east boundary of the Regents of the University of California property (Valencia Hill Drive), thence north along said east boundary to the north boundary of the Regents of the University of California property (Linden Street), thence west along said north boundary to the west boundary of the Regents of the University of California property (Canyon Crest Drive) thence south along said west boundary to the point of beginning.

SEC. 5. Section 172g of said code is amended to read:

172g. 1. Every person who, within one mile of that portion of the grounds of La Verne College (as determined by the County of Los Angeles to be tax exempt for educational purposes), sells, or exposes for sale, any intoxicating liquor, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars ($100), or by imprisonment in the county jail of not less than 50 days

nor more than 1 year, or by both such fine and imprisonment in the discretion of the court.

2 The provisions of this section shall not apply to the sale or exposing or offering for sale of ale, porter, wine, similar fermented malt or vinous liquor or fruit juice containing one-half of 1 percent or more of alcohol by volume and not more than 3.2 percent of alcohol by weight nor the sale or exposing or offering for sale of beer.

3. Distances provided in this section shall be measured not by air line but by following the shortest road or roads connecting the points in question.

SEC. 6. Section 172.5 of said code is amended to read:

172.5. The provisions of Sections 172 and 172a of this code shall not apply to the sale or exposing or offering for sale of alcoholic beverages by a licensee under the Alcoholic Beverage Control Act within the premises occupied by any bona fide club which is situated within one mile of the grounds belonging to the University of California at Berkeley, if the club meets all of the following requirements:

(a) The membership in the club shall be limited to male American citizens over the age of 21 years.

(b) The club shall have been organized and have existed in the City of Berkeley for not less than 35 years continuously.

(c) The club shall have a bona fide membership of not less than 500 members.

SEC. 7. Section 172 9 of said code is amended to read:

172 9. The word "university," when used in this chapter with reference to the sale, exposing or offering for sale, of alcoholic beverages, means an institution which has the authority to grant an academic graduate degree.

CHAPTER 1589

An act to amend Sections 1304, 1313 and 3300 of the Education Code, relating to school district elections.

[Approved by Governor July 16, 1965 Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1304 of the Education Code is amended to read:

1304. Whenever by this code the county superintendent of schools is authorized or required to prepare for, hold, or conduct an election in or for a public school district, such county superintendent shall contract with the county clerk, or with the registrar of voters if such office has been established in the county, for the performance under the supervision of such county superintendent of any or all of the duties incident to the preparation for, and holding of, such election.

In joint districts or in elections to organize or reorganize districts in territory situated in two or more counties, the county superintendent of schools having jurisdiction shall contract with the superintendent of schools, the county clerk, or the registrar of voters in any county in which part of the territory is situated, for the performance of such duties.

SEC. 1.5. Section 1313 of said code is amended to read:

1313. Whenever by this code the governing board of any school district is authorized or required to prepare for, hold or conduct any election in any school district governed by it, such governing board shall contract with the county clerk, or with the registrar of voters if such office has been established in the county, for the performance of any or all of the duties incident to the preparation for and holding of such election.

SEC. 2. Section 3300 of said code is amended to read:

3300. If the proposal for reorganization involves a question as to whether a countywide unified school district shall be established, the proposal may be submitted at a special election or at an election consolidated with a general, county or statewide election. If so consolidated, the polling places shall be those used in the general election. Consolidation with a statewide election shall be effected pursuant to Section 23314 of the Elections Code.

CHAPTER 1590

An act to amend Section 21702 of the Education Code, relating to school district bonds.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 21702 of the Education Code is amended to read:

21702. The total amount of bonds issued shall not exceed 5 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, and as modified pursuant to Section 17262.

CHAPTER 1591

An act to add Section 712 to the Civil Code, relating to real property.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 712 is added to the Civil Code, to read:

712. Every provision contained in or otherwise affecting a grant of a fee interest in, or purchase money security instrument upon, real property in this state heretofore or hereafter made, which purports to prohibit or restrict the right of the grantee to display or have displayed on the property a sign of customary and reasonable dimensions advertising the property for sale is void as an unreasonable restraint upon the power of alienation.

This section shall operate retrospectively, as well as prospectively, to the full extent that it may constitutionally operate retrospectively.

CHAPTER 1592

An act to add Section 7110 to the Elections Code, relating to nomination papers.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 7110 is added to the Elections Code, to read:

7110. Notwithstanding any provision of law to the contrary, there shall be set forth in full in nomination papers required for any primary or final election the oath or affirmation set forth in Section 3 of Article XX of the Constitution and, such requirement shall satisfy the provisions of Section 3 of Article XX of the Constitution with respect to any office or public trust.

CHAPTER 1593

An act to amend Sections 707 and 709 of the Probate Code, relating to claims against estates.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 707 of the Probate Code is amended to read:

707. All claims arising upon contract, whether they are due, not due, or contingent, and all claims for funeral expenses and all claims for damages for injuries to or death of a person or injury to property and all claims against the executor or administrator of any testator or intestate who in his lifetime has wasted, destroyed, taken or carried away or converted to his own use, the property of another person or committed any trespass on the real property of another person, must be filed or presented within the time limited in the notice or as extended by the provisions of Sections 702 and 709 of this code; and any claim not so filed or presented is barred forever, unless it is made to appear by the affidavit of the claimant to the satisfaction of the court or a judge thereof that the claimant had not received notice, by reason of being out of the state, in which event it may be filed or presented at any time before a decree of distribution is rendered. The clerk must enter in the register every claim filed, giving the name of the claimant, the amount and character of the claim, the rate of interest, if any, and the date of filing.

SEC. 2. Section 709 of said code is amended to read:

709. If an action is pending against the decedent at the time of his death, the plaintiff must in like manner file his claim with the clerk or present it to the executor or administrator for allowance or rejection, authenticated as required in other cases; and no recovery shall be had against decedent's estate in the action unless proof is made of such filing or presentation; provided, if the action which is pending is an action for damages and the decedent was insured therefor and the insurer has accepted the defense of the cause and an appearance has been made in such action on behalf of the decedent, no claim shall be required except for amounts in excess of or not covered by such insurance; provided, further, that if an appearance has been made on behalf of the decedent in an action pending against him at the time of his death and a claim based on such action is not filed or presented within the prescribed period, the court may thereafter allow filing of said claim on such terms as may be just and equitable, upon the claimant's verified petition and notice of hearing given pursuant to Section 1200, if it finds that the claim was not filed or presented previously because neither the claimant nor his attorney had actual knowledge of the

decedent's death at least 15 days prior to the expiration of the prescribed period for filing or presenting the claim, but any property distributed or payment made under court order before notice of such petition shall not be subject to the claim.

No relief shall be granted unless the petition is filed within a reasonable time after discovery of decedent's death and in any event within one year after the expiration of said prescribed period, and before petition for final distribution has been filed.

If, at the time of filing the petition hereunder, assets of the estate have been paid to general creditors or some thereof or have been distributed by decree of preliminary distribution to heirs, devisees or legatees (in either case after expiration of the prescribed time for claims), and it appears that the filing and later establishment of the claim, in the circumstances, would cause or tend to cause unequal treatment between heirs, devisees, legatees or creditors, then permission to file the claim shall be denied.

CHAPTER 1594

An act to add Section 20654.3 to the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 20654.3 is added to the Government Code, to read:

20654.3. An active member of the Judges' Retirement System, the Legislators Retirement System, the State Teachers' Retirement System, or the University of California Retirement System, who has withdrawn accumulated contributions from this system shall have the right to redeposit such contributions, subject to the same conditions as imposed for redeposits of accumulated contributions by Section 20654.

The payments required by this section shall be made prior to the member's retirement and when made the member shall be credited with service for the period covered by the redeposited contributions, and he shall have the same rights with respect thereto as a member who has elected pursuant to Section 20393 of this code to leave his accumulated contributions on deposit in the fund.

CHAPTER 1595

An act to add Chapter 2.5 (commencing with Section 15150) to Part 6, Division 3, Title 2 of, the Government Code, relating to the state telecommunications system.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.5 (commencing with Section 15150) is added to Part 6 of Division 3 of Title 2 of said code, to read

CHAPTER 2.5. CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM

15150. (a) It is the intent of the Legislature that the Department of Justice shall commence to operate under this chapter as soon as feasible, but until such time, the department shall continue to operate under Article 8 (commencing with Section 13240) of Chapter 2, Part 3, Division 3, Title 2 of this code, and Chapter 2 (commencing with Section 15100) of this part. Accordingly, the department shall not discontinue service to any connection point to which it is required to furnish services at state expense until it has made the determination, has given notice, and the notice period has elapsed, as provided in subdivision (b).

(b) At such time as the Attorney General concludes that he can furnish service to one location in any county in compliance with the requirements of Section 15161, he shall so certify and shall send notice of such certification to each agency in the county connected with the state system. Thirty days after the sending of such notice, service to any connection point in the county other than the one location selected pursuant to Section 15161 shall no longer be at state expense.

15151. The maintenance of law and order is, and always has been, a primary function of government and is so recognized in both Federal and State Constitutions. The state has an unmistakable responsibility to give full support to all public agencies of law enforcement. This responsibility includes the provision of an efficient law enforcement communications network available to all such agencies. It is the intent of the Legislature that such a network be established and maintained in a condition adequate to the needs of law enforcement. It is the purpose of this chapter to establish a law enforcement telecommunications system for the State of California.

15152. The Department of Justice shall maintain a statewide telecommunications system of communication for the use of law enforcement agencies.

15153. The system shall be under the direction of the Attorney General, and shall be used exclusively for the official

business of the state, and the official business of any city, county, city and county, or other public agency.

15154. The Attorney General shall appoint an advisory committee on the California Law Enforcement Telecommunications System, hereinafter referred to as the committee, to advise and assist him in the management of the system with respect to operating policies, service evaluation, and system discipline. The committee shall serve at the pleasure of the Attorney General without compensation except for reimbursement of necessary travel expenses.

Before requesting vendor proposals to implement the system, the committee shall prepare detailed technical system specifications defining all communications—handling parameters and making explicit in sufficient depth the goals of the system.

15155. The committee shall consist of representation of the following organizations:

(1) Two representatives from the Peace Officers' Association of the State of California.

(2) One representative from the California State Sheriffs' Association.

(3) One representative from the League of California Cities.

(4) One representative from the County Supervisors Association of California.

(5) One representative shall be the Chairman of the Governor's Communications Advisory Commission.

(6) One representative from the Department of Justice.

(7) One representative from the Department of Motor Vehicles.

(8) One representative from the Department of General Services.

(9) One representative from the California Highway Patrol

15156. The Department of Justice shall provide an executive secretary to the committee.

15157. The committee shall elect a chairman for a term to be determined by the committee.

15158. The committee shall meet at least twice each year at a time and place to be determined by the Attorney General and the chairman. Special meetings may be called by the Attorney General or the chairman by giving at least 14 days' notice to the members.

15159. All meetings of the committee and all hearings held by the committee shall be open to the public.

15160. The Attorney General shall, upon the advice of the committee, adopt and publish for distribution to the system subscribers and other interested parties the operating policies, practices and procedures, and conditions of qualification for membership.

15161 The Department of Justice shall provide a basic telecommunications communications network consisting of no more than two relay or switching centers in the state and cir-

cuitry and terminal equipment in one location only in each county in the state. The system shall be consistent with the functional specifications contained in pages 75 to 79 of the Report of the Assembly Interim Committee on Ways and Means, Volume 21, Number 9, 1963–1965.

These functional specifications summarize the needs of the peace officers for present purposes, but do not constitute technical specifications addressed to prospective suppliers of equipment and procedures.

15162. The system may connect and exchange traffic with compatible systems of adjacent states and otherwise participate in interstate operations.

15163. The system shall provide service to any law enforcement agency qualified by the committee which, at its own expense, desires connection through the county terminal.

15164. The system shall be maintained at all times with equipment and facilities adequate to the needs of law enforcement. The committee shall recommend to the Attorney General any improvements of the system to meet the future requirements of the subscribers and to take advantage of advancements made in the science of telecommunications communications. The system shall be designed to accommodate present and future data processing equipment.

15165. Any subscriber to the system shall file with the Attorney General an agreement to conform to the operating policies, practices and procedures approved by the committee under penalty of suspension of service or other appropriate discipline by the committee.

15166. The Director of General Services shall fix the charge to be paid by any state department, officer, board or commission to the Department of Justice.

15167. 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.

CHAPTER 1596

An act to amend Section 117d of the Code of Civil Procedure, relating to time limits in small claims actions.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 117d of the Code of Civil Procedure is amended to read:

117d. The date for the appearance of the defendant as provided in the order endorsed on the affidavit shall not be more than 30 days nor less than 10 days from the date of said order if the defendant resides within the county in which the

action is brought, or not more than 60 days nor less than 30 days if the defendant resides outside the county in which the action is brought. When the judge or clerk has fixed the date for the appearance of the defendant he shall inform the plaintiff of said date and at the same time order the plaintiff to appear on said date and to have with him his books, papers and witnesses necessary to prove his claim. If the order is not served upon the defendant at least five days prior to the appearance date if the defendant resides within the county in which the action is brought, or at least 15 days prior to the appearance date if the defendant resides outside the county in which the action is brought the plaintiff may apply to the judge or clerk or deputy clerk for a new order setting a new date for the appearance of the defendant which shall not be more than 30 days nor less than 10 days from the date of the issuance of the new order if the defendant resides within the county in which the action is brought, or not more than 60 days nor less than 30 days if the defendant resides outside the county in which the action is brought.

If a defendant is not personally served or did not sign the registered mail return receipt provided in Section 117c at least five days prior to the appearance date if the defendant resides within the county in which the action is brought, or at least 15 days prior to the appearance date if the defendant resides outside the county in which the action is brought, the court does not have jurisdiction to render judgment, unless the defendant personally appears in court on the appearance date and does not request a continuance; if the defendant was not served within the minimum time specified in this paragraph the court must, upon request of an appearing defendant, continue the date of hearing for not less than 10 days.

When there are two or more defendants and one or more of them resides outside the county in which the action is brought, the date for the appearance of all the defendants shall not be more than 30 days from the date of the order to appear.

CHAPTER 1597

An act to add Article 4 (commencing with Section 981) to Chapter 2 of Division 4 of the Education Code, relating to school board workshops.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 981) is added to Chapter 2 of Division 4 of the Education Code, to read:

Article 4. Workshops

981. Upon election as a member of the school district governing board, such member may attend a workshop to be held within the state by the State Department of Education for study and instruction on the subjects of school finance, the Education Code and related laws, and the ethics, duties and responsibilities of school district governing board members; provided, that the provisions of this section shall not apply to any member who has had prior experience of one year or more preceding the date of the school district election as a member of a school district governing board.

982. Beginning with the 1967–1968 fiscal year and each year thereafter, the State Department of Education, in cooperation with associations composed exclusively of members of governing boards may, as soon as practicable but not later than six months after the elections of various school district governing board members as authorized by the Education Code, determine the members of the school district governing boards who plan to attend a workshop established under this article, and after making arrangements for proper courses of study and instructors, shall notify such members of the time and place such workshop is to be conducted. All government departments, agencies and institutions of this state are directed to lend such assistance as may be required by the Department of Education for the proper conduct and administration of the workshops. The State Department of Education shall maintain a permanent record of each school district governing board member who successfully completes a workshop and shall issue a certificate of completion of such member.

983. Any member of a school district governing board who attends and successfully completes a workshop as required by this article may be reimbursed for expenses incurred by the school district on the basis of not to exceed fifteen dollars ($15) per day while in actual attendance, and seven cents ($0.07) per mile of necessary travel from his or her residence to and from the place of the workshop The Department of Education may charge each member attending a workshop a reasonable fee, not to exceed fifteen dollars ($15), to cover necessary expenses of the workshop. Such fee may be reimbursed to the member by the school district.

CHAPTER 1598

An act to add Section 17150.5 to the Vehicle Code, relating to motor vehicles.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 17150.5 is added to the Vehicle Code, to read:

17150.5. The presumptions created by Section 164 of the Civil Code as to the acquisition of property by a married woman by an instrument in writing shall not apply in an action based on Section 17150 with respect to the acquisition of a motor vehicle by a married woman and her husband.

CHAPTER 1599

An act to amend Section 21026 of the Government Code, relating to the Industrial Accident Commission.

[Approved by Governor July 16, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 21026 of the Government Code is amended to read:

21026. The Industrial Accident Commission, using the same procedure as in Workmen's Compensation hearings, shall in disputed cases determine whether all or any part, and if a part, what part of the disability claimed by a member is industrial, if the member is entitled to different disability retirement allowance according to whether his disability is industrial or nonindustrial.

CHAPTER 1600

An act to amend Section 1431 of the Penal Code, relating to venue.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1431 of the Penal Code is amended to read:

1431. If the action or proceeding is in a justice court, a change of the place of trial may be had upon the filing of an

affidavit at least seven days prior to the date set for the trial of the action or proceeding, except in felony cases:

1. When it appears from the affidavit of the defendant that he has reason to believe, and does believe, that he cannot have a fair and impartial trial before the judge about to try the case, by reason of the prejudice or bias of such judge, the cause must be transferred to another judge of the same or an adjoining judicial district.

2. When it appears from affidavits that defendant cannot have a fair and impartial trial, by reason of the prejudice of the citizens of the judicial district, the cause must be transferred to a judge of a judicial district where the same prejudice does not exist.

3. When it appears from affidavits of the prosecution that such change will be for the convenience of the people and of the defendant and when the defendant and his attorney, if any, consent in writing, to such change, the cause must be transferred to a judge of another judicial district in the same county.

A copy of the affidavit must be served upon the other party to the action or proceeding at least six days prior to the date set for the trial of the action or proceeding.

CHAPTER 1601

An act to add Section 26712 to the Vehicle Code, relating to vehicle equipment.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 26712 is added to the Vehicle Code, to read:

26712. Every passenger vehicle used or maintained for the transportation of persons for hire, compensation, or profit shall be equipped with a defrosting device which is adequate to remove snow, ice, frost, fog, or internal moisture from the windshield.

CHAPTER 1602

An act to amend Section 484 of the Penal Code, relating to theft by fraud.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 484 of the Penal Code is amended to read:

484. Every person who shall feloniously steal, take, carry, lead, or drive away the personal property of another, or who shall fraudulently appropriate property which has been entrusted to him, or who shall knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of money, labor or real or personal property, or who causes or procures others to report falsely of his wealth or mercantile character and by thus imposing upon any person, obtains credit and thereby fraudulently gets or obtains possession of money, or property or obtains the labor or service of another, is guilty of theft. In determining the value of the property obtained, for the purposes of this section, the reasonable and fair market value shall be the test, and in determining the value of services received the contract price shall be the test. If there be no contract price, the reasonable and going wage for the service rendered shall govern. For the purposes of this section, any false or fraudulent representation or pretense made shall be treated as continuing, so as to cover any money, property or service received as a result thereof, and the complaint, information or indictment may charge that the crime was committed on any date during the particular period in question The hiring of any additional employee or employees without advising each of them of every labor claim due and unpaid and every judgment that the employer has been unable to meet shall be prima facie evidence of intent to defraud.

The presenting of identification to a renter which bears a false or fictitious name or address and failure to return any motor vehicle, trailer, equipment, or tool rented within 10 days after the lease or rental agreement has expired, shall be prima facie evidence of fraudulent intent. Nothing herein contained shall relieve the lessor or renter from making demand for return of property so rented. Notice addressed and mailed to the lessee at address given at the time of the making of the lease or rental agreement shall constitute proper demand.

CHAPTER 1603

An act to amend Sections 35121.1, 35313.2 and 35007 of the Government Code, relating to annexation procedures.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 35121.1 of the Government Code is amended to read:

35121.1. The city legislative body shall find and declare by resolution adopted at the hearing or within 30 days after the closing of the hearing on protests whether or not a ma-

jority protest has been made. If it does not adopt such a resolution within such period, it shall be deemed to have adopted on the 30th day a resolution that a majority protest has been made.

If a resolution finding and declaring that a majority protest is made is adopted or deemed adopted, no further proceedings for the annexation of any of the same territory to the city shall be taken for one year after the date of the adoption of the resolution except upon the petition or consent of all property owners of the territory proposed to be annexed.

SEC. 2. Section 35313.2 of said code is amended to read:

35313 2. The city legislative body shall find and declare by resolution adopted at the hearing or within 30 days after the closing of the hearing on protests whether or not a majority protest has been made. If it does not adopt such a resolution within such period, it shall be deemed to have adopted on the 30th day a resolution that a majority protest has been made.

If a resolution finding and declaring that a majority protest is made is adopted or deemed adopted, no further proceedings for the annexation of any of the same territory to the city shall be taken for one year after the date of the adoption of the resolution except upon the petition or consent of all property owners of the territory proposed to be annexed.

SEC. 6. Section 35007 of said code is amended to read:

35007. The legislative body shall have power to terminate annexation proceedings at any time prior to the date set for the hearing of protests. However, if protests against the annexation or the election are filed with the legislative body prior to the hour set for hearing objections thereto, the city legislative body shall proceed to hear and pass upon all protests so made in the manner provided for in Section 35121 or 35313, whichever is applicable to the proceedings, even though the proceedings have been terminated. The city legislative body shall, at the hearing or within 30 days thereafter, find and declare by resolution whether or not a majority protest is made. If the city legislative body finds that a majority protest as therein provided is made, no further proceedings for the annexation of any of the territory shall be taken for one year after the date of the adoption of the resolution except upon the petition or consent of all property owners of the territory proposed to be annexed. If the city legislative body finds that a majority protest as therein provided for is not made or it finds that no protests have been filed, new proceedings for the annexation of all or part of the same territory to the city may be instituted and proceeded with as provided in this chapter at any time after the date of the adoption of the resolution.

CHAPTER 1604

An act to amend Section 816.5 of the Public Utilities Code, relating to carriers.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 816.5 of the Public Utilities Code is amended to read:

816.5. Nothing contained in this article or in Article 6 of this chapter shall be construed to require a common carrier by railroad subject to Part 1 of the Interstate Commerce Act (Title 49, U.S.C.), a highway common carrier, a petroleum irregular route carrier, cement carrier or passenger stage corporation to secure from the commission authority to execute any conditional sales contract for the purchase of motor vehicle or railroad equipment or any note and chattel mortgage on motor vehicle or railroad equipment securing the payment of all or any part of the purchase price of motor vehicle or railroad equipment

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CHAPTER 1605

An act to add Sections 21101.5 and 21101.6 to the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 21101.5 is added to the Government Code, to read:

21101.5. A person who has been retired under this system for service following an involuntary termination of his employment, and who is subsequently reinstated to such employment by action on or after October 1, 1965, pursuant to an administrative or judicial proceeding, shall be reinstated from retirement. The requirements of Section 21101 shall not apply to such reinstatement. Reinstatement shall be effective as of the date from which salary is awarded in such administrative or judicial proceedings, and his rights and obligations shall be as specified in this article; provided, however, that amounts paid

to the person during such retirement for any period after the date from which salary is awarded, shall be repaid by him to the system, and that contributions shall be made for any period for which salary is awarded in such administrative or judicial proceedings in the amount which he would have contributed had his employment not been terminated, and he shall receive credit as state service for the period for which such salary is awarded.

SEC. 2. Section 21101.6 is added to said code, to read:

21101.6. A person who has been retired under this system for service may be reinstated from retirement pursuant to this article, without regard to the requirements of Section 21101, upon his application to the board, if, upon such reinstatement, he will be appointed by the Governor to any state office or employment.

CHAPTER 1606

An act to amend Section 15874 of the Elections Code, relating to punchcard voting systems, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 15874 of the Elections Code is amended to read:

15874. Upon the completion of the counting of the votes as provided in this chapter, all ballot cards shall be arranged by precincts and shall be kept by the clerk for six months or so long thereafter as any contest involving the vote at the election remains undetermined.

Notwithstanding any other provision of this code, the final disposition of all voted ballot cards shall be determined by the clerk.

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 ballot cards and records of the recent 1964 statewide and 1965 spring municipal elections will be lost unless action is taken to preserve these records. In order to accomplish this objective, it is essential that this act go into immediate effect.

CHAPTER 1607

An act to amend Sections 4011, 4012, and 4051 of the Elections Code, relating to the required number of signatures of initiative and referendum petitions.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 4011 of the Elections Code is amended to read:

4011. If the initiative petition is signed by not less than 15 percent of the voters of the city on the day the original petition is filed with the clerk of the legislative body, or in a city with 1,000 or less registered voters the signatures of 25 percent of the voters or 100 voters of the city on the day the original petition is filed with the clerk, whichever is the lesser number, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the legislative body shall either:

(a) Introduce the ordinance without alteration at the regular meeting at which it is presented and adopt the ordinance within 10 days after it is presented.

(b) Immediately call a special election at which the ordinance, without alteration, shall be submitted to a vote of the voters of the city.

SEC. 2. Section 4012 of said code is amended to read:

4012. If the initiative petition is signed by not less than 10 percent of the voters of the city on the day the original petition is filed with the clerk of the legislative body, or in a city with 1,000 or less registered voters by the signatures of 25 percent of the voters or 100 voters of said city on the day the original petition is filed with the clerk, whichever is the lesser number, and the ordinance petitioned for is not required to be, or for any reason is not, submitted to the voters at a special election, and is not passed without change by the legislative body, then the ordinance, without alteration, shall be submitted by the legislative body to the voters at the next regular municipal election.

SEC. 3. Section 4051 of said code is amended to read:

4051. If a petition, signed by not less than 10 percent of the voters of the city on the day the petition is filed with the clerk, or in a city with 1,000 or less registered voters by the signatures of 25 percent of the voters or 100 voters of the city on the day the petition is filed with the clerk, whichever is the lesser, protesting against the adoption of an ordinance is filed with the clerk of the legislative body of the city within 30 days of the adoption of the ordinance, the effective date of the ordinance shall be suspended, and the legislative body shall reconsider the ordinance. In order to be acceptable for filing, the petition must on its face purport to have appended to it signatures of voters in the required number.

CHAPTER 1608

An act to amend Section 35002 of the Vehicle Code, relating to the exception of emergency vehicles from size and weight limitations.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 35002 of the Vehicle Code is amended to read:

35002. The provisions of this division are inapplicable in the case of any authorized emergency vehicle owned or operated by a governmental agency while being used in responding to and returning from emergency fire calls in combating and suppressing fire, and while being moved from place to place in anticipation of such emergency use. Any governmental agency operating such an emergency vehicle shall be liable to the governmental agency having custody of any state or county highway for any damage to the highway or any highway structure caused by the operation of any emergency vehicle of a size or weight of vehicle or load exceeding that specified in this division. The cost of repair of the damage shall be a proper charge against the support fund of the governmental agency operating an oversize or overweight vehicle.

This section shall have no application to highways which are a part of the national system of interstate and defense highways (as referred to in Section 108 of the Federal-Aid Highway Act of 1956) when such application would prevent this state from receiving any federal funds for highway purposes.

CHAPTER 1609

An act to amend Section 11564 of the Elections Code, relating to campaign financial statements.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 11564 of the Elections Code is amended to read:

11564. Candidates for office to be filled by the voters of the state or of any political division greater than a county, for Members of the Senate or Assembly, Representative in Congress, members of the State Board of Equalization, or judge of the superior court, and treasurers of committees for such candidates, shall file one copy of their campaign

statements in the office of the Secretary of State and one copy with the clerk of the county in which the candidate resides.

Candidates for all other offices, except municipal and hospital district offices, and treasurers of committees for those candidates, shall file one copy of their campaign statements in the office of the clerk of the county wherein the election is held.

Notwithstanding any provision of law to the contrary, the treasurer of the state central committee of each political party shall file a campaign statement only in the office of the Secretary of State.

CHAPTER 1610

An act to amend Sections 73438 and 73444 of, and to add Sections 73439.1 to, the Government Code, relating to the courts.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 73438 of the Government Code is amended to read:

73438. Official reporters in the municipal courts shall be appointed pursuant to Section 72194 and shall be attachés of such court and in lieu of any other compensation provided by law for their services in reporting testimony and proceedings in such court, shall receive a salary in the same sum monthly or per diem as is paid the official reporters of the Superior Court of the State of California, in and for the County of Kern, which shall be a charge against the general fund of the county.

SEC. 2. Section 73439.1 is added to said code, to read:

73439.1. In any civil action or proceeding, in addition to the fees required by Article 2 (commencing with Section 72050) of Chapter 8 of Title 8, a fee of seven dollars fifty cents ($7.50) shall be paid to the clerk of the court by each party, or jointly by parties appearing jointly, once only in any such action or proceeding, in the following instances:

(a) Upon the filing of a complaint or other first paper.

(b) Upon the filing of the answer or other first paper on behalf of any party (or parties appearing jointly) other than the plaintiff.

(c) Upon the filing of papers transmitted from one court on the transfer of a civil action or special proceeding.

The fees so required shall be taxed as costs in favor of the party paying the same and to whom costs are awarded by the judgment of the court All fees collected under the provisions of this section shall be transmitted to the county treasurer in the same manner as fees collected under Article 2 of Chapter 8 of Title 8 of this code.

SEC. 3. Section 73444 of said code is amended to read:

73444. The term "attaché," as used in this article, means the clerk of the municipal court, the deputy clerks, the marshal, and his assistant, deputy marshals and official reporters.

CHAPTER 1611

An act to amend Section 1430 of the Probate Code, relating to estates of minors.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 1430 of the Probate Code is amended to read:

1430. If a minor has no guardian of his estate, money belonging to the minor not exceeding the sum of two thousand dollars ($2,000) or other property belonging to the minor not exceeding two thousand dollars ($2,000) in value may be paid or delivered to a parent of the minor entitled to the custody of the minor to hold for the minor until his majority, upon written assurance verified by the oath of such parent that the total estate of the minor does not exceed two thousand five hundred dollars ($2,500) in value; and the written receipt of such parent shall be an acquittance of the person making such payment of money or delivery of other property.

CHAPTER 1612

An act to amend Section 71661 of, and to add Section 71661.1 to, the Government Code, relating to the justice courts.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 71661 of the Government Code is amended to read:

71661. When any money is paid into a justice court, each judge or clerk of a justice court shall issue forthwith a receipt for it in triplicate upon a form prescribed by the auditor of the county in which the court is situated. The receipts shall be numbered in numerical sequence and the original copy shall be delivered to the payor, the duplicate copy shall be filed with the county auditor at the time such money is deposited in the county treasury, and the triplicate copy shall be filed in the office of the judge.

SEC. 2. Section 71661.1 is added to said code, to read:

71661.1. Notwithstanding any other provision of law, where payment of any fee, fine, deposit in lieu of bail or other obligation which is owing to the justice court is remitted to the court by mail, the judge or clerk may either mail to the remitter or hold for six months for the remitter an official receipt for such payment, except that such receipt shall be mailed to the remitter when a receipt is specifically requested by the remitter, his return address is given and the remittance consists of legal tender of the United States in the amount of five dollars ($5) or more. The judge or clerk may destroy any official receipt held pursuant to the provisions of this section for a period of six months

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CHAPTER 1613

An act to repeal Section 16877 of the Public Utilities Code, relating to public utility districts.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 16877 of the Public Utilities Code is repealed.

CHAPTER 1614

An act to add Section 22358.3 to the Vehicle Code, relating to speed limits.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 22358.3 is added to the Vehicle Code, to read:

22358.3. Whenever the legislative body of any city determines upon the basis of an engineering and traffic survey that the prima facie speed limit of 25 miles per hour in a business or residence district on any street having a roadway not exceeding 25 feet in width, other than a state highway, is more than is reasonable or safe, such legislative body may by ordinance determine and declare a prima facie speed limit of 20 or 15 miles per hour, whichever is found most appropriate and is reasonable and safe. The declared prima facie limit shall be effective when appropriate signs giving notice thereof are erected upon the street.

CHAPTER 1615

An act to add Sections 8961.8, 8962.1, and 8962.2 to the Health and Safety Code, relating to grave markers.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 8961.8 is added to the Health and Safety Code, to read:

8961.8. The district may require that monuments or markers, meeting such minimum requirements as to permanency as the district may prescribe, shall be erected upon the grave.

SEC. 2. Section 8962.1 is added to said code, to read:

8962.1. The district may cause to be purchased and erected suitable markers of a permanent type upon the graves of indigents or other persons buried within the district whose estates are insufficient to defray the cost of such monuments or markers or who have no responsible survivors to provide the monuments or markers.

SEC. 3. Section 8962.2 is added to said code, to read:

8962.2. The district may accept monetary gifts or donations for the purpose of purchasing or erecting the monuments or markers authorized by Section 8962.1. The monetary gifts or donations shall only be used for such purpose. The district may also use funds raised by taxation for the purpose of purchasing or erecting the markers authorized by Section 8962.1, but such expenditures shall be limited to twenty dollars ($20) per each grave.

SEC. 4. Sections 8961.8, 8962.1, and 8962.2 of the Health and Safety Code shall remain in effect until October 1, 1971, and shall have no force or effect after that date.

CHAPTER 1616

An act to add Section 1158.5 to the Civil Code, relating to gifts to minors.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1158.5 is added to the Civil Code, to read:

1158.5. In lieu of the powers and duties described in subdivision (b) of Section 1158, a donor who is also the custodian may elect to govern his custodial powers and duties under this section. If such election is made, the custodian shall not pay over to the minor for expenditure by him, nor expend for the

minor's benefit, any part of the custodial property for any purpose prior to the time specified in subdivision (d) of Section 1158, except by order of the court upon a showing that such expenditure is necessary for the support, maintenance or education of the minor. When the powers and duties of the custodian are governed by this section, the donor-custodian shall file with the clerk of the court a declaration in substantially the following form:

Declaration Under the California
Uniform Gift to Minors Act

I, _____, as custodian for
(Name of donor-custodian)
_____ under the California Uni-
(Name of minor)
form Gift to Minors Act, hereby irrevocably elect to be governed under Section 1158.5 of the Civil Code in my custodial capacity over the following described property _____
_____.
(Description of gift property)

I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____, 19___

_____
(Signature of donor-custodian)

CHAPTER 1617

An act to add Sections 21258 and 21645 to the Public Utilities Code, relating to buildings and structures.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 21258 is added to the Public Utilities Code, to read:

21258. Notwithstanding any other provision of law, if the proposed site of any state building or other enclosure is within two miles, measured by air line, of that point on an airport boundary which is nearest the site, the state agency or office which proposes to construct the building or other enclosure shall, before acquiring title to property for the new state building or other enclosure site or for an addition to a present site, notify the Division of Aeronautics, in writing, of the proposed acquisition. The Division of Aeronautics shall investigate the proposed site and, within 25 days after receipt of the notice, shall submit to the state agency or office which proposes to construct the building or other enclosure a written

report of the investigation and its recommendations concerning acquisition of the site.

If the report of the Division of Aeronautics does not favor acquisition of the site, no state funds shall be expended for the acquisition of the new state building or other enclosure site, or the expansion of the present site, or for the construction of the state building or other enclosure, provided that the provisions of this section shall not affect title to real property once it is acquired.

SEC. 2. Section 21645 is added to said code, to read:

21645. After the effective date of this section, no public utility shall construct any pole, pole line, distribution or transmission tower or tower line, or substation structure in the vicinity of the exterior boundary of an aircraft landing area of any airport open to public use, in such a location with respect to such airport and at such a height as to constitute an obstruction to air navigation, as an obstruction is defined in accordance with the Federal Aviation Agency's Technical Standard Order N 18 or any corresponding rules or regulations of the Federal Aviation Agency, unless the Federal Aviation Agency has determined that such pole, line, tower, or structure does not constitute a hazard to air navigation. This section shall not apply to existing poles, lines, towers, or structures or to the repair, replacement, or reconstruction thereof if the original height is not materially exceeded and this section shall not apply unless just compensation shall have first been paid to the public utility by the owner of any such airport for any property or property rights which would be taken or damaged hereby.

CHAPTER 1618

An act to add Section 21690.1 to the Public Utilities Code, relating to airports.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 21690.1 is added to the Public Utilities Code, to read:

21690.1. Whenever any airport, for which payments have been made from the Airport Assistance Fund, ceases to be used as an airport open to the general public for a period in excess of one year, the city, county or airport district to which such payments were made shall pay to the state, which payments shall be deposited in the Airport Assistance Fund, an amount computed by the division. The amount shall equal the total of all payments made for such airport from the Airport Assistance Fund during the preceding 20 years less 5 percent

of the amount of a particular payment multiplied by the number of years since the payment was made; provided, that the provisions of this section shall not be applicable to an airport that is replaced by a comparable facility within a period of one year.

Any moneys derived from any payments provided for in this section shall not be available for expenditure unless appropriated.

CHAPTER 1619

An act to add Section 27500 to the Vehicle Code, relating to standards for tires.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 27500 is added to the Vehicle Code, to read:

27500. (a) The department shall adopt regulations relating to standards and certification procedure for new tires of the passenger vehicle type as it determines necessary to provide for public safety.

(b) In adopting these regulations, the department shall consider as evidence of generally accepted standards, the rules and regulations which have been adopted by the Vehicle Equipment Safety Commission

(c) In adopting these regulations, the department shall consider carcass strength, size and load capacity, performance and mounting characteristics.

(d) No person shall sell or offer for sale any new tire of the passenger vehicle type that is not in compliance with such regulations. This subdivision shall become operative six months after the date upon which the regulations adopted become effective.

(e) This section shall have no application to motorcycles or house cars.

CHAPTER 1620

An act to amend Section 10506 of the Insurance Code, relating to insurers, pension funds, separate accounts, and issuance of annuities.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 10506 of the Insurance Code is amended to read:

10506 (A) Any domestic life insurance company may, after adoption of a resolution by its board of directors, allocate to one or more separate accounts, in accordance with the terms of a written agreement which shall be filed with the Insurance Commissioner for approval, any amounts which are paid to the company in connection with a pension, retirement or profit-sharing plan, and which are to be applied in payment or in making provision for payment under the company's policies or contracts of retirement benefits, and other benefits incidental thereto, in fixed or variable dollar amounts, or both. The income, if any, and gains or losses, realized or unrealized, on each such account shall be credited to or charged against the amount allocated to the account in accordance with the agreement, without regard to the other income, gains or losses of the company. The amounts allocated to such accounts and accumulations thereon, by any life insurance company shall be invested and reinvested as specified in the agreement, except a domestic company shall invest or reinvest only in such investments described in Article 3 (commencing with Section 1170), and Article 4 (commencing with Section 1190) of Chapter 2, Part 2, Division 1. The limitations contained in Sections 1192.4 and 1198 are not applicable to such investments Such investments shall not be included in determining the propriety of other investments of the company. The liability of the company with respect thereto, but only to the extent prescribed in the agreement, shall be shown on the statement of the company in the manner prescribed by the commissioner Amounts allocated by an insurance company to separate accounts in the exercise of the power granted by this section shall be owned by the company, and the company shall not be, or hold itself out to be, a trustee in respect to such amounts.

(B) This section shall not apply to amounts contributed by a participant who is entitled to retirement or other incidental benefits under a pension, retirement or profit-sharing plan, except, this provision shall not be construed to prevent contribution of amounts by a participant or application of amounts to the purchase of retirement or other incidental benefits under pension, retirement and profit-sharing plans established pursuant to the Self-Employed Individuals' Tax Retirement Act of 1962 nor shall it be construed to prevent contribution or application of amounts to the purchase of retirement or other incidental benefits under pension or retirement plans established pursuant to the provisions of Section 403(b) of the Internal Revenue Code of 1954 as amended.

(C) The purpose and intent of this section is to permit the issuance and delivery of policies or contracts, in connection with a pension, retirement or profit-sharing plan, providing for the payment of benefits in fixed or variable amounts, or both, and the establishment of separate accounts by domestic companies for the administration of and investments under such agreements. To protect the public and policyholders located in this state from hazardous operation by domestic and

foreign companies, and to further the purpose and provision of this section, no domestic or foreign life insurance company shall undertake the issuance of any contract providing for variable benefits until said company has satisfied the commissioner that it has been engaged in transacting the business of life insurance for a period of at least two years and that its condition or method of operation in connection with the issuance of such contracts will not be such as would render its operation hazardous to the public or its policyholders in this state. In determining the qualification of a company requesting authority to issue contracts providing for variable benefits within this state the commissioner will consider among other things, (a) the history of the company; (b) the character, responsibility and general fitness of the officers and directors of the company; and (c) the regulation of a foreign company by its state of domicile. The commissioner may make such reasonable rules and regulations as are necessary, proper and advisable concerning the issuance and delivery of such policies and contracts and the payment of benefits thereunder and the manner in which the separate accounts shall be administered.

Provided, however, that no company may provide variable benefits in its contracts unless it is an admitted insurer having admissible assets of two hundred fifty million dollars ($250,000,000) or more, or combined capital and surplus of sixteen million dollars ($16.000,000) or more.

CHAPTER 1621

An act to add Section 25434 to the Education Code, relating to junior colleges.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 25434 is added to the Education Code, to read:

25434. During the first five years following the formation of a junior college district, no territory shall be removed from the district under any procedure unless the consent of the governing board of the district has been given prior to commencement of the proceedings for removal or unless the removal of such territory is provided for in the plans and recommendations of the county committee.

CHAPTER 1622

An act to amend Section 68073 of the Government Code, relating to the courts, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 68073 of the Government Code is amended to read:

68073. In each county the board of supervisors shall provide suitable rooms for holding the superior, municipal and justice courts, for the chambers of the judges of said courts and for court attendants, together with sufficient attendants, heat, light, furniture, furnishings, equipment, stationery, supplies, and other personal property, for said rooms and chambers and for the transaction of the business of the courts. Prior to the construction of new court facilities, the board of supervisors shall submit proposed plans to the judge or judges of the affected court for review and recommendation as to the adequacy and standard design and such review and recommendation shall not be disregarded without reasonable grounds.

If the board of supervisors of any county does not provide suitable rooms for holding the superior, municipal or justice courts, for the chambers of the judges of said courts and for the court attendants, together with sufficient attendants, furniture, furnishings, heat, light, equipment, stationery, supplies and other personal property, for said rooms and chambers and for the transaction of the business of the courts, the courts or the judge or judges of such courts may direct the sheriff of the county to provide the same. The expenses incurred in providing the same, certified by the judge or judges to be correct, are a charge against the county treasury, and shall be paid out of the general fund.

This section shall not be construed as authorizing the county to supply to the official reporters of the courts Stenograph, Stenotype or other shorthand machines; nor as authorizing the county to supply to the official reporters of the courts, for use in the preparation of transcripts, typewriters, transcribing equipment, supplies or other personal property.

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:

Plans for the construction of court facilities are presently being considered throughout the state. Because of the large number of courts affected by this act, it is necessary that its provisions take effect immediately in order that such construction programs can be undertaken properly with the approval

of the judges so as to insure the efficient administration of such programs.

CHAPTER 1623

An act to amend Sections 1101, 1103, 1142.2, and 1142.3 of, and to add Section 1142.5 to, the Agricultural Code, and to add Section 26470.1 to the Health and Safety Code, relating to eggs.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1101 of the Agricultural Code is amended to read:

1101. As used in this article with relation to eggs:

(a) "Addled" or "white rot" means putrid or rotten.

(b) "Adherent yolk" means the yolk has become fastened to the shell.

(c) "Blood" means the presence of blood rings or blood veins due to embryo development, or blood diffused into the white.

(d) "Candling" means the examination of the interior of eggs by the use of transmitted light.

(e) "Clean" means that no dirt or foreign substance may be adhering to the surface of the eggshell and no stain or discoloration other than that caused by processing oil shall exceed an aggregate area of one-quarter inch in diameter.

(f) "Reasonably clean" means that no dirt or foreign substance may be adhering to the surface of the eggshell and no stain or discoloration other than that caused by processing oil shall exceed an aggregate area of one-half inch in diameter.

(g) "Eggs" means eggs in the shell from chickens, turkeys, ducks, geese, or any other species of fowl.

(h) "Moldy" or "black spot" or "black rot" means the presence of mold or bacteria inside the shell.

(i) "Processed" means that the shell has been treated with oil or other preservative preparation.

(j) "Sound" means that the shell is free from cracks.

(k) "Uniform in size" means that the eggs in any one container shall not vary more than three-eighths of an ounce in weight.

(*l*) "Visible germ development" means that there has been some development of the germ which is slightly visible as a deeper colored area on the yolk as shown by candling the egg.

(m) "Firm white" means that the white is sufficiently thick or viscous to permit but little movement of the yolk from the center of the egg.

(n) "Checks" are eggs with shells which are not sound as determined by candling, appearance, or other means; provided, no exudation is present.

(o) "Dirties" are eggs with shells which are not reasonably clean as determined by appearance.

(p) "Incubator rejected eggs" and "incubator reject eggs" means eggs which have been placed in an incubator and thereafter have been removed from the incubator.

(q) "Inedible eggs" are eggs which, as determined by candling or any other means, contain black spot, black rot, white rot, mixed rot (addled), adherent yolks, bloody or green white, blood, embryo chicks, sour eggs, musty eggs, or which are moldy, filthy, decomposed, putrid, incubator rejected or otherwise unfit for human consumption in whole or in part.

Eggs with the shell cracked to the extent that the contents of the egg exude to the outside surface of the shell shall be considered to be "inedible eggs".

(r) "Denatured" means eggs (1) made unfit for human food by treatment or the addition of a foreign substance, or (2) with one-half or more of the shell's surface covered by a permanent black, dark purple or dark blue dye.

(s) "Clear white" means that the white is free from discoloration or foreign bodies.

SEC. 2. Section 1103 of said code is amended to read:

1103. It is unlawful to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport or sell in bulk or in containers or subcontainers eggs:

(a) Unless each container and subcontainer of chicken eggs is marked with the full, correct and unabbreviated designation of size and quality of the eggs therein according to the standards as prescribed in this article together with the name and address of the producer, dealer, retailer, or agent by or for whom the eggs were graded or marked;

(b) Which are mislabeled;

(c) Which are deceptive;

(d) That are or contain inedibles which are not denatured; provided, that not to exceed 5 percent by count of inedibles, other than incubator reject eggs, shall be permitted when eggs are going to a dealer for candling and grading, or to a breaking plant for breaking purposes.

(e) That are or contain inedibles which are denatured when the eggs are going to a dealer for candling and grading or to a breaking plant for breaking purposes.

Only one description of the size and quality of eggs shall appear upon a container, subcontainer or placard required by this article, except that as to eggs placed in containers the markings may show different size and quality descriptions for specified quantities of eggs in the container.

Designations of size and quality required by this section to be marked upon containers of eggs shall be plainly and conspicuously marked in boldface type letters (1) not less than one-fourth inch in height on the outside top face of each container holding less than 15 dozen eggs and (2) not less than one-half inch in height on one outside end of any oblong con-

tainer holding 15 dozen or more eggs and on one outside side of any other container holding 15 dozen or more eggs.

SEC. 3. Section 1142.3 of said code is amended to read:

1142.3. Egg products shall be prepared only from eggs that are fit for human consumption, under sanitary conditions that meet the approval of all state rules and regulations prescribed under authority of the California Pure Foods Act (Chapter 3 (commencing with Section 26450), Division 21) and Chapter 7 (commencing with Section 28280) of Division 21 of the Health and Safety Code; egg products prepared outside of the state but within the United States must bear a certificate of an authorized representative of any federal, state, county, or city department that is authorized to inspect food products which certifies that the egg products have been prepared only from eggs that are fit for human consumption and that they have been prepared under sanitary conditions.

For the purpose of this section the following eggs will be considered inedible or unfit for human consumption:

(1) Eggs containing black spot, black rot, white rot, mixed rot (addled), adherent yolks, bloody or green white, blood, embryo chicks, sour eggs, musty eggs, or eggs which consist in whole or in part of a moldy, filthy, decomposed, or putrid substance;

(2) Any egg with adhering dirt or fecal matter unless washed prior to breaking;

(3) Eggs which are cracked to the extent that the contents of the egg exudes to the outside surface of the shell. Notwithstanding the provisions of this subdivision or of subdivision (q) of Section 1101, such eggs may be used in egg products provided that: (a) such eggs become leakers after their receipt at the breaking plant, (b) such eggs are placed on trays of such material and design as to be easily cleaned and sanitized with not more than one egg per cell, and (c) such eggs are transferred promptly to the breaking room to be broken by specially trained personnel;

(4) Incubator reject eggs, except for use in animal food or animal food products;

(5) Any egg that is adulterated within the meaning of the California Pure Foods Act. (Chapter 3 (commencing with Section 26450), Division 21 of the Health and Safety Code.)

SEC. 4. Section 1142.2 of said code is amended to read:

1142.2. All egg-breaking establishments shall consist of at least the following and distinctly separate rooms or areas:

(a) Candling Room (1) Candling room must be separate from the breaking room, but may join the latter, if provided with a tightly fitted door or similar opening.

(2) There shall be provided ample receptacles to hold all rejected eggs

(3) Egg products which are not fit for human food shall be placed in a conspicuously marked container which contains a denaturant of such character as will prevent such products from being used as human food but such denaturant need not

make such product unacceptable as an animal food or animal food product.

(4) All candled eggs shall be placed in clean and sanitary containers before sending them to the breaking room.

(5) All eggs must be candled with care using every precaution to keep those eggs classed as unfit for human food out of the breaking room.

(b) Breaking Room. (1) The breaking room shall have walls and ceiling of white enamel, tile, paint, or other waterproof covering

(2) The floor must be impervious to water and supplied with ample drains.

(3) The intersections of the wall and the floor shall be finished in the so-called sanitary or cove finish.

(4) All windows and other exterior openings shall be adequately covered to keep out flies, dust and dirt.

(5) Tables shall be made of metal, porcelain or other impervious material, or covered with a similar material.

(6) All eggs shall be broken on detachable metal knives and the contents of the shell emptied into a glass, metal or other approved cup.

(7) A careful examination for appearance and odor shall be made of all eggs in such cup prior to pouring into the packing container

(8) If any eggs in the cup are not of the classes permitted for human food, the cup and contents and knives shall be removed to the washing area and properly sterilized apparatus shall be substituted.

(9) Before the clean equipment is received, the hands of the egg breaker must be washed clean in a wash basin provided for that purpose in the breaking room, and must be properly dried on a fresh, clean towel or by some other sanitary device.

(10) The separating of yolks and whites "by hand" is strictly prohibited. Each separation must be effected by a sanitary mechanical device

(11) All employees in the breaking room shall wear clean white caps and outer garments of washable material

(c) Washing and Sterilizing Area. (1) The washing and sterilizing area shall be separate and apart and shall be provided with a waterproof floor ample daylight, hot and cold running water The hot water to be not less than 160 degrees F.

(2) There shall be adequate facilities for the washing, rinsing and sterilizing of all utensils containers, et cetera

(3) All vats, receptacles, implements, et cetera, shall be thoroughly washed and sterilized before using.

(4) All floors and tables shall be scrubbed at least once daily or oftener if needed.

(d) Chilling and Freezing Rooms. (1) Ample facilities shall be provided for the prompt cooling or freezing of liquid egg products Liquid eggs intended for immediate sale or use shall be properly cooled and delivery made within 24 hours after cracking.

(2) The freezing room shall have a waterproof floor, adequately cleaned.

SEC. 5. Section 1142.5 is added to said code, to read:

1142.5 (a) On or before June 1, 1966, all egg products for human consumption shall be pasteurized. Pasteurization is a process that shall consist of the uniform heating of egg products to a temperature of not less than 140 degrees Fahrenheit and of holding such products at such a temperature for not less than 3½ minutes. Such pasteurization shall be conducted in properly operated equipment and the products shall be cooled immediately to a temperature of 50 degrees Fahrenheit or below with the exception of egg whites which shall be cooled immediately to a temperature of 55 degrees Fahrenheit or below.

(b) In addition to the procedure authorized by subdivision (a), the State Department of Public Health is authorized to adopt rules and regulations providing procedures for treatment of egg products to make such products equally as safe for human consumption as treatment by the procedure provided in paragraph (a).

SEC. 6. Section 26470.1 is added to the Health and Safety Code, to read:

26470.1. Incubator reject eggs may not be used in food for human consumption but may be used for animal food or animal-food products.

CHAPTER 1624

An act to amend Section 1203.5 of, to repeal Sections 1203.6, 1203.7 and 1203.8 of, and to add Section 1203.6 to, the Penal Code, relating to probation.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1203.5 of the Penal Code is amended to read:

1203.5. The offices of adult probation officer, assistant adult probation officer, and deputy adult probation officer are hereby created. The probation officers, assistant probation officers and deputy probation officers appointed in accordance with Chapter 2 (commencing with Section 500) of Division 2 of Part 1 of the Welfare and Institutions Code shall be ex officio adult probation officers, assistant adult probation officers and deputy adult probation officers except in any county or city and county whose charter provides for the separate office of adult probation officer. When the separate office of adult probation officer has been established he shall perform all the duties of probation officers except for matters under the jurisdiction of the juvenile court. Any adult probation officer may accept

appointment as member of the Board of Corrections and serve in that capacity in addition to his duties as adult probation officer and may receive the per diem allowance authorized in Section 6025.1.

SEC. 2. Section 1203.6 of said code is repealed.

SEC. 3. Section 1203.6 is added to said code, to read:

1203.6. The adult probation officer shall be appointed and may be removed for good cause by the judge of the superior court or, in a county with two superior court judges, by the judge who is senior in point of service. In the case of a superior court of more than two judges, a majority of the judges shall make the appointment, and may effect removal.

The salary of the probation officer shall be established by the board of supervisors.

The adult probation officer shall appoint and may remove all assistants, deputies and other persons employed in his department, and their compensation shall be established, according to the merit system or civil service system provisions of the county. If no merit system or civil service system exists in the county, the board of supervisors shall provide for appointment, removal, and compensation of such personnel.

This section is applicable in a charter county whose charter establishes the office of adult probation officer and provides that such officer shall be appointed in accordance with general law subject to the merit system provisions of the charter.

SEC. 4. Section 1203.7 of said code is repealed.

SEC. 5. Section 1203.8 of said code is repealed.

CHAPTER 1625

An act to amend Section 2922 of the Revenue and Taxation Code, relating to property taxation.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 2922 of the Revenue and Taxation Code is amended to read:

2922. (a) Taxes on the unsecured roll as of July 31st if unpaid are delinquent August 31st at 5 p.m., and thereafter a delinquent penalty of 6 percent attaches to them. Taxes added to the unsecured roll after July 31st, if unpaid are delinquent at 5 p.m. on the last day of the month succeeding the month in which the assessment was added to the unsecured roll and thereafter a delinquent penalty of 6 percent attaches to them, except that taxes transferred to the unsecured roll pursuant to Section 4986 of this code to which penalties had attached while on the secured roll and also were transferred shall be

subject only to the additional penalties prescribed by subdivision (b). If August 31st or the last day of any month falls on Saturday, Sunday or a legal holiday, the time of delinquency is 5 p.m. on the next business day.

(b) If taxes on the unsecured roll are unpaid by 5 p.m. of the last day of the fourth succeeding month after the 6 percent penalty attaches pursuant to subdivision (a), an additional penalty of 1 percent attaches to them on the first day of each month thereafter to the time of payment or to the time a court judgment is entered for the amount of the unpaid taxes and penalties, whichever occurs first If the last day of any month falls on Saturday, Sunday or a legal holiday, the time of delinquency is 5 p.m. on the next business day.

CHAPTER 1626

An act to add Chapter 8 (commencing with Section 885) to Division 1 of the Streets and Highways Code, and Chapter 14 (commencing with Section 23340) to Division 11 of the Vehicle Code, relating to parkways.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Chapter 8 (commencing with Section 885) is added to Division 1 of the Streets and Highways Code, to read:

CHAPTER 8. PARKWAYS

Article 1. General Provisions

885. The Legislature of the State of California hereby finds and declares that it is desirable to develop a parkway program in this state which will make available controlled speed access through highly scenic areas and areas containing uniquely outstanding natural resource and historic values for the recreational travel enjoyment of the motoring public. It is further declared that it is desirable for the state to cooperate with the federal government for the development of national parkways and to encourage the development of such parkways.

885.1. This chapter may be cited as the California Parkway Act.

885.2. Unless the particular provision or the context otherwise requires, the general provisions set forth in this article govern the construction of this chapter.

885.3. "Parkway" means an elongated park, which includes a road designed for pleasure travel, together with appropriate roadside complementary facilities, which embraces features of scenic, recreational or historic interest. In respect

to a parkway, the owners of lands abutting it have no right or easement of access to or from their abutting lands or such owners have only a limited or restricted right of such access. Commercial vehicles are not permitted upon or within such parkway unless specifically so authorized by the department pursuant to Section 23341 of the Vehicle Code.

885.4. "Roadside complementary facilities" include, but are not limited to, scenic turnouts, roadside rests, parking areas, picnicking and camping facilities, and trails for pedestrians, equestrians and bicycles.

885.5. If any portion of this chapter is held unconstitutional, such decision shall not affect the validity of any other portion of this chapter.

Article 2. The State Parkway System

886. The Department of Parks and Recreation shall report to the Legislature, upon the advice of the Advisory Committee on a Master Plan for Scenic Highways, its recommendations concerning potential parkway routes that might be established by the Legislature as part of the state parkway system.

886.1. In determining the location of potential parkways, such department should be guided generally by the following criteria, all of which need not be applicable in every instance:

(a) The scenic, natural resource, historic, or cultural character of the corridor through which the roadway passes should be of a quality high enough to merit state or national recognition, or should be of significant interest to be a destination, in and of itself, for recreation purposes.

(b) The road should provide a variety of visual experiences, such as changes in terrain, type of landscape, or land use activity.

(c) The parkway should provide access to, or links between, existing or proposed parks, other public recreation areas, or points of scenic, cultural, or scientific interest; whenever feasible, it should provide opportunities for the development of roadside complementary facilities at intervals, adjacent to the roadway.

(d) The route should complement the most desirable scenic, historic, natural resource and recreational features of the area. The most direct route is not a controlling consideration.

(e) It should be capable of being developed so as to incorporate all or some of the following design criteria:

(1) Lower design speeds should be adopted for parkways than for conventional highways. The geometric design should foster graceful groundfitting horizontal and vertical alignment, appropriate curves and striking vistas and should accommodate the anticipated volume of traffic without hazard to the road users.

(2) Strict control of access from adjoining property to the parkway roadway should be imposed. The Department of Pub-

lic Works is authorized to lay out and construct local service roads within or along any parkway so as to provide access to adjoining property.

(3) Intersections at grade within the parkway should be kept to a minimum. Whenever feasible, grade separation structures shall be used to eliminate public and private road crossings of the parkway roadway.

886.2. The report required by Section 886 shall contain the following information concerning each proposed parkway route: Its approximate location, the estimated total area of the proposed parkway, the estimated length of the roadway within the proposed parkway, a general description of the roadside complementary facilities, and a separate estimate of the following: the cost of constructing the parkway, including right-of-way costs, engineering costs, landscaping costs, and the costs of constructing the complementary facilities; the cost of maintaining the roadway, the cost of maintaining the corridor, and the cost of maintaining the roadside complementary facilities.

886.3. As part of its procedures for preparing such report, such department shall conduct public hearings at such times and places as to afford interested parties an opportunity to express their views concerning the matter.

Article 3 Parkway Construction

887. After the Legislature has established a state parkway route, the Department of Parks and Recreation shall design, construct and maintain such parkway pursuant to the provisions of this chapter, except that the Department of Public Works shall design and construct the roadway. The Department of Public Works shall employ architects and landscape architects in addition to engineers in decisions involving the location and design of roads and interchanges, to insure that such design be in harmony with the landscape.

887.1. The design for such a roadway shall be submitted to the Department of Parks and Recreation and to the Advisory Committee on a Master Plan for Scenic Highways, and upon their joint approval such a roadway shall be constructed by the Department of Public Works in accordance with the approved design.

887.2. The Department of Parks and Recreation may, when funds are specifically appropriated therefor by the Legislature, acquire by purchase, gift, grant, bequests, demise, lease, condemnation or otherwise, the fee or any lesser interest or right in real property, including but not limited to access rights and scenic easements, for the purpose of establishing such parkway.

887.3. The Department of Parks and Recreation may, when funds are specifically appropriated therefor by the Legislature, also acquire the fee to any property for the purpose of conveying or leasing said property to its original

owner or another person under such covenants or other contractual arrangements so as to conserve the scenic character and value of the property in accordance with the purposes of this chapter.

887.4. The provisions of Sections 100 2 and 100 25 relating to agreements for the closing of city streets and county highways shall also apply in connection with the establishment of a parkway.

887.5. The cost of parkway construction shall be expended from funds other than those available for state highway construction. The Department of Parks and Recreation may also accept grants on behalf of the state and may accept financial or other assistance for, or in aid of, the state parkway system.

Article 4. Parkway Maintenance

888. The Department of Parks and Recreation shall maintain all parkway property within the state parkway system from funds other than those available for state highway purposes.

888 1. The Department of Parks and Recreation may contract with other governmental agencies or private organizations or individuals for the maintenance of all or any portion of a parkway.

888 2. It shall be unlawful for any person to throw or deposit any substance in a parkway other than in a receptacle provided for that purpose. It shall be unlawful for any person to deposit in the receptacles provided for refuse in a parkway any refuse or waste from homes, farms, or commercial establishments, or other material which does not arise out of the use of the parkway by a member of the traveling public The violation of this section shall be a misdemeanor punishable as provided in Section 42002 of the Vehicle Code, and all of the provisions of Chapter 2 (commencing with Section 40 300) of Division 17 of the Vehicle Code shall apply to an offense committed under this section the same as if such offense were made an offense by the Vehicle Code.

888.3. The Department of Parks and Recreation may enact rules and regulations governing the time and manner of use of each parkway and all state laws and such rules and regulations of the department shall be administered and enforced within the parkway by all employees of the state authorized by the department to do so and by all peace officers.

888 4. In the administration of parkways, the Department of Parks and Recreation may grant permits and easements pursuant to the provisions of Section 5012 of the Government Code and issue revocable licenses or permits for rights-of-way across and upon parkway lands, or for the use of parkway lands by the owner or lessees of adjacent lands, for such purposes and under such nondiscriminatory terms, regulations and conditions as it may determine to be consistent with the use of such lands for parkway purposes.

Article 5. Cooperation With the United States

889. This article is intended to enable the state to participate in any U.S. parkway program.

889.1. Except as provided in Section 889.2, the Department of Parks and Recreation shall take such state action as may be required to participate in any U.S. parkway program.

889.2. Upon approval by the Legislature, such department is authorized to transfer, assign and convey at one time, or from time to time, by deed or deeds, to the United States of America, or any department, bureau, board, commission or official thereof, who will agree to construct or improve a parkway thereon, the land, or any part thereof, expressly designated for such conveyance by the Legislature. Upon such conveyance or conveyances the land conveyed shall cease to be a part of the state parkway system.

SEC. 2. Chapter 14 (commencing with Section 23340) is added to Division 11 of the Vehicle Code, to read:

CHAPTER 14. PARKWAYS

23340 The Transportation Agency may adopt rules and regulations for the control of traffic and the issuance of encroachment permits pursuant to the provisions of this division upon or within parkways so as to insure the safe and orderly flow of traffic therein, and to insure leisurely enjoyment of the environmental amenities.

23341. It is unlawful for commercial vehicles to operate upon or within a parkway except as expressly permitted by rules and regulations adopted by the Transportation Agency

23342. So far as practicable, the Transportation Agency shall notify the public of the rules and regulations relating to parkways by means of signs. The Transportation Agency shall also cause to be published and made available to the public copies of the traffic laws and rules and regulations applicable to each parkway.

23343. It is unlawful to violate any of the rules or regulations adopted under this chapter.

CHAPTER 1627

An act to amend Section 20814.5 of the Government Code, relating to the State Employees' Retirement System

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 20814.5 of the Government Code is amended to read:

20814.5 Any local member of this system who was in the service of a public agency which was not a contracting agency before entering the service of the contracting agency has the right to elect, by written election filed with the board at any time while in the employ of the contracting agency prior to October 1, 1967, to make contributions pursuant to Section 20815, and to receive credit in this system as state service for, all or any part of the time he was in the service of a noncontracting agency prior to October 1, 1959. A member shall not, however, receive credit as state service for any portion of such local service constituting prior service unless he has elected to make, and has made, contributions pursuant to Section 20815 for all of his local service with the noncontracting agency constituting current service. No election shall be effective for any purpose unless accompanied by a lump-sum payment of the contributions and interest due, or by an authorization for immediate institution of payroll deductions for installment payment thereof.

CHAPTER 1628

An act to amend Section 6580 of, and to add Sections 6580.1 and 6580.2 to, the Health and Safety Code, relating to general elections in sanitary districts.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 6580 of the Health and Safety Code is amended to read:

6580. Except as hereafter provided, all elections of officers, after the formation of the district shall be held on the second Tuesday in September.

SEC. 2. Section 6580.1 is added to said code, to read:

6580.1. The election of directors may be consolidated with the direct primary election if the board of directors passes a resolution to that effect and states in the resolution those offices of director to be filled at the first consolidated election. The offices which may be filled at the first consolidated election in those districts formed in odd-numbered years are those offices which would have expired the next succeeding year after the first consolidated election, and for districts formed in even-numbered years may be those offices which would have expired in the next succeeding even-numbered year after the first consolidated election. In the event this consolidation procedure is used then all other offices of director in both districts formed in odd- and even-numbered years shall expire and be filled at the next succeeding consolidated election.

If the election of directors is consolidated, each candidate for director who at such election receives votes on a majority of all the ballots cast for candidates for the office for which he seeks nomination shall be elected to such office. If at such primary election, as to any such office, none of the candidates receives such majority, the two candidates who receive the highest number of votes cast on all the ballots cast for candidates for such office, shall be the candidates for such office at the ensuing district election, which latter election shall be held at the same time as the next succeeding general election and shall be consolidated therewith. For such consolidated elections candidates shall declare their candidacy and shall be nominated, election returns shall be canvassed, the election shall be held and conducted, the results shall be declared, and the certificates of election shall be issued, in the same manner as the declaration of candidacy, nomination, election, canvassing of returns, declaration of results, and issuance of certificates of election for county officers are made, declared, held, and conducted, and issued, so far as consistent with the provisions of this section. Directors elected under the procedure provided in this section, except the first board of directors, shall take office at the same time provided by the Government Code for county officers. Elections held under this section at the time of the direct primary election and consolidated therewith shall be known as the general district election and each other election in a district holding elections under this section which may be held by authority of this law or the Elections Code or other law applicable thereto shall be known as a special district election.

The provisions of Chapter 4 (commencing with Section 23300) of Division 12 of Part 2 of the Elections Code shall apply to every consolidation under this section.

SEC. 3. Section 6580.2 is added to said code, to read:

6580.2. If the election of directors is consolidated with the direct primary election, in lieu of changing the terms of the offices of director as provided in Section 6580.1, the board of directors may appoint a director to fill any office of director the term of which expires prior to the date of the consolidated primary election at which the director is to be elected. The director so appointed shall hold office until his successor is elected and qualified Directors elected at such a consolidated election shall take office at the same time provided by the Government Code for county officers and shall hold office for four years.

This section does not affect the provisions of Section 6580.1 relating to the election of directors when a candidate does not receive a majority of all the ballots cast for candidates of the office at the consolidated primary election except that an appointed director shall remain in office until his successor is elected and qualified, nor to the conducting or canvassing of returns of such a consolidated election.

CHAPTER 1629

An act to amend Sections 18669.1, 18925, 18945 and 18946 of, to amend and renumber the heading of Article 3 (commencing with Section 18940) of Chapter 7 of Division 7 of, and to add Section 18945.1 to, and Article 3 (commencing with Section 18930) to Chapter 7 of Division 7 of, the Financial Code, relating to insurance premium financing.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 18669.1 of the Financial Code is amended to read:

18669.1. The provisions of Sections 18209, 18668, 18668.1, 18668.2, 18668.3 and 18669 shall not apply to a premium finance agency.

SEC. 2. Section 18925 of said code is amended to read:

18925. The insurer within a reasonable time after the effective date of cancellation shall return whatever gross unearned premiums or accrued dividends are payable under the insurance contract to the company, which financed the insurance contract, for the benefit of the insured. Whenever the return premium is in excess of the amount due to the company, such an excess shall be remitted promptly to the insured or to his order.

SEC. 3. The heading of Article 3 (commencing with Section 18940) of Chapter 7 of Division 7 of said code is amended and renumbered to read:

Article 4. General Provisions

SEC. 4. Article 3 (commencing with Section 18930) is added to Chapter 7 of Division 7 of said code, to read:

Article 3. Limitation on Finance Charges

18930. A premium finance agency shall not, except as otherwise provided by law, impose, take, receive, reserve or charge a finance charge which in the aggregate is greater than that which is permitted by this article.

18931. A premium finance agency may, in a premium finance agreement, contract for, charge, receive, and collect a finance charge which shall not exceed in the aggregate:

(a) One and one-quarter percent ($1\frac{1}{4}\%$) per month on that part of the unpaid principal balance of any loan up to, including, but not in excess of, seven hundred dollars ($700).

(b) Five-sixths of one percent ($\frac{5}{6}$ of 1%) per month on any remainder of such unpaid principal balance in excess of seven hundred dollars ($700).

18932. If the finance charge computed under Section 18931 is less than twelve dollars ($12), a minimum finance charge of twelve dollars ($12) may be imposed, except that:

(a) When the principal balance is not in excess of one hundred dollars ($100) and is to be repaid in less than four (4) months the maximum charge shall be four dollars ($4).

(b) When the principal balance is not in excess of one hundred dollars ($100) and is to be repaid in four monthly installments, the maximum finance charge shall be six dollars ($6).

(c) When the principal balance is not in excess of one hundred dollars ($100) and is to be repaid in five or more monthly installments the maximum finance charge shall be eight ($8) dollars.

18932.1 The finance charge shall be computed from the effective date of the insurance coverage, provided that the company shall pay the premium due the insurer, either:

(a) Within 30 days from the effective date of the insurance coverage; or

(b) Within 30 days after the receipt by the company of a proper premium finance agreement; or

(c) Within 15 days after the company has mailed to the insured, notice of a revised finance agreement pursuant to Section 18921; whichever is later.

If the conditions of subdivision (a), (b), or (c) are not met the finance charge shall be computed from the date the proceeds of the loan are forwarded to the insurer. In the event the company receives a proper premium finance agreement later than 60 days from the effective date of the policy financed, a proportioned adjustment of the finance charge shall be made after such 60-day period.

18933. Notwithstanding the provisions of any premium finance agreement to the contrary, any insured may pay the obligation in full at any time before maturity of the final installment. If he does so, he shall receive a refund credit thereon computed in accordance with Section 18667, except where the amount of the refund credit for anticipation of payment is less than one dollar ($1) no refund need be made, and except that where the earned finance charge amounts to less than the minimum finance charge permitted by Section 18932, the company may retain as an earned finance charge a sum equal to the minimum permitted by Section 18932 or the maximum prescribed by Section 18932, whichever is applicable.

18934 In the event of a default of more than five days in the payment of any scheduled installment under the terms of a premium finance agreement, the company may charge and collect a default charge not exceeding an amount equal to the portion of the finance charge applicable to the final installment period. Said charge may not be collected more than once for the same default and may be collected at the time of such default or at any time thereafter. If such default charge is

deducted from any payment received after default occurs, and such deduction results in the default of a subsequent installment, no charge may be made for the resulting default.

SEC. 5. Section 18945 of said code is amended to read:

18945. Any downpayment which is made and which is received by the company from the insured, or from the insurance producer on behalf of the insured, shall be held by the company in trust for and in transit to the insurer, and shall be paid to the insurer, together with the balance of the premium payable pursuant to the terms of the premium finance agreement within 30 days from the effective date of the policy, or within 30 days after the receipt of a proper premium finance agreement by the company, or within 15 days after the company has mailed to the insured notice of a revised finance agreement pursuant to Section 18921, whichever is later. In the event that the premium is paid to the insurance agent or broker of record, such agent or broker of record shall not be deemed the agent of the company by reason of such payment.

SEC. 6. Section 18945.1 is added to said code, read:

18945.1. The down payments received by the company under the provisions of Section 18945, may be held by the company in trust in a separate bank account or depository, or in lieu thereof, the company may maintain a time deposit with a bank, savings and loan association, or comparable institution, or obtain a certificate or certificates of deposit from a bank, in an amount at least equal to the average amount of such downpayments being held at any given time by the company as ascertained by the commissioner, and which are payable to the insurer pursuant to the terms of the premium finance agreement. Such deposits or certificates shall be held in trust for the benefit of the insureds, as their relative interests in such downpayments may exist at any given time, and in the event of the insolvency of a company, such funds on deposit under the provisions of this section or as represented by a certificate or certificates of deposit shall be first applied to remitting the amount of the downpayment to the insureds on all premium finance agreements upon which the company has not then forwarded in full the downpayments collected from and then being held for insureds, and, if insufficient to pay all such amounts in full, then such funds shall be applied for such purposes pro rata.

SEC. 7. Section 18946 of said code is amended to read:

18946. Any corporation organized as an industrial loan company other than a premium finance agency shall conduct any insurance premium financing business under the authority of this chapter and it shall be subject to all of the provisions of this chapter in respect to such business, as if it were organized hereunder except that no cumulative capitalization requirement shall be imposed, nor shall the provisions of Article 3 (commencing with Section 18930) be applicable to such corporation.

SEC. 8. The Legislature finds that with sharp increases in the premiums for automobile and disaster insurance policies,

many families are experiencing difficulty in paying insurance premiums in lump sums. Thus, the public policy of encouraging Californians to carry insurance covering the operation of automobiles and loss due to disaster may suffer diminution. It is therefore necessary to provide some means under regulation by the state of extending credit to these families to assist them in securing that insurance coverage which public policy encourages. The Legislature recognizes that in some cases families desiring insurance may not be able to secure an extension of credit from normal conventional credit channels in the state and, therefore, that it is desirable to establish under regulation by the state, a separate means of extending credit on insurance policies and to make specific provisions which will enable private industry to provide this needed service, and that these are the reasons for the enactment of the insurance premium financing law and the changes in that law provided by this act.

CHAPTER 1630

An act to add Section 34328.5 to the Government Code, relating to ordinances.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 34328.5 is added to the Government Code, to read:

34328.5. The city council shall, immediately following its organization and prior to performing any other official act, if the city comprises territory formerly unincorporated, adopt an ordinance providing that all county ordinances theretofore applicable shall remain in full force and effect as city ordinances for a period of 120 days thereafter, or until the legislative body of the city has enacted ordinances superseding them, whichever shall first in time occur. The ordinance shall provide that no city ordinance enacted within said 120-day period of time shall be deemed to supersede any county ordinance unless the city ordinance specifically refers thereto, and states an intention to supersede it. Enforcement of the continuing county ordinances in the incorporated area shall be by the city except insofar as services of enforcement may be furnished in accord with Section 34333 of the code

CHAPTER 1631

An act to amend Section 13125 of the Education Code, relating to certificated employees.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 13125 of the Education Code is amended to read:

13125. No person otherwise qualified shall be denied the right to receive credentials from the State Board of Education, to receive training for the purpose of becoming a teacher, or to engage in practice teaching in any school, on the grounds he is totally or partially blind; nor shall any school district refuse to engage a teacher on such grounds, provided, that such blind teacher is able to carry out the duties of the position for which he applies in the school district.

The governing board of a school district may request the commission established pursuant to Section 363 for advice and assistance for purposes of this section, and it shall be the duty of the commission, upon such request, to render advice and assistance.

CHAPTER 1632

An act to add Sections 12230 and 12231 to the Government Code, relating to state archives, and making an appropriation.

[Approved by Governor July 15, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 12230 is added to the Government Code, to read:

12230. The Secretary of State shall establish a Document Preservation Shop and an Indexing Section to facilitate the preservation and indexing of the archives. He shall also prepare exhibitions of documentary materials from the archives to be displayed in the State Capitol Building.

SEC. 2. Section 12231 is added to said code, to read:

12231. In carrying out the provisions of this article, the Secretary of State shall consult with and give consideration to the recommendations of the California Heritage Preservation Commission, which for such purpose shall serve in an advisory capacity to the Secretary of State.

SEC. 3. There is hereby appropriated from the General Fund in the State Treasury to the Secretary of State the sum of twenty-six thousand seven hundred four dollars ($26,704), for the purposes of Section 12230 of the Government Code.

CHAPTER 1633

An act to amend Sections 405.1, 405.3, 405.4, and 405.5 of the Probate Code, relating to administration of estates of decedents.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 405.1 of the Probate Code is amended to read:

405.1. Qualification by a nonresident of the state as an executor, or removal from and residence without the state by an executor who was formerly a resident, is equivalent to and shall constitute an appointment by such executor of the Secretary of State to be his true and lawful attorney, upon whom may be served all lawful processes and notices of motion made under provisions of Section 385 of the Code of Civil Procedure in any action or proceeding against such executor with respect to the estate or founded upon or arising out of any of his acts or omissions as such executor, which appointment shall also be irrevocable and binding upon his executor or administrator.

SEC. 2. Section 405.3 of said code is amended to read:

405.3. Service of process or a notice of a motion to be made under provisions of Section 385 of the Code of Civil Procedure shall be made by delivering to and leaving with the Secretary of State by the plaintiff or his attorney in any action or proceeding against the executor, a copy of the statement filed by the executor under the provisions of Section 405.2, and two copies of the summons and complaint or notice of motion. The Secretary of State shall forthwith mail by registered mail one copy of said summons and complaint or notice of motion to the executor at his permanent address as shown in said statement delivered to the Secretary of State. Personal service of such process or notice of motion upon the executor wherever found outside the state shall be the equivalent of service as herein in this section provided.

SEC. 3. Section 405.4 of said code is amended to read:

405.4. Proof of compliance with Section 405 3 shall be made in the event of service by mail by certificate of the Secretary of State, under his official seal, showing said mailing. Such certificate shall be filed with the court from out of which such summons issued. In the event of personal service outside this state, such compliance may be proved by the return of any duly constituted public officer, qualified to serve like process or notice of motion of and in the state or jurisdiction where the executor is found, showing such service to have been made. Such return shall be appended to the original summons or notice of motion which shall be filed as aforesaid.

SEC. 4. Section 405.5 of said code is amended to read:

405.5. Service made under Section 405.3 shall have the same legal force and validity as if service had been made personally in this state; provided, however, that when summons and complaint is thusly served upon him, the executor may appear and answer the complaint within 30 days from the date of service, and such notice of motion must be served upon the executor at least 30 days in advance of the date of the hearing on the motion.

CHAPTER 1634

An act to amend Section 1122 of the Welfare and Institutions Code, relating to the Youth Authority.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1122 of the Welfare and Institutions Code is amended to read:

1122. Such divisions of instruction shall have jurisdiction over all courses of instruction. Such courses shall include academic and vocational training, and shall be subject to the approval of the State Superintendent of Public Instruction.

CHAPTER 1635

An act to add Section 14672.1 to the Government Code, relating to the letting of state property.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 14672.1 is added to the Government Code, to read:

14672.1. Notwithstanding Section 14670, the Director of General Services, with the consent of the Department of Corrections, may let to a nonprofit corporation, for the purpose of conducting an educational and work program for mentally retarded persons, and for a period not to exceed 20 years, real property, not exceeding five acres, located within the grounds of the Medical Facility at Vacaville, California.

CHAPTER 1636

An act to amend Section 669 of the Code of Civil Procedure and Section 731 of the Probate Code, relating to judgments after a party has died.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 669 of the Code of Civil Procedure is amended to read:

669. If a party dies after trial and submission of his case to a judge sitting without a jury for decision or after a verdict upon any issue of fact, and before judgment, the court may nevertheless render judgment thereon. Such judgment is not a lien on the real property of the deceased party, but is payable in the course of administration on his estate.

SEC. 2. Section 731 of the Probate Code is amended to read:

731. A judgment against a person who dies after trial and submission of his case to a judge sitting without a jury for decision or after a verdict is not a lien on the real property of the decedent, but is payable in due course of administration.

CHAPTER 1637

An act to amend Section 853.1 of the Penal Code, to amend Section 5560 of, and to add Sections 5560.5, 5560.6, 5560.7 and 5560.8 to, the Public Resources Code, relating to regional park districts.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 853.1 of the Penal Code is amended to read:

853.1. (a) A county, city, city and county may enact in its ordinances, violations of which are punishable as misdemeanors, clauses which provide that if any person is arrested for a violation of the ordinance, and such person is not immediately taken before a magistrate as is more fully set forth in this code, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court.

(b) The time specified in the notice to appear must be at least five (5) days after such arrest

(c) The place specified in the notice to appear shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were compiled with, or shall be an officer authorized by such court to receive a deposit of bail.

(d) The officer shall deliver one copy of the notice to appear to the arrested person and the arrested person in order to secure release must give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

(e) The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate shall fix the amount of bail which in his judgment, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall indorse upon the notice a statement signed by him in the form set forth in Section 815a of this code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to Section 1463 of this code.

(f) No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

SEC. 2. Section 5560 of the Public Resources Code is amended to read:

5560. Any violation of any ordinance, rule or regulation lawfully made by the board is a misdemeanor. Any judge of a justice court within any judicial district lying wholly or in part within the district, or any municipal court which may be established within the district, shall have jurisdiction of all prosecutions under this article for violations of any ordinances, rules or regulations adopted by the board of directors of any regional park district.

SEC. 3. Section 5560.5 is added to said code, to read:

5560.5. (a) A regional park district may enact in its ordinances clauses which provide that if any person is arrested for a violation of the ordinance, and such person is not immediately taken before a magistrate, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense

charged, and the time and place where and when such person shall appear in court.

(b) The time specified in the notice to appear must be at least five days after such arrest.

(c) The place specified in the notice to appear shall be the court of the magistrate before whom the person would be taken if the requirement of taking an arrested person before a magistrate were complied with, or shall be an officer authorized by such court to receive a deposit of bail.

(d) The officer shall deliver one copy of the notice to appear to the arrested person and the arrested person in order to secure release must give his written promise so to appear in court by signing the duplicate notice which shall be retained by the officer. Thereupon the arresting officer shall forthwith release the person arrested from custody.

(e) The officer shall, as soon as practicable, file the duplicate notice with the magistrate specified therein. Thereupon the magistrate shall fix the amount of bail which in his judgment, in accordance with the provisions of Section 1275 of the Penal Code, will be reasonable and sufficient for the appearance of the defendant and shall indorse upon the notice a statement signed by him in the form set forth in Section 815a of the Penal Code. The defendant may, prior to the date upon which he promised to appear in court, deposit with the magistrate the amount of bail thus set Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant shall not appear, either in person or by counsel, the magistrate may declare the bail forfeited, and may in his discretion order that no further proceedings shall be had in such case.

Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the county treasury for distribution pursuant to Section 1463 of the Penal Code.

(f) No warrant shall issue on such charge for the arrest of a person who has given such written promise to appear in court, unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgment, or to comply with the terms and provisions of the judgment, as required by law.

SEC. 4. Section 5560 6 is added to said code, to read:

5560.6. A regional park district may enact in its ordinances clauses which prohibit any person from willfully violating his written promise to appear in court regardless of the disposition of the charge upon which he was originally arrested.

SEC. 5 Section 5560.7 is added to said code, to read:

5560 7. A regional park district may further provide in its ordinance that when a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section 5560 5, the magistrate shall issue and have delivered for execution a warrant for his arrest within 20 days after his failure

to appear as promised, or if such person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date which he promised to appear, then, within 20 days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.

When such person violates his promise to appear before an officer authorized to receive bail other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer.

SEC. 6. Section 5560.8 is added to said code, to read:

5560.8. A regional park district may enact the foregoing as a separate and distinct ordinance which shall apply to all or one or more of its ordinances.

CHAPTER 1638

An act to amend Section 6951 of the Education Code, relating to children in homes and institutions.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 6951 of the Education Code is amended to read:

6951. Whenever a school district provides education in kindergarten or grades 1 through 12 for children who reside in a regularly established licensed children's institution located either within or without the boundaries of the district, the district shall be reimbursed for the actual cost of educating each such child by the county or city and county in which the child resided prior to his admission to the children's institution. Whenever a school district provides education in kindergarten or grades 1 through 12 for children who reside in an institution or in a family home, pursuant to a commitment or placement under Chapter 2 (commencing with Section 500) of Part 1 of Division 2 of the Welfare and Institutions Code, located either within or without the boundaries of the district, the district shall be reimbursed for the actual cost of educating each such child by the county or city and county in which the child resided prior to his admission to the institution or home. If the child's prior residence cannot be ascertained or if his residence was outside the State of California, the district shall be reimbursed for the actual cost of educating such child by the county or city and county in which the institution or family home is located. The pupil residing in an institution or family home under this section does not acquire residence in

the district wherein the institution or family home is located during the period of residence in the institution or family home.

CHAPTER 1639

An act to amend Section 18950 of the Government Code, relating to the state civil service.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 18950 of the Government Code is amended to read:

18950. Vacancies in positions shall be filled insofar as consistent with the best interests of the state from among employees holding positions in appropriate classes, and appropriate promotional lists shall be established to facilitate this purpose. Examinations shall be held on an open, nonpromotional basis when, in the judgment of the board, open competition will produce eligible lists with more highly skilled qualified candidates and is consistent with the best interests of the state.

The board may prescribe conditions under which state employees, persons on leave of absence, and persons whose names are on appropriate reemployment lists, may be permitted to compete in promotional examination and to attain eligibility for appointment.

The board may further prescribe conditions under which eligibility may be transferred from one subdivisional or departmental promotional list to another subdivisional or departmental promotional list or either when such lists are for the same class and have been established as a result of the same examination.

CHAPTER 1640

An act to add Chapter 9 (commencing with Section 170) to Division 1 of the Probate Code, relating to testamentary additions to trusts.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Chapter 9 (commencing with Section 170) is added to the Probate Code, to read:

CHAPTER 9. TESTAMENTARY ADDITIONS TO TRUSTS

170. A devise or bequest, the validity of which is determinable by the law of this state, may be made by a will to the trustee or trustees of a trust established or to be established by the testator or by the testator and some other person or persons or by some other person or persons (including a funded or unfunded life insurance trust, although the trustor has reserved any or all rights of ownership of the insurance contracts), if the trust is identified in the testator's will and its terms are set forth in a written instrument (other than a will) executed before or concurrently with the execution of the testator's will, or in the valid last will of a person who has predeceased the testator (regardless of the existence, size, or character of the corpus of the trust). The devise or bequest shall not be invalid because the trust is amendable or revocable, or both, or because the trust was amended after the execution of the will or after the death of the testator. Unless the testator's will provides otherwise, the property so devised or bequeathed (a) shall not be deemed to be held under a testamentary trust of the testator but shall become a part of the trust to which it is given and (b) shall be administered and disposed of in accordance with the provisions of the instrument or will setting forth the terms of the trust, including any amendments thereto made before the death of the testator (regardless of whether made before or after the execution of the testator's will) and, if the testator's will so provides, including any amendments to the trust made after the death of the testator. A revocation or termination of the trust before the death of the testator shall cause the devise or bequest to lapse.

171. This chapter shall not invalidate any devise or bequest made by a will executed prior to the effective date of this chapter.

172. This chapter shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

173. This chapter may be cited as the Uniform Testamentary Additions to Trusts Act.

CHAPTER 1641

An act to amend Section 658 of the Harbors and Navigation Code, relating to small boats.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 658 of the Harbors and Navigation Code is amended to read:

658. (a) No person shall operate a vessel on any waters for towing a person or persons on water skis or an aquaplane or similar device unless there is in such vessel a person at least 12 years of age, in addition to the operator, in a position to observe the progress of the persons being towed.

This subdivision shall not apply to class A motorboats actually operated by the person or persons being towed and so constructed as to be incapable of carrying the operator in or on the motorboat. The Small Craft Harbors Commission may establish rules and regulations governing the operation of any such watercraft, which rules and regulations shall provide the greatest degree possible for the safety of persons and vessels.

(b) No person shall operate a vessel on any waters of this state towing a person or persons on water skis, or aquaplane or similar device nor shall any person engage in water skiing, aquaplaning or other similar activity at any time between the hours from sunset to sunrise; provided, that such hours shall not apply to such waters of this state as to which prohibited hours for such activities are fixed by local ordinances, laws or regulations enacted pursuant to this chapter.

(c) The provisions of subdivisions (a) and (b) of this section do not apply to a performer engaged in a professional exhibition or a person or persons engaged in any one of the following authorized activities on any waters of this state: a regatta, motorboat or other boat race, a marine parade, a tournament or an exhibition.

(d) No person shall operate or manipulate any vessel, towrope or other device by which the direction or location of water skis, an aquaplane or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane or similar device or any person thereon to collide with or strike against any object or person. The provisions of this subdivision do not apply to collisions of two or more persons on water skis, aquaplanes or similar devices being towed by the same boat.

(e) No person shall operate water skis, an aquaplane or similar device in such a manner as to endanger the life, limb or property of any person.

CHAPTER 1642

An act to amend Section 28134 of the Government Code, relating to compensation of officers in Kings County.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 28134 of the Government Code is amended to read:

28134. In a county of the 34th class the following shall receive as compensation for the services required of them by law or by virtue of their offices the following sums:

(a) The auditor, eight thousand four hundred dollars ($8,400) a year.

(b) The district attorney, thirteen thousand dollars ($13,000) a year. The district attorney shall devote his entire time during office hours to the work of the county and state and is prohibited from engaging in private work within such office hours; however, this shall not be construed to preclude the district attorney from continuing or concluding any matter in which he has appeared of record prior to October 1, 1949.

(c) Each supervisor, six thousand dollars ($6,000) a year in full for all services performed by him as supervisor, member of the board of equalization, and in any other capacity, and all actual and necessary traveling expenses when traveling on county business. The traveling expenses, exclusive of meals and hotel accommodations, shall not exceed ten cents ($0.10) per mile.

(d) Trial jurors in the superior court, for each day's attendance, six dollars ($6). In justice courts, the jurors sworn to try the case shall receive for each day's attendance three dollars ($3). Each trial juror shall receive mileage at the rate of seven cents ($0.07) each way for each mile actually traveled in attending court, except that in justice courts mileage shall be allowed only to those jurors sworn to try the case.

(e) Grand jurors, for each day's attendance at regular sessions of the grand jury or of any regularly constituted committee or subcommittee thereof, or when appointed in writing by the foreman of the grand jury to make individual investigations, six dollars ($6). A juror excused at his own request is not entitled to a per diem fee. Each juror driving his own automobile upon jury business, or in attendance upon meetings of the jury or committees thereof, shall receive mileage at the rate of seven cents ($0.07) each way for every mile actually and necessarily traveled. Said claims for per diem, for mileage and any incidental expenses incurred by jurors pursuant to the exercise of their official duties (excluding meal expense) shall be paid out of the general fund of the county by the county treasurer upon warrants drawn by the county auditor upon the written order of the judge of the superior court.

CHAPTER 1643

An act to amend Section 4015 of the Vehicle Code, relating to firefighting vehicles.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 4015 of the Vehicle Code is amended to read:

4015. Any privately owned vehicle designed or capable of being used for firefighting purposes when operated upon a highway only in responding to, and returning from, emergency fire calls is exempt from registration.

CHAPTER 1644

An act to add Sections 1202.2 and 1231 1 to the Public Utilities Code, relating to grade-crossing protection maintenance.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 1202 2 is added to the Public Utilities Code, to read:

1202.2. In apportioning the cost of maintenance of automatic grade-crossing protection constructed or altered after October 1, 1965 under Section 1202, as between the railroad or street railroad corporations and the public agencies affected, the commission shall divide such maintenance cost in the same proportion as the cost of constructing such automatic grade-crossing protection is divided. The liability of cities, counties and cities and counties to pay the share of maintenance costs assigned to such local agencies by the commission shall be limited to funds set aside for allocation to the commission pursuant to Section 1231.1. The railroad or street railroad corporations and the public agencies affected may agree on a different division of maintenance costs If the public agency affected agrees to assume a greater proportion of the cost of maintenance than the apportionment of the cost of construction, the difference shall be paid by the public agency from funds other than the State Highway Fund or any other state fund.

SEC. 2. Section 1231.1 is added to said code, to read:

1231 1 In each annual budget report prepared by the California Highway Commission and the Department of Public Works under Section 143 1 of the Streets and Highways Code, commencing with the 1966–67 fiscal year, a sum not to exceed

one million dollars ($1,000,000) shall be set aside for allocations to the Public Utilities Commission, for the purpose of paying to cities, counties, and cities and counties the share of the cost of cities, counties, and cities and counties of maintaining automatic grade-crossing protection The specific amount of the total allocation shall be determined by the California Highway Commission and shall constitute the amount necessary for such maintenance. In arriving at such amount, the California Highway Commission shall consult with representatives of the Public Utilities Commission. Any amounts not expended by the Public Utilities Commission in any one fiscal year may be credited to subsequent annual allocations.

Funds appropriated for the purposes specified herein shall be available for allocation and expenditure without regard to fiscal years.

CHAPTER 1645

An act to add Section 9042.5 to the Public Resources Code, relating to soil conservation.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 9042.5 is added to the Public Resources Code, to read:

9042 5. He may, with the approval of the State Soil Conservation Commission, provide technical assistance to soil conservation districts to aid cooperators in carrying out conservation practices and to aid districts in developing plans for achieving their soil and water conservation objectives. These plans shall include but not be limited to watershed planning pursuant to the Watershed Protection and Flood Prevention Act (Public Law 566, Chapter 656, 83rd Congress, Second Session, as amended).

CHAPTER 1646

An act to add Section 224 to the Welfare and Institutions Code and to add Section 10615 to Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682, relating to the administration of public assistance, and making an appropriation.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 224 is added to the Welfare and Institutions Code, to read:

224. California's 58 counties vary greatly in their welfare problems, and therefore they should not be treated alike in the supervision of welfare programs. The Legislature hereby declares its intent that the State Department of Social Welfare examine the extent of state control needed over county operations, with a view toward eliminating excessive rigidity in procedure; the state should differentiate between those counties which need general direction as opposed to tight supervision.

Within these guidelines, the State Department of Social Welfare shall aid county departments in establishing economic, efficient, and effective methods of operation, including, but not limited to, advising and consulting with county departments with regard to the introduction of electronic computer and data processing systems, personnel utilization, office controls, centralized purchasing, centralized warehousing, writing of specifications, and examination of materials and equipment purchased by county departments.

SEC. 2. There is appropriated from the General Fund to the State Department of Social Welfare the sum of fifty thousand dollars ($50,000) to be used by the department in performing the duties imposed upon it by Section 224 of the Welfare and Institutions Code.

SEC. 3. Section 10615 is added to Division 9 of the Welfare and Institutions Code as proposed by Assembly Bill No. 1682, to read:

10615. California's 58 counties vary greatly in their welfare problems, and therefore they should not be treated alike in the supervision of welfare programs. The Legislature hereby declares its intent that the department examine the extent of state control needed over county operations, with a view toward eliminating excessive rigidity in procedure; the state should differentiate between those counties which need general direction as opposed to tight supervision.

Within these guidelines, the department shall aid county departments in establishing economic, efficient, and effective methods of operation, including, but not limited to, advising and consulting with county departments with regard to the introduction of electronic computer and data processing systems, personnel utilization, office controls, centralized purchasing, centralized warehousing, writing of specifications, and examination of materials and equipment purchased by county departments.

SEC. 4. Section 3 of this act shall become operative only if Assembly Bill No. 1682 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Assembly Bill No. 1682 takes effect; at which time Section 224 as added to the Welfare and Institutions Code by Section 1 of this act is repealed.

CHAPTER 1647

An act to add Article 4 (commencing with Section 190) to Chapter 2 of Division 1 of the Water Code, relating to regional water resources planning.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Article 4 (commencing with Section 190) is added to Chapter 2 of Division 1 of the Water Code, to read:

Article 4. State Representation on Regional Water Resources Commissions

190. Whenever the State of California is specifically invited by federal law to participate in any interstate commission to plan for the regional development of water and related resources, the Governor shall appoint each California member of such commission. The appointment of each such member shall be subject to confirmation by the Senate, and the member appointed shall serve at the pleasure of the Governor.

The provisions of this section shall also apply to the Western States Water Council established by the Western Governors' Conference at its meeting in Portland, Oregon, in June 1965.

191. (a) Whenever the Governor appoints commission members to one or more commissions or councils pursuant to Section 190, there shall be created a California Advisory Committee, consisting of one Member of the Assembly appointed by the Speaker of the Assembly, one Member of the Senate appointed by the Rules Committee of the Senate, one member of the California Water Commission designated by the commission, and four members of the public appointed by the Governor.

(b) The Members of the Legislature on the advisory committee shall meet with, and participate in, the work of the advisory committee 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 advisory committee shall serve at the pleasure of the appointing power. For the purposes of this article, such Members of the Legislature shall constitute a joint interim legislative committee on the subject which concerns the commission involved and shall have the powers and duties imposed upon such committees by the Joint Rules of the Senate and Assembly.

(c) In making his appointments of the public members to the advisory committee, the Governor shall provide broad representation of the areas and of the various interests affected.

(d) The members of the advisory committee shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties.

(e) The provisions of Sections 190 and 191 do not in any manner affect the provisions of Section 123 which provide for state administration of interstate compacts relative to the distribution and use of the waters of any interstate streams or bodies of water.

192. (a) The members of the advisory committee shall annually elect one of their members as chairman.

(b) The advisory committee shall meet at the call of the chairman. The commission members shall consult with and seek the advice of the advisory committee. The advisory committee shall, in addition, advise the commission members and shall advise and make recommendations to the Governor and the Legislature as to matters concerning the commission. The advisory committee may receive testimony from the public on matters involving its responsibilities and may express its advice by resolution when appropriate. It is the intention of the Legislature that the commission members will keep the advisory committee fully informed on all matters of policy and action involving any regional commission, prior to any action by commission members.

(c) All meetings of the advisory committee shall be open and public.

(d) The existence of any such advisory committee shall automatically terminate 90 days after the commissions involved cease to function.

CHAPTER 1648

An act to amend Sections 5952, 7757, 12401, and 12402 of, and to add Sections 10605.5, 10607.5, 12915, and 13012 to, the Education Code, relating to the public schools.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 5952 of the Education Code is amended to read:

5952. The governing board of each high school district and each unified school district shall establish and maintain special continuation education classes whenever there are any minors residing within the district who are subject to compulsory continuation education; provided, that if there are fewer than 100 students enrolled in grade 12 in the school or schools of the district, the governing board of the district may apply to the State Department of Education for exemption from the requirements of this section and such exemption may be granted in accordance with rules and regulations that shall be

adopted by the State Board of Education to govern the granting of the exemptions.

SEC. 2. Section 7757 of said code is amended to read:

7757. The county superintendent of schools in each county shall annually inspect each school district maintaining classes in grades 7 or 9 through 12, and shall certify to the Superintendent of Public Instruction whether or not each high school district or unified school district under his jurisdiction has complied, in the maintenance of such grades, with the provisions of Section 5952 and Sections 7700 to 7760, inclusive. Upon satisfactory evidence being shown to the Superintendent of Public Instruction that the governing board of any high school district or unified school district has neglected or refused to establish only such courses of study as have been approved by the State Board of Education, or to comply with any of the other provisions of Sections 5952, 7756 and 7757, the Superintendent of Public Instruction shall withhold from the district, ten percent (10%) of all apportionments from the State School Fund, until the governing board fully complies with the provisions of Sections 5952 and 7700 to 7760, inclusive; provided that apportionments to a district shall not be reduced below one hundred twenty dollars ($120) per pupil in average daily attendance in the district during the fiscal year.

SEC 3. Section 10605.5 is added to said code, to read:

10605 5. The chief administrative employee at a school shall, prior to the suspension or expulsion of any pupil, notify the appropriate law enforcement authorities of the county or city in which the school is situated, of any acts of the student which may be violative of Section 245 of the Penal Code.

SEC. 4. Section 10607.5 is added to said code, to read:

10607.5. Notwithstanding the provisions of Section 10607, no student shall be suspended from school for more than 10 days in a school year except he shall first have been transferred to and enrolled in either a parental school established and maintained pursuant to Article 1 (commencing with Section 6501) of Chapter 7 of Division 6, or a continuation education class established and maintained pursuant to Article 4 (commencing with Section 5951) of Chapter 6 of Division 6.

SEC. 5. Section 12401 of said code is amended to read:

12401. Any child shall be reported as a truant, within the meaning of this article (commencing at Section 12401), who has been absent from school without valid excuse more than three days or tardy in excess of 30 minutes on each of four or more days in one school year.

SEC. 6. Section 12402 of said code is amended to read:

12402. Any child who has once been reported as a truant and who is again absent from school without valid excuse one or more days, or tardy on one or more days, shall again be reported as a truant.

SEC. 7. Section 12915 is added to said code, to read:

12915. (a) Whenever any employee of a school district or of the office of a county superintendent of schools is attacked,

assaulted, or menaced, by any pupil, it shall be the duty of such employee, and the duty of any person under whose direction or supervision such employee is employed in the public school system who has knowledge of such incident, to promptly report the same to the appropriate law enforcement authorities of the county or city in which the same occurred. Failure to make such report shall be a misdemeanor punishable by a fine of not more than two hundred dollars ($200).

(b) An act by any member of the governing board of a school district, a county superintendent of schools, or any employee of any school district or the office of any county superintendent of schools, which is designed directly or indirectly to influence or urge a person under a duty to make the report prescribed by subdivision (a) not to make such report, shall be a misdemeanor, and shall be punishable by a fine of not less than one hundred dollars ($100) or more than two hundred dollars ($200).

SEC. 8. Section 13012 is added to said code, to read:

13012. The governing board of a school district, which does not employ persons charged with school-community duties of counseling students and parents or guardians in their homes, may contract with any qualified social service agency or organization to secure the services, on a part-time or full-time basis, of qualified social workers as counselors in schools and in the homes of pupils. The State Board of Education shall adopt rules and regulations for the implementation of this section, but such social workers shall not be required to hold credentials or certification documents otherwise required under this code for service in the public schools.

As used in this section "school district" means any of the following school districts, but does not include any other school district:

(a) A unified school district having an average daily attendance of less than 1501.

(b) A high school district having an average daily attendance of less than 301.

(c) An elementary school district having an average daily attendance of less than 901.

CHAPTER 1649

An act to add Sections 103.8 and 103.9 to the Streets and Highways Code, relating to relocation assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 20, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 103.8 is added to the Streets and Highways Code, to read:

103.8. The department is authorized to give relocation advisory assistance to any family displaced because of acquisition or clearance of rights-of-way for any project on the state highway system.

SEC. 2. Section 103.9 is added to said code, to read:

103.9. (a) As a part of the cost of construction of a project on the state highway system, the department may compensate eligible persons for their reasonable and necessary moving expenses caused by their displacement from real property acquired for such project. The relocation payments shall be made to eligible persons in accordance with the provisions of this section and pursuant to such rules and regulations as shall be prescribed by the department.

(b) As used in this section the term "eligible person" means any individual, family, business concern, farm or nonprofit organization to be displaced by the construction of a project.

(c) Relocation payments shall not exceed two hundred dollars ($200) in the case of an individual or family, nor three thousand dollars ($3,000) in the case of a business concern, farm or nonprofit organization.

(d) In the case of a business concern, farm or nonprofit organization the allowable expenses for transportation shall not exceed the cost of moving fifty (50) miles from the point from which such business concern, farm or nonprofit organization is being displaced.

(e) The department is authorized to prescribe such rules and regulations to implement this section. The rules and regulations may include provisions authorizing payments made to individuals and families of fixed amounts not to exceed two hundred dollars ($200) in lieu of their respective reasonable and necessary moving expenses.

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 acquisition of private property for state highway purposes is being felt by an increasing number of citizens who are required to relocate their residences, farms and businesses. These persons incur moving expenses which are not presently compensated for under California law. The Federal-aid Highway Act of 1962 provides for federal participation in the payment of moving expenses only where such payment is authorized by state law. The expeditious payment of moving expenses and the efficient operation of the right-of-way acquisition program of the Department of Public Works requires the immediate authorization to pay moving expenses to those eligible persons displaced by highway projects. It is therefore necessary that this act go into immediate effect.

CHAPTER 1650

An act to add Part 13 (commencing with Section 15950) to Division 3 of Title 2 of the Government Code, and to add Sections 135.1 and 135.2 to the Streets and Highways Code, relating to relocation assistance, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 20, 1965]

The people of the State of California do enact as follows:

SECTION 1. Part 13 (commencing with Section 15950) is added to Division 3 of Title 2 of the Government Code, to read:

PART 13. RELOCATION ASSISTANCE

CHAPTER 1. REIMBURSEMENT FOR MOVING EXPENSES

15950. As used in this chapter:

(a) "State agency" means the Department of Water Resources when acquiring real property or any interest therein for public use with funds from the California Water Resources Development Bond Fund and the Department of Parks and Recreation when making such an acquisition with funds from the State Beach, Park, Recreational, and Historical Facilities Fund.

(b) "Eligible person" means any individual, family, business concern, farm or nonprofit organization to be displaced by a state construction project.

(c) "Construction project" means the acquisition of real property or any interest therein for public use by a state agency designated in subdivision (a) from the applicable fund designated in subdivision (a).

(d) "Public use" means a use for which property may be acquired by eminent domain.

(e) "Moving expenses" means the packing, loading, transportation, unloading and unpacking of personal property.

15951. As a part of the cost of a construction project, a state agency may compensate eligible persons for their reasonable and necessary moving expenses caused by their displacement from real property acquired for such project.

15952. The payment of moving expenses shall be made to eligible persons in accordance with the provisions of this chapter and such rules and regulations as shall be adopted by the Department of Public Works for property acquired by that department and by the Board of Control for property acquired by all other state agencies.

15953. Payment of moving expenses shall not exceed two hundred dollars ($200) in the case of an individual or family.

15954. Payment for moving expenses shall not exceed three thousand dollars ($3,000) in the case of a business concern, farm or nonprofit organization.

15955. In the case of a business concern, farm or nonprofit organization the allowable expenses for transportation shall not exceed the cost of moving fifty (50) miles from the point from which such business concern, farm or nonprofit organization is being displaced.

15956. The Department of Public Works and the Board of Control are authorized to adopt rules and regulations to implement the payment of moving expenses as authorized by this chapter. Such rules and regulations may include provisions authorizing payments made to individuals and families of fixed amounts not to exceed two hundred dollars ($200) in lieu of their respective reasonable and necessary moving expenses.

SEC. 2. Section 135.1 is added to the Streets and Highways Code, to read:

135.1. The department is authorized to give relocation advisory assistance to any family displaced because of acquisition or clearance of rights-of-way for any project on the state highway system.

SEC. 3. Section 135.2 is added to said code, to read:

135.2. (a) As used in this section, the term "eligible person" means any individual, family, business concern, farm or nonprofit organization to be displaced by the construction of a highway project.

(b) As a part of the cost of construction of a project on the state highway system, the department may compensate eligible persons for their reasonable and necessary moving expenses caused by their displacement from real property acquired for such project. The relocation payments shall be made to eligible persons in accordance with the provisions of this section and such rules and regulations as shall be adopted by the department.

(c) Relocation payments shall not exceed two hundred dollars ($200) in the case of an individual or family, nor three thousand dollars ($3,000) in the case of a business concern, farm or nonprofit organization.

(d) In the case of a business concern, farm or nonprofit organization the allowable expenses for transportation shall not exceed the cost of moving fifty (50) miles from the point from which such business concern, farm or nonprofit organization is being displaced.

(e) The department is authorized to adopt rules and regulations to implement this section. Such rules and regulations may include provisions authorizing payments made to individuals and families of fixed amounts not to exceed two hundred dollars ($200) in lieu of their respective reasonable and necessary moving expenses.

SEC. 4. This act shall be known and may be cited as the Collier-Foran Act.

SEC. 5. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The acquisition of private property by the State of California for public purposes is being felt by an increasing number of citizens who are required to relocate their residences, farms and businesses. These persons incur moving expenses which are not presently compensated for under California law. The Federal-Aid Highway Act of 1962 provides for federal participation in the payment of moving expenses only where such payment is authorized by state law. The expeditious payment of moving expenses and the efficient operation of the right-of-way acquisition program by the State of California requires the immediate authorization to pay moving expenses to those eligible persons displaced by highway, park, water and other state construction projects. It is therefore necessary that this act go into immediate effect.

CHAPTER 1651

An act to add Section 36.5 to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), and to add Article 6 (commencing with Section 75165) to Chapter 2 of Part 7 of Division 21 of the Water Code, relating to special improvement districts

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 36 5 is added to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), to read:

36.5. Any special improvement district formed pursuant to Section 36 4 shall be under the supervision, direction and control of the board of directors of the water conservation district, unless proceedings are taken under this section for the election of a board of trustees for such special improvement district, in which event such special improvement district shall be under the supervision, direction and control of such board of trustees. Such directors or trustees, as the case may be, shall have the same power, authority and jurisdiction over and with reference to the special improvement district that the board of directors possesses over and with reference to the water conservation district and improvements made within and chargeable to the entire conservation district, provided that any obligation created in behalf of a special improvement district shall be a charge against only the properties situated within such special improvement district. All provisions of this act,

insofar as they are applicable, including all provisions relating to bonds and assessments, shall apply to and govern special improvement districts formed under said Section 36.4.

A petition signed by holders of title or evidence of title of land representing at least fifteen percent (15%) of the assessed valuation of taxable land in the special improvement district may be presented to the board of directors requesting that the special improvement district be governed by a board of trustees to be elected by qualified electors in the special improvement district in lieu of the board of directors. The last equalized county assessment roll of the county in which the greater portion of the lands within the special improvement district are situated shall be prima facie evidence of ownership for purposes of this section, and a finding by the board of directors as to the sufficiency of the signatures based on certification by the secretary of the district shall be conclusive.

Upon receiving the petition and determining its adequacy, the board of directors shall set it for hearing and give notice of the time and place of the hearing by causing notices to be posted in three public places in the special improvement district at least 10 days before the date of hearing. The board shall also cause a copy of the notice to be published in a newspaper of general circulation printed and published in the county in which the greater portion of the district is situated, and circulated in the special improvement district, once a week for at least two weeks prior to the date set for hearing, with the first publication at least 10 days prior to such date.

At the time fixed for the hearing, the board of directors shall hear all persons appearing for and against the matter, and at the conclusion of the hearing the board shall determine whether or not it is for the best interests of the district and of the special improvement district that the latter be governed by a board of trustees.

In the event the board determines in favor of the petition, it shall forthwith call a special election within the boundaries of the special improvement district for the purpose of electing a board of trustees to act as the governing body of the special improvement district.

The resolution calling such election shall include an order dividing the special improvement district into four consecutively numbered divisions. One trustee shall be elected from each division by vote of the electors of the division, and one trustee shall be elected at large by vote of the electors of the entire special improvement district.

The special election shall be held and conducted, candidates nominated, the results declared and the returns canvassed in the same manner as the regular biennial election of officers of the water conservation district, insofar as applicable.

The four persons receiving, respectively, the highest number of votes for trustee in each division, plus the one person receiving the highest number of votes for trustee at large, shall be declared to be duly elected to such offices.

The trustees so elected shall immediately enter upon their duties as such upon qualifying, and shall hold office, respectively, until their successors are elected and qualified. They shall meet, classify themselves, and organize as a board, elect a president and secretary, fix the amounts of bonds in the same manner as the first directors of a district under Section 11.

Each trustee shall receive an amount to be fixed by the board of trustees for each day's actual attendance at the meetings of the trustees and actual and necessary expenses incurred while engaged in official business under an order of the board of trustees. No trustee shall, however, receive more than twenty-five dollars ($25) for each meeting attended, nor more than twenty-five dollars ($25) in any calendar month for attendance of meetings. The secretary may but need not be one of the trustees or may be the secretary of the district or any other person.

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 of trustees.

The board of trustees shall meet regularly at least once each month at a time and place to be fixed by resolution of the trustees.

Except as otherwise provided in this section, all provisions of this act relating to biennial elections, vacancies, oaths, bonds, terms of office, appointments of sole nominees without elections, meetings and changes in boundaries of divisions which are applicable to the board of directors of the district are applicable to the board of trustees of the special improvement district, except that any vacancies on the board of trustees shall be filled by appointment of the board of directors of the district. Each trustee must be a registered voter and a holder of title, or evidence of title, of land in the special improvement district, and of the division which he represents.

The board of trustees of any special improvement district, the lands within which are obligated to repay a loan or loans from the United States under any loan repayment contract made between the district and the United States pursuant to Section 20 5, shall be charged with the responsibility of performing or causing the performance of all obligations of the district and of the special improvement district under such contract. If, in the opinion of the board of directors, the board of trustees fails to adequately maintain and operate the waterworks facilities of the special improvement district constructed pursuant to such contract, or otherwise fails to perform or cause the performance of the obligations under such contract, the board of directors shall give the board of trustees written notice specifying the respect in which the board of trustees has failed, and in the event the board of trustees fails to cure such default within a reasonable time fixed in the notice following the giving of such notice, the board of directors may, upon giving at least thirty (30) days' written notice to the board of trustees, take over the care, operation and mainte-

nance of such waterworks and thereafter care for and operate and maintain the same and perform or cause the performance of such obligations.

SEC. 2. Article 6 (commencing with Section 75165) is added to Chapter 2 of Part 7 of Division 21 of the Water Code, to read:

Article 6. Alternative Provisions for Government of Special Improvement Districts

75165. Any special improvement district formed pursuant to this chapter shall be under the supervision, direction and control of the board of directors of the water conservation district, unless proceedings are taken under this article for the election of a board of trustees for such special improvement district, in which event such special improvement district shall be under the supervision, direction and control of such board of trustees. Such directors or trustees, as the case may be, shall have the same power, authority and jurisdiction over and with reference to the special improvement district that the board of directors possesses over and with reference to the water conservation district and improvements made within and chargeable to the entire conservation district provided that any obligation created in behalf of a special improvement district shall be a charge against only the properties situated within such special improvement district All provisions of this division, insofar as they are applicable, including all provisions relating to bonds and assessments, shall apply to and govern special improvement districts formed under this chapter.

75165.1. A petition signed by holders of title or evidence of title of land representing at least fifteen percent (15%) of the assessed valuation of taxable land in the special improvement district may be presented to the board of directors requesting that the special improvement district be governed by a board of trustees to be elected by qualified electors in the special improvement district in lieu of the board of directors. The last equalized county assessment roll of the county in which the greater portion of the lands within the special improvement district are situated shall be prima facie evidence of ownership for purposes of this section, and a finding by the board of directors as to the sufficiency of the signatures based on certification by the secretary of the district shall be conclusive.

75165.2. Upon receiving the petition and determining its adequacy, the board of directors shall set it for hearing and give notice of the time and place of the hearing by causing notices to be posted in 3 public places in the special improvement district at least 10 days before the date of hearing. The board shall also cause a copy of the notice to be published in a newspaper of general circulation printed and published in the county in which the greater portion of the district is situated, and circulated in the special improvement district, once

a week for at least 2 weeks prior to the date set for hearing, with the first publication at least 10 days prior to such date.

75165.3. At the time fixed for the hearing, the board of directors shall hear all persons appearing for an against the matter, and at the conclusion of the hearing the board shall determine whether or not it is for the best interests of the district and of the special improvement district that the latter be governed by a board of trustees.

75165 4. In the event the board determines in favor of the petition, it shall forthwith call a special election within the boundaries of the special improvement district for the purpose of electing a board of trustees to act as the governing body of the special improvement district.

75165.5. The resolution calling such election shall include an order dividing the special improvement district into four consecutively numbered divisions. One trustee shall be elected from each division by vote of the electors of the division, and one trustee shall be elected at large by vote of the electors of the entire special improvement district.

75165.6. The special election shall be held and conducted, candidates nominated, the results declared and the returns canvassed in the same manner as the regular biennial election of officers of the water conservation district, insofar as applicable.

75165.7. The four persons receiving, respectively, the highest number of votes for trustee in each division, plus the one person receiving the highest number of votes for trustee at large, shall be declared to be duly elected to such offices.

75165.8. The trustees so elected shall immediately enter upon their duties as such upon qualifying, and shall hold office, respectively, until their successors are elected and qualified. They shall meet, classify themselves, and organize as a board, elect a president and secretary, fix the amounts of bonds in the same manner as the first directors of a district under Part 3 (commencing with Section 74200).

75165.9. Each trustee shall receive an amount to be fixed by the board of trustees for each day's actual attendance at the meetings of the trustees and actual and necessary expenses incurred while engaged in official business under an order of the board of trustees. No trustee shall, however, receive more than twenty-five dollars ($25) for each meeting attended, nor more than twenty-five dollars ($25) in any calendar month for attendance of meetings. The secretary may but need not be one of the trustees or may be the secretary of the district or any other person.

75166. 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 of trustees.

75166.1. The board of trustees shall meet regularly at least once each month at a time and place to be fixed by resolution of the trustees.

75166.2. Except as otherwise provided in this article, all provisions of this division relating to biennial elections, vacancies, oaths, bonds, terms of office, appointments of sole nominees without elections, meetings and changes in boundaries of divisions which are applicable to the board of directors of the district are applicable to the board of trustees of the special improvement district, except that any vacancies on the board of trustees shall be filled by appointment of the board of directors of the district. Each trustee must be a registered voter and a holder of title, or evidence of title, of land in the special improvement district, and of the division which he represents.

75166.3. The board of trustees of any special improvement district, the lands within which are obligated to repay a loan or loans from the United States under any loan repayment contract made between the district and the United States pursuant to Article 3 (commencing with Section 74610) of Chapter 5 of Part 5, shall be charged with the responsibility of performing or causing the performance of all obligations of the district and of the special improvement district under such contract. If, in the opinion of the board of directors, the board of trustees fails to adequately maintain and operate the waterworks facilities of the special improvement district constructed pursuant to such contract, or otherwise fails to perform or cause the performance of the obligations under such contract, the board of directors shall give the board of trustees written notice specifying the respect in which the board of trustees has failed, and in the event the board of trustees fails to cure such default within a reasonable time fixed in the notice following the giving of such notice, the board of directors may, upon giving at least thirty (30) days' written notice to the board of trustees, take over the care, operation and maintenance of such waterworks and thereafter care for and operate and maintain the same and perform or cause the performance of such obligations.

SEC. 3. Section 2 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 Section 36.5 added to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931) by Section 1 of this act is repealed.

CHAPTER 1652

An act to amend Section 6442 of the Streets and Highways Code and to repeal Chapter 468, Statutes 1965, relating to the Improvement Act of 1911.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 6442 of the Streets and Highways Code is amended to read:

6442. If any installment of the principal of the unpaid assessment or of interest thereon is not paid to the treasurer on or before the due date, to wit, the June 1st or December 1st, as the case may be, next preceding the date upon which the coupons representing it are payable to the bondholder, the treasurer shall after the close of business on said due date add to the principal or interest so delinquent a penalty of 1 percent of the total amount of such delinquency, and at the beginning of the business on the first day of each succeeding month until such delinquent payment and all penalties thereon are fully paid, he shall add an additional penalty of 1 percent of the amount of such delinquency. The treasurer shall collect such penalties with and as a part of the delinquent payment. Except as hereinafter provided, the 1-percent penalty first imposed and all subsequent penalties shall be paid to the holder of the bond along with and as a part of such defaulted payment The legislative body conducting the proceedings may elect, in the resolution of intention, to have the treasurer retain the first 1-percent penalty as a cost of servicing the delinquency. In such case, the following sentence shall be substituted for the last sentence of the default clause in the bond form, as set forth in Section 6460: "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."

SEC. 2. Chapter 468, Statutes 1965 is repealed.

CHAPTER 1653

An act relating to trailer coaches.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. With respect to vehicles designed for human occupancy for industrial, professional or commercial purposes,

which were included by Chapter 1317 of the Statutes of 1963 within the definition of "trailer coach" as set forth by Section 635 of the Vehicle Code, the vehicle license fee upon registration of such vehicles for the 1963 calendar year on or after September 20, 1963, shall be reduced by one-twelfth for each month which elapsed during the 1963 calendar year while the vehicle was exempt by the law as it existed prior to September 20, 1963, the effective date of Chapter 1317 of the Statutes of 1963.

Anyone who has paid such license fee in full, for the entire 1963 calendar year, may apply for refund for such amount of the fee as is reduced herein. Such application shall be made to the Department of Motor Vehicles within three years after the date of the payment.

CHAPTER 1654

An act to amend Sections 402, 708.5, 976.5, and 2602 of, and to repeal Sections 319 and 3015 of the Unemployment Insurance Code, relating to unemployment insurance.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 319 of the Unemployment Insurance Code is repealed.

SEC. 2. Section 402 of said code is amended to read:

402. Each member of the Appeals Board shall serve for a term of four years and until his successor is appointed and qualifies.

The term of one of the three members added to the Appeals Board by the amendment of this section at the 1965 Regular Session of the Legislature shall expire on May 1, 1967, the term of one on January 1, 1968, and the term of one on January 1, 1969.

A vacancy shall be filled by the Governor, subject to the approval of the Senate, by appointment for the unexpired term.

SEC. 3. Section 708.5 of said code is amended to read:

708.5. (a) Any individual who is self-employed, who is not an employer as defined in any provision of Article 3 (commencing with Section 675), of Chapter 3 of this part, and who receives the major part of his remuneration from the trade, business, or occupation in which he is self-employed, may file with the director a written election that his services in connection with his trade, business, or occupation shall be deemed to be services performed by an individual in employment for an employer for the purposes of Part 2 only of this division. Upon the approval of the election by the director,

the services of such a self-employed individual in connection with his trade, business, or occupation shall be deemed to constitute employment for an employer for the purposes of Part 2 only of this division. Regardless of his actual earnings, for the purpose of computing disability benefit rights and worker contributions, he shall be deemed to have received remuneration for each calendar quarter in the highest maximum amount stated in column A of Section 2655 or provided by Section 2655.5.

(b) Worker contributions required under this division are payable on and after the date stated in the approval of the director. The director may levy assessments under this division for any amount due under this section.

(c) No benefits shall be paid to any individual based upon remuneration deemed to have been received pursuant to this section unless all contributions due with respect to all remuneration deemed to have been received by such individual pursuant to this section have been paid to the department.

SEC. 4. Section 976.5 of said code is amended to read:

976.5. In addition to other contributions required by this division, every employer, except an employer as defined by Section 676, 677, or 678, shall pay into the Unemployment Fund contributions for each calendar year with respect to wages paid for employment at the rate of five-tenths of 1 percent (0.5%).

SEC. 5. Section 2602 of said code is amended to read:

2602. (a) Except as otherwise provided, the provisions and definitions of Part 1 (commencing with Section 100) of this division apply to this part. In case of any conflict between the provisions of Part 1 and the provisions of this part, the provisions of this part shall prevail with respect to unemployment compensation disability benefits, and the provisions of Part 1 prevail with respect to unemployment compensation benefits.

(b) The provisions of Articles 4 (commencing with Section 1375) and 5 (commencing with Section 1401) of Chapter 5 of Part 1, and the provisions of Chapter 6 (commencing with Section 1501) of Part 2 of this division do not apply to this part.

(c) Sections 312, 318, 625, 626, 627, 628, 1251, 1253, 1254, 1255, 1279, 1326 to 1333, inclusive, 1339, and 1340 do not apply to this part.

SEC. 6. Section 3015 of said code is repealed.

SEC. 7. Section 2 of this act shall become operative only if both Senate Bills Nos. 197 and 1092 are enacted by the Legislature at its 1965 Regular Session and in such case at the same time as such bills take effect.

SEC. 8. Section 976.5 of the Unemployment Insurance Code as amended by Section 4 of this act shall be operative with respect to wages paid on or after October 1, 1965, except that if Assembly Bill No. 518 is enacted by the Legislature at its 1965 Regular Session, the provisions of Section 976.5 of

said code as amended by this act shall be superseded by the amendments to said Section 976.5 by said Assembly Bill No. 518 with respect to wages paid on or after January 1, 1966. The provisions of Section 976.5 of the Unemployment Insurance Code as in effect prior to the amendments made by this act shall continue to be applicable to wages paid prior to October 1, 1965.

SEC. 9. No right or cause of action founded upon any provision of law amended or repealed by this act as the provision existed prior to such amendment or repeal shall be abolished or impaired by this act.

CHAPTER 1655

An act to amend Section 395.3 of the Military and Veterans Code, relating to right of reentry into public office or employment.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 395.3 of the Military and Veterans Code is amended to read:

395.3. In the event that any public officer or employee has resigned or resigns his office or employment to serve or to continue to serve in the armed forces of the United States or in the armed forces of this state, he shall have a right to return to and reeenter the office or employment prior to the time at which his term of office or his employment would have ended if he had not resigned, on serving a written notice to that effect upon the authorized appointing power, or if there is no authorized appointing power, upon the officer or agency having power to fill a vacancy in the office or employment, within six months of the termination of his active service with the armed forces; provided, that such right to return and reenter upon the office or position shall not extend to or be granted to such public officer or employee, who shall fail to return to and reenter upon his office or position within 12 months after the first date upon which he could terminate or could cause to have terminated his active service with the armed forces of the United States or of the militia of this state.

As used in this section, "public officers and employees" includes all of the following:

(a) Members of the Senate and of the Assembly.

(b) Justices of the Supreme Court and the district courts of appeal, judges of the superior courts and of the municipal courts, and all other judicial officers.

(c) All other state officers and employees, whether or not within the state civil service, including all officers for whose

selection and term of office provision is made in the Constitution and laws of this state.

(d) All officers and employees of any county, city and county, city, township, district, political subdivision, authority, commission, board, or other public agency within this state.

The right of reentry into public office or employment provided for in this section shall include the right to be restored to such civil service status as the officer or employee would have if he had not so resigned; and no other person shall acquire civil service status in the same position so as to deprive such officer or employee of his right to restoration as provided for herein.

This section shall be retroactively applied to extend the right of reentry into public office or employment to public officers and employees who resigned prior to its effective date.

This section does not apply to any public officer or employee to whom the right to reenter public office or employment after service in the armed forces has been granted by any other provision of law.

If any provision of this section, or the application of this section to any person or circumstance, is held invalid, the remainder of this section, or the application of this section to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

CHAPTER 1656

An act to amend Sections 13005, 13025, and 13060 of, and to add Sections 13025.5 and 13057 to, the Water Code, relating to water pollution.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 13005 of the Water Code is amended to read:

13005. "State board" means the State Water Quality Control Board.

"Regional board" means any regional water pollution control board created pursuant to this division.

"Person" as used in this division also includes any city, county, district, the state or any department or agency thereof.

"Sewage" means any and all waste substance, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excreta or excrement, offal, or any feculent matter.

"Industrial waste" means any and all liquid or solid waste substance, not sewage, from any producing, manufacturing or processing operation of whatever nature.

"Waters of the state" means any waters, surface or underground, including saline waters, within the boundaries of the state as defined and described in Section 1 of Article XXI of the Constitution and as given greater precision in Sections 170, 171, and 172 of the Government Code.

"Contamination" means an impairment of the quality of the waters of the state by sewage or industrial waste to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease. "Contamination" shall include any equivalent effect resulting from the disposal of sewage or industrial waste, whether or not waters of the state are affected.

"Pollution" means an impairment of the quality of the waters of the state by sewage or industrial waste to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic, industrial, agricultural, navigational, recreational or other beneficial use, or which does adversely and unreasonably affect the ocean waters and bays of the state devoted to public recreation.

"Nuisance" means damage to any community by odors or unsightliness resulting from unreasonable practices in the disposal of sewage or industrial wastes.

"District attorney," as used in this division, means "county counsel" with respect to any county having such an officer and "city attorney" with respect to any city and county having such an officer as to all matters except the prosecution of crimes.

"Water quality control" means the control of any factor which adversely and unreasonably impairs the quality of the waters of the state for beneficial use.

"Water quality control policy" means water quality objectives for affected waters of the state where water quality control measures are necessary or may be needed in the future to assure suitable water quality for beneficial use.

SEC. 2. Section 13025 of said code is amended to read:

13025. Any action of a regional board pursuant to Section 13053, 13054, 13054.1, or 13054.3, or the failure of a regional board to act may be reviewed by the state board and upon finding that the regional board's action or inaction based upon the evidence before the state board appears to have been inappropriate or improper may direct that appropriate action be taken by the regional board or any other state agency having jurisdiction or may, itself, take such action.

In taking any such action the state board is vested with the powers granted to the regional boards in Section 13053, 13054, 13054.1, 13054.2, 13054.3, 13054.5, 13055 and Article 3 (commencing at Section 13060) and Article 4 (commencing at Section 13080) of Chapter 4, and the state board shall follow the procedures set forth therein.

The state board upon finding that a contamination exists and is not being corrected, shall refer the condition to any state agency having jurisdiction.

SEC. 3. Section 13025.5 is added to said code, to read:

13025.5. In the event a waste discharge in one region affects the waters in another region and there is any disagreement between the regional boards involved as to the requirements which should be established, either regional board may submit the disagreement to the State Water Quality Control Board which shall determine the applicable requirements. The power conferred upon the state board herein does not limit the powers conferred in Section 13025.

SEC. 4. Section 13057 is added to said code, to read:

13057. Sections 13054.4, 13054.5, 13055.1, and Article 3 (commencing with Section 13060) and Article 4 (commencing with Section 13080) of Chapter 4, shall not be applicable to the state or any department, agency, officer, or employee thereof. This exemption shall not preclude the availability of other appropriate remedies provided by law such as mandamus.

SEC. 5. Section 13060 of said code is amended to read:

13060. When a regional board finds that the discharge of sewage or industrial waste within its region is taking place contrary to any requirements prescribed by the regional board under the provisions of Section 13053, 13054, 13054.1 and 13055, and that such discharge is threatening to cause or is causing pollution or a nuisance, the board shall issue an order to cease and desist and direct that those persons, firms, or corporations not complying with the requirements, comply forthwith.

CHAPTER 1657

An act to add Sections 13022.1, 13022.2, 13022.3, 13022.4, and 13052.2 to, and to amend Sections 13000, 13000.3, 13001, 13003, 13005, 13020, 13022, 13023, 13024, 13045, 13050, 13052, and 13055 of, and to amend the heading of Division 7 (commencing with Section 13000) of, to amend the heading of Chapter 4 (commencing with Section 13040) of Division 7 of, and to repeal Sections 13000.4 and 13022.1 of, the Water Code, relating to water quality control.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. The heading of Division 7 (commencing with Section 13000) of the Water Code is amended to read:

DIVISION 7. WATER QUALITY

SEC. 2. Section 13000 of said code is amended to read:

13000. The Legislature finds and declares that it is necessary to the health, safety and welfare of the people of this state to provide means for coordinating the actions of the various state agencies and political subdivisions of the state in the control of water pollution and the maintenance of water quality.

The Legislature further declares that it is necessary to provide means for the regional control of water pollution since problems of water pollution in this state are primarily regional and dependent upon factors of precipitation, topography, population, and recreational, agricultural and industrial development which vary greatly from region to region.

The Legislature further declares that, because of the widespread demand and need for the full utilization of the water resources of the state for beneficial uses, control of water quality is a matter of statewide interest and concern. The Legislature further declares that it is necessary to provide for the statewide control of water quality and to provide for regional control of water quality where water quality is primarily a matter of regional concern.

SEC. 3. Section 13000.3 of said code is amended to read:

13000.3. The regional and state boards in exercising any power granted in this division shall conform to the policies of this chapter and shall, at all times, coordinate their respective activities so as to achieve a unified and effective water quality control program in this state.

SEC. 4. Section 13000.4 of said code is repealed.

SEC. 5. Section 13001 of said code is amended to read:

13001. No provision of this division or any ruling of the State Water Quality Control Board or a regional water quality control board is a limitation:

(a) On the power of a city or county to adopt and enforce additional regulations not in conflict therewith imposing further conditions, restrictions, or limitations with respect to the disposal of sewage or industrial waste or any other activity which might result in the pollution of water.

(b) On the power of any city or county to declare, prohibit, and abate nuisances.

(c) On the power of a state agency in the enforcement or administration of any provision of law which it is specifically permitted or required to enforce or administer.

(d) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in the Civil Code or for relief against any contamination or pollution.

SEC. 6. Section 13003 of said code is amended to read:

13003. It is the intent of the Legislature that the State Water Quality Control Board and each regional water quality control board shall cooperate with the Department of Water Resources and other state agencies in all matters of mutual concern to the fullest extent practicable.

SEC. 7. Section 13005 of said code is amended to read:

13005. "State board" means the State Water Quality Control Board.

"Regional board" means any regional water quality control board created pursuant to this division.

"Person" as used in this division also includes any city, county district, the state or any department or agency thereof.

"Sewage" means any and all waste substance, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excreta or excrement, offal, or any feculent matter.

"Industrial waste" means any and all liquid or solid waste substance, not sewage, from any producing, manufacturing or processing operation of whatever nature.

"Waters of the state" means any waters, surface or underground, including saline waters, within the boundaries of the state as defined and described in Section 1 of Article XXI of the Constitution and as given greater precision in Sections 170, 171, and 172 of the Government Code.

"Contamination" means an impairment of the quality of the waters of the state by sewage or industrial waste to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease. "Contamination" shall include any equivalent effect resulting from the disposal of sewage or industrial waste, whether or not waters of the state are affected.

"Pollution" means an impairment of the quality of the waters of the state by sewage or industrial waste to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic, industrial, agricultural, navigational, recreational or other beneficial use, or which does adversely and unreasonably affect the ocean waters and bays of the state devoted to public recreation.

"Nuisance" means damage to any community by odors or unsightliness resulting from unreasonable practices in the disposal of sewage or industrial wastes.

"District attorney," as used in this division, means "county counsel" with respect to any county having such an officer and "city attorney" with respect to any city and county having such an officer as to all matters except the prosecution of crimes.

"Water quality control" means the control of any factor which adversely and unreasonably impairs the quality of the waters of the state for beneficial use.

"Water quality control policy" means water quality objectives for affected waters of the state where water quality control measures are necessary or may be needed in the future to assure suitable water quality for beneficial use.

SEC 8. Section 13020 of said code is amended to read:

13020. The state board shall:

(a) Establish an office.

(b) Appoint and fix the salary of an executive officer who is a registered engineer with at least five years of engineering experience relating to water pollution, water quality control, and waste disposal. The executive officer shall be exempt from the state civil service and shall serve at the pleasure of the board.

(c) Appoint such secretarial and stenographic help, and such other assistants, subject to the State Civil Service Act, as the board determines necessary to enable it to carry out the provisions of this division.

(d) Adopt reasonable rules and regulations for the conduct of its affairs in the administration of this division.

(e) Adopt a seal which shall have embossed thereon "State Water Quality Control Board, State of California."

(f) Allocate to the regional boards from funds appropriated to the state board such part thereof as may be necessary for the administrative expenses of such boards.

(g) Have the power to require any state or local agency to inspect and report on any technical factors involved in water pollution or water quality.

(h) At the request of a regional board, assist the citizens of any area in the formation of a district authorized to provide facilities necessary to correct any condition of contamination, pollution, or nuisance.

SEC. 9. Section 13022 of said code is amended to read:

13022. The state board shall formulate and adopt a statewide policy for control of water pollution with due regard for the authority of the regional boards. Such policy shall be adopted in accordance with the provisions of Sections 13022.3 and 13022.4 and shall be in conformity with the policies set forth in Chapter 1 (commencing with Section 13000), and state offices, departments, and boards shall take cognizance of such policy in carrying out water pollution activities.

SEC. 10. Section 13022.1 of said code is repealed.

SEC. 11. Section 13022.1 is added to said code, to read:

13022.1. The state board shall formulate and adopt a statewide policy for water quality control. Such policy shall be adopted in accordance with the provisions of Sections 13022.3 and 13022.4 and shall be in conformity with the policies set forth in Chapter 1 (commencing with Section 13000) and state offices, departments, and boards shall take cognizance of such policy in carrying out water quality activities.

SEC. 12. Section 13022 2 is added to said code, to read:

13022.2. In formulating a statewide policy pursuant to Sections 13022 and 13022.1 the state board shall take cognizance of the California Water Plan or any other general or coordinated plan of the state looking toward the development, utilization, or conservation of the water resources of the state. Including such amendments, supplements, or additions thereto as may be made from time to time.

SEC. 13. Section 13022.3 is added to said code, to read:

13022.3. During the process of formulating water pollution or water quality control policy which may affect a regional board or boards, the state board shall consult with and carefully evaluate the recommendations of the affected regional board or boards.

SEC. 14. Section 13022.4 is added to said code, to read:

13022.4. The state board shall not adopt water pollution or water quality control policy unless a public hearing is first held respecting the adoption of such policy. At least 60 days in advance of such hearing, the state board shall notify any affected regional board or boards. The affected regional board or boards shall submit written recommendations to the state board at least 20 days in advance of the hearing.

SEC. 14.3. Section 13023 of said code is amended to read:

13023. The state board shall administer any statewide program of financial assistance for water pollution or water quality control which may be delegated to it by law and may accept funds from the United States or any person to that end.

SEC. 14.6. Section 13024 of said code is amended to read:

13024. The state board shall administer any statewide program of research in the technical phases of water pollution or water quality control which may be delegated to it by law and may accept funds from the United States or any person to that end. The state board may conduct such a program independently, or by contract or in cooperation with any federal or state agency, including any political subdivision of the state, or any person or public or private organization.

SEC. 15. The heading of Chapter 4 (commencing with Section 13040) of Division 7 of said code is amended to read:

CHAPTER 4. REGIONAL WATER QUALITY CONTROL BOARDS

SEC. 16. Section 13045 of said code is amended to read:

13045. Public officers, whether elected or appointed, may be appointed to, and may serve contemporaneously as members of, a regional water quality control board.

SEC. 17. Section 13050 of said code is amended to read:

13050. Each regional board shall:

(a) Establish an office.

(b) Select one of its members as chairman at the first regular meeting held each year.

(c) Appoint as its confidential employee, exempt from civil service, under Section 4(a) (5) of Article XXIV of the Constitution, and fix the salary of, an executive officer who shall meet technical qualifications as defined by the State Water Quality Control Board. The executive officer shall serve at the pleasure of the regional board.

Notwithstanding the amendment of this subdivision at the 1963 Regular Session, any person incumbent in the position of executive officer on the effective date of such amendment shall continue to serve at the pleasure of his appointing board.

(d) Employ such other assistants as may be determined necessary to assist the executive officer.

SEC. 18. Section 13052 of said code is amended to read:

13052. Each regional board, with respect to its region, shall:

(a) Obtain coordinated action in water quality control and in the abatement, prevention and control of water pollution and nuisance by means of formal or informal meetings of the persons involved;

(b) Encourage and assist in self-policing waste disposal programs for industry, and upon application of any person shall advise the applicant of the condition to be maintained in any disposal area or receiving waters into which the waste is being discharged;

(c) Require any state or local agency to inspect and report on any technical factors involved in water pollution or nuisance;

(d) Request enforcement of laws concerning water pollution or nuisance by appropriate federal, state and local agencies;

(e) Formulate and adopt long-range plans and policies with respect to water pollution control and water quality control within the region in conformity with the policies set forth in Chapter 1 (commencing at Section 13000) and any water quality control policy adopted at any time by the state board;

(f) Recommend to the state board projects for the reduction of water pollution which the regional board considers eligible for any financial assistance which may be available through the state board;

(g) Report to the state board and appropriate local health officer any case of contamination in its region which is not being corrected.

(h) File with the state board, at its request, copies of any official action with respect to any particular case of actual or threatened pollution and with respect to the adoption of any water quality control policy.

(i) Have the power to require any state or local agency to obtain and submit analyses of well water.

SEC. 19. Section 13052.2 is added to said code, to read:

13052.2. The regional boards shall not adopt water pollution control or water quality control policy unless a public hearing is first held respecting the adoption of such policy.

Any such water quality control policy shall become effective 60 days from the date of its adoption, unless specifically disapproved by the state board.

SEC. 20. Section 13055 of said code is amended to read:

13055. A regional board may investigate any source of water pollution or nuisance within its region and may require that any person discharging sewage or industrial waste within the region furnish such technical or monitoring program reports as the board may specify.

Any person who has been required to make any such reports entailing a substantial expenditure of time or funds or which

are not directly related to the appraisal of the existence or threat of pollution may, within 30 days of the determination of the regional board in the matter, appeal such determination to the state board The state board shall determine the reasonableness and relationships of burdens and costs to benefit of such report and, within 60 days, shall affirm, modify, or annul the determination of the regional board. Pending such determination by the state board, the requirement to furnish the reports shall not be effective.

CHAPTER 1658

An act to amend Sections 310 and 321 of the Elections Code, relating to the registration of voters.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 310 of the Elections Code is amended to read:

310. The affidavit of registration shall show:

(a) The facts necessary to establish the affiant as an elector.

(b) Affiant's name at length, including his given name, and a middle name or initial, or if the initial of his given name is customarily used, then the initial and middle name. The given name of a woman shall be preceded in all cases by the designation of Miss or Mrs.

(c) Affiant's place of residence and post office address with sufficient particularity to identify it and to determine affiant's voting precinct.

(d) Affiant's occupation.

(e) The country or state of affiant's birth.

(f) If foreign born, how citizenship was acquired, whether by:

(1) Citizenship of father.

(2) Treaty or act of Congress.

(3) Order of a court of naturalization.

(4) Marriage to a citizen.

(5) Naturalization of a parent or husband.

The date or year when and the place where the affiant became a citizen shall be stated except in the case of citizenship acquired by citizenship or naturalization of parents, by treaty, or by act of Congress. When citizenship depends upon the citizenship or naturalization of a parent or husband, the name of the parent or husband shall be stated.

(g) Whether the elector is able to read the Constitution in the English language and to write his name, and whether the elector has any physical disability by reason of which he can-

not mark the ballot, in which case the nature of such disability shall be stated.

(h) That the affiant is not disqualified to vote by reason of a felony conviction.

The affiant shall sign the affidavit with his name at length, including given name, middle name or initial, or initial and middle name, and if he is unable to write he shall sign with a mark or cross, and the person before whom the affidavit is made shall insert the date of the affidavit, which shall be the date of the jurat.

SEC. 2. Section 321 of said code is amended to read:

321. Subject to the provisions of this chapter, the body of the affidavit of registration shall be substantially in the following form:

For transfer or change of name	I am registered under the name of _____ in _____ Assembly District, ____ ____ Precinct in said county and request that said registration be canceled.

AFFIDAVIT OF REGISTRATION

State of California, }
County of (_____) } ss.

The undersigned affiant, being duly sworn, says: I will be at least 21 years of age at the time of the next succeeding election, a citizen of the United States 90 days prior thereto, and a resident of the state one year, of the county 90 days, and of the precinct 54 days next preceding such election, and will be an elector of this county at the next succeeding election.

1. I am not now registered as a voter in this state. (If now registered in this county under this or another name, mark out word "not" and fill out transfer clause at top If now registered in another county, mark out word "not" and execute a separate affidavit of cancellation before registering.)

2. My full name is _____ (including Christian or given name, and middle name or initial and in case of women, the prefix Miss or Mrs.).

3. My residence is _____ between _____ and _____ Streets, _____ floor, Room ____.

4. My occupation is _____.

5. My height is _____ feet _____ inches.

6. I was born in _____.
(State or country)

7. I acquired citizenship by (underline method of acquiring citizenship):

a. Decree of court.
b. { Father's naturalization. / Mother's naturalization.
c. Citizenship of father.
d. Marriage to a citizen.
e. Naturalization of my husband.
f. Act of Congress.
g. Treaty.

When { month / day / year } _____

Where { city / state } _____

My { father's / husband's / mother's } name is (was) _____

(To be filled out when citizenship depends on citizenship or naturalization of parent or husband.)

8. I can _____ read the Constitution in the English language; I can _____ write my name; I am entitled to vote by reason of having been on June 27, 1952, at least 50 years of age, and a resident of the United States for periods totaling at least 20 years.

I can _____ mark my ballot by reason of _____ (State physical disability, if any.)

9. I intend to affiliate at the ensuing primary election with the _____ party. (If affiliation is not given, write or stamp "Declines to state.")

10. I am not disqualified to vote by reason of a felony conviction.

_____
(Affiant sign here.)

Residence_____

Subscribed and sworn to before me this _____ day of _____, 19___.

_____
County Clerk.

By_____
Deputy County Clerk.

Assembly District _____
Post office address is _____ Precinct _____
Rural Route No. _____ Box No. _____

SEC. 3. This act shall become operative only if the Legislature, at its 1965 Regular Session, adopts a constitutional amendment revising Section 1 of Article II of the Constitution with respect to age and residence requirements entitling a foreign-born citizen to vote.

CHAPTER 1659

An act to amend Section 411 of the Code of Civil Procedure, relating to service of process.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 411 of the Code of Civil Procedure is amended to read:

411. The summons must be served by delivering a copy thereof as follows:

1. If the suit is against a domestic corporation: to the president or other head of the corporation, a vice president, a secretary, an assistant secretary, general manager, or a person designated for service of process or authorized to receive service of process. If such corporation is a bank, to any of the foregoing officers or agents thereof, or to a cashier or an assistant cashier thereof. If no such officer or agent of the corporation can be found within the state after diligent search, then to the Secretary of State as provided in Sections 3301 to 3304, inclusive, of the Corporations Code, unless the corporation be of a class expressly excepted from the operation of those sections.

2. If the suit is against a foreign corporation, or a nonresident joint stock company or association, doing business in this state; in the manner provided by Sections 6500 to 6504, inclusive, of the Corporations Code.

3. If against a minor, under the age of 14 years, residing within this state: to such minor, personally, and also to his father, mother, or guardian; or if there be none within this state, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed.

4. If against a person residing within this state and for whom a guardian or conservator has been appointed: to such person, and also to his guardian or conservator.

5. Except as otherwise specifically provided by statute, in an action or proceeding against a local or state public agency, to the clerk, secretary, president, presiding officer or other head thereof or of the governing body of such public agency. "Public agency" includes (1) every city, county, and city and county; (2) every public agency, authority, board, bureau, commission, corporation, district and every other political subdivision; and (3) every department and division of the state.

6. In all cases where a corporation has forfeited its charter or right to do business in this state, or has dissolved, by delivering a copy thereof to one of the persons who have become the trustees of the corporation and of its stockholders or members; or, in a proper case, as provided in Sections 3305 and 3306 of the Corporations Code.

7. If the suit is one brought against a candidate for public office and arises out of or in connection with any matter concerning his candidacy or the election laws and said candidate cannot be found within the state after diligent search, then as provided for in Section 54 of the Elections Code.

8. In all other cases to the defendant personally.

CHAPTER 1660

An act to amend Section 5527 of the Public Resources Code, relating to regional park districts.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 5527 of the Public Resources Code is amended to read:

5527. The government of each district shall be vested in a board of five or seven directors, one from each of the wards or subdistricts, together with the other officers mentioned in this article. Directors shall be residents and electors of the wards or subdistricts from which they are nominated. Directors who are elected at any election which is held after October 1, 1965, shall be elected by ward or subdistrict and the qualified electors in any ward or subdistrict may only vote at a district election at which a director is to be elected to represent such ward or subdistrict and may only vote for one of the persons who is nominated for such office.

CHAPTER 1661

*An act to amend Section 17702.2 of the Education Code, relating to financial support of the public schools, declaring the urgency thereof, to take effect immediately.**

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 17702.2 of the Education Code is amended to read:

17702.2. Commencing on the first day of July following an unsuccessful election for unification held after the effective date of the enactment of this section at the 1964 First Extraordinary Session of the Legislature, or commencing with the fiscal year 1966–67, whichever first occurs, the Superintendent of Public Instruction shall compute the areawide aid to be utilized in determining state apportionments to be made for the

* Since the urgency clause (Section 2) was not adopted (see Senate Journal, June 18, 1965, page 4361), this act will become effective September 17, 1965.

support of elementary school districts and high school districts with respect to which an areawide foundation program is computed under Article 2.5 (commencing with Section 17680) of this chapter. Areawide aid shall be the amount which a tax levied on each one hundred dollars ($100) of 100 percent of the assessed valuation for the current fiscal year, modified where necessary pursuant to Section 17262, of the area comprising all of such elementary school districts and all of such high school districts would produce, if levied, if such tax were:

(a) Sixty cents ($0.60) in the case of the elementary school districts.

(b) Fifty cents ($0.50) in the case of the high school districts.

If the Superintendent of Public Instruction finds that the difference obtained by subtracting the areawide aid as computed under the above provisions of this section from the areawide foundation program is less than the product obtained by multiplying the average daily attendance used for foundation program purposes by one hundred twenty-five dollars ($125), he shall reduce the areawide aid to an amount which, when added to such product, will equal the amount of the areawide foundation program.

* 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 school districts which were included in a defeated unification proposal occurring after August 22, 1964, be able to take full advantage of the benefits of areawide equalization for the 1965–66 fiscal year it is necessary that this act go into immediate effect.

*** Since the urgency clause (Section 2) was not adopted (see Senate Journal, June 18, 1965, page 4361), this act will become effective September 17, 1965.**

CHAPTER 1662

An act to amend Section 23102 of, and to add Section 23123.5 to, the Vehicle Code, relating to alcoholic beverages.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 23102 of the Vehicle Code is amended to read:

23102. (a) It is unlawful for any person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon any highway. Any person convicted under this section

shall be punished upon a first conviction by imprisonment in the county jail for not less than 30 days nor more than six months or by fine of not less than two hundred fifty dollars ($250) nor 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 a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000). A conviction under this section shall be deemed a second conviction if the person has previously been convicted of a violation of Section 23101 of this code.

(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 but not more than one year and pay a fine of at least two hundred fifty dollars ($250) but not more than one thousand dollars ($1,000).

(c) If the person convicted under this section is under the age of 21 years and the vehicle used in any such violation is registered to such person, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days.

SEC. 2. Section 23123.5 is added to said code, to read:

23123.5. (a) No person under the age of 21 years shall knowingly possess, transport, or have under his control in any motor vehicle any alcoholic beverage, unless such person is accompanied by a parent or legal guardian or is employed by a licensee under the Alcoholic Beverage Control Act (Division 9, commencing with Section 23000, of the Business and Professions Code), and is possessing, transporting or has such alcoholic beverage in a motor vehicle under his control during regular hours and in the course of his employment.

(b) If the vehicle used in any violation of subdivision (a) is registered to such person under the age of 21 years, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days for each violation.

(c) Any such person under 21 years of age found guilty under this section shall also have his driver's license suspended for not less than 15 days nor more than 30 days.

SEC. 3. Section 23102 of said code is amended to read:

23102. (a) It is unlawful for any person who is under the influence of intoxicating liquor, or under the combined influence of intoxicating liquor and any drug, to drive a vehicle upon any highway. Any person convicted under this section shall be punished upon a first conviction by imprisonment in the county jail for not less than five days nor more than six months and by fine of not less than two hundred fifty dollars ($250) nor more than five hundred dollars ($500) 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 30 days nor more than one year and by a fine of not less than two hundred fifty dollars ($250) nor more than one thousand dollars ($1,000). A conviction under this section shall be deemed a second conviction if the person has previously been convicted of a violation of Section 23101 of this code.

(b) If probation is granted to a person convicted under this section, it shall be in addition to the minimum sentence specified and execution of sentence shall not be suspended.

(c) If the person convicted under this section is under the age of 21 years and the vehicle used in any such violation is registered to such person, the vehicle may be impounded at the owner's expense for not less than one day nor more than 30 days.

SEC. 4. Section 3 of this act shall become operative only if Senate Bill No. 43 is enacted by the Legislature at its 1965 Regular Session, and in such case at the same time as Senate Bill No. 43 takes effect; at which time Section 23102 of the Vehicle Code as amended by Section 1 of this act is repealed.

CHAPTER 1663

An act to repeal Sections 13702.2 and 13702.3 as added to the Education Code by Chapter 437 of the Statutes of 1965, to amend Sections 13581, 13703, and 13723 of, and to add Sections 13580, 13583, 13707.4, Article 1.5 (commencing with Section 13595) to Chapter 3 of Division 10 of, Sections 13701, 13704, 13707, 13707.1, 13707.2 and 13707.3 to, to repeal Sections 13580, 13583, 13701, 13702, 13702.1 and 13707 of, the Education Code, relating to the merit (civil service) system for persons employed in positions not requiring certification qualifications in the public school systems.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 13580 of the Education Code is repealed.

SEC. 2. Section 13580 is added to said code, to read:

13580. Articles 1 through 4, inclusive, of this chapter, and the applicable provisions of Chapter 1 (commencing with Section 12901) of this division shall apply to all classified employees of a school district, including those authorized in Sections 934, 945 and 949, of this code, whether a merit or nonmerit system district as authorized by this chapter unless the section specifically limits its application to nonmerit system districts. These provisions shall also apply to all persons a part of the classified service who are employed in the office of a county superintendent of schools and whose salaries are

paid out of the county school service fund regardless of the origin of such fund moneys.

These provisions shall not apply to employees of a school district lying wholly within a city and county which provides in its charter for a merit system of employment for employees employed in positions not requiring certification qualifications.

The positions authorized in Sections 934, 945 and 949 may, by resolution of a governing board, be exempted from the provisions of Article 5 (commencing with Section 13701) of this chapter.

SEC. 3. Section 13581 of said code is amended to read:

13581. The governing board of any school district shall employ persons for positions not requiring certification qualifications. The governing board shall, except where Article 5 (commencing at Section 13701) of this chapter or Section 13756 applies, classify all such employees and positions. The employees and positions shall be known as the classified service. Substitute and short term employees, employed and paid for less than 75 percent of a school year, shall not be a part of the classified service. Part-time playground positions, full-time day students employed part time, apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment, shall not be a part of the classified service.

The term "short term employees" as used in this section shall be construed to mean any person who is employed to perform a service for the district, upon the completion of which, the service required or similar services will not be extended or needed on a continuing basis.

"Seventy-five percent of a school year" means 195 working days, including holidays, sick leave, vacation and other leaves of absences, irrespective of number of hours worked per day.

This section shall apply only to districts not incorporating the merit system as outlined in Article 5 (commencing with Section 13701) of this chapter.

SEC. 4. Section 13583 of said code is repealed

SEC. 5. Section 13583 is added to said code, to read:

13583. The governing board of a school district shall prescribe written rules and regulations, governing the personnel management of the classified service, which shall be printed and made available to employees in the classified service, the public, and those concerned with the administration of this section, whereby such employees are designated as permanent employees of the district after serving a prescribed period of probation which shall not exceed one year.

Any employee designated as a permanent employee shall be subject to disciplinary action only for cause as prescribed by rule or regulation of the governing board, but the governing board's determination of the sufficiency of the cause for disciplinary action shall be conclusive.

The governing board shall adopt rules of procedure for disciplinary proceedings which shall contain a provision for

informing the employee by written notice of the specific charges against him, a statement of his right to a hearing on such charges, and the time within which such hearing may be requested which shall be not less than five days after service of the notice to the employee, and a card of paper, the signing and filing of which shall constitute a demand for hearing, and a denial of all charges. The burden of proof shall remain with the governing board, and any rule or regulation to the contrary shall be void.

No disciplinary action shall be taken for any cause which arose prior to the employee's becoming permanent, nor for any cause which arose more than two years preceding the date of the filing of the notice of cause unless such cause was concealed or not disclosed by such employee when it could be reasonably assumed that the employee should have disclosed the facts to the employing district.

This section shall apply only to districts not incorporating the merit system as outlined in Article 5 (commencing with Section 13701) of this chapter.

SEC. 6. Article 1.5 (commencing with Section 13595) is added to Chapter 3 of Division 10 of said code, to read:

Article 1 5. Inclusion in the Merit System

13595. (a) "Common board" as used in this article means a board with identical members that governs more than one school district. "Common administration" as used in this section means the administration by a person employed by governing boards of more than one district or a common board to act as chief executive officer for more than one school district

(b) The term "a district whose average daily attendance is 3,000 or greater" shall be construed to include any district which is the only district under the jurisdiction of the county superintendent of schools regardless of its average daily attendance.

13596 (1) On or after the effective date of this section the classified employees of any district whose average daily attendance is 3,000 or greater, may, in accordance with this article, petition the governing board to make the provisions of Article 5 (commencing with Section 13701) of this chapter applicable to their employer district. Said petition shall read substantially as follows:

"We, the undersigned classified employees of the _____
(Name of

_____, constituting 15 percent of the classified person-
school district)

nel entitled to vote, request the governing board to submit to election the question of whether or not the merit (civil service) system shall become applicable to this district."

NAME POSITION CLASSIFICATION

"Classified employee" as used in this section shall be construed to include all personnel a part of the classified service as defined in Section 13581 of this code.

(2) Within 120 days after receipt of the petition the governing board shall: (a) Obtain the services of competent and qualified persons to present the pros and cons of the issue.

(b) Provide adequate and ample opportunity for all of its classified personnel to attend one or more meetings at which the issue is presented.

(c) Having complied with subsections (a) and (b), foregoing, conduct an election by secret ballot of its classified personnel to determine whether or not they desire to have the merit system applicable to the district. The ballot shall read:

"Shall the merit (civil service) system for classified employees be applicable in the _____ ?
(Name of school district)

☐ Yes
☐ No"

The ballot shall not require the employees' signatures or other personal identifying requirements, but the board shall devise an identification system to insure against fraud in the balloting process.

(d) The board shall appoint a three- or five-person tabulating committee, at least one member of which shall be a member of the governing board, to canvass the ballots and present the results to the governing board. If a simple majority votes in favor of the merit system the same shall become applicable in the district.

(e) If the merit system becomes applicable in the district the board shall proceed to incorporate the merit system at the earliest practicable date which shall then become operable not later than 120 days next following the date of such election or July 1 next succeeding whichever is later or specified by the governing board.

13597. When an election has been held, as authorized in this article, and fails to receive a simple majority affirmative vote, the classified employees of that district may not again petition for an election until at least two years has elapsed since the last election.

13598. Any person who intimidates, coerces, or discriminates in any way against any classified employee for the doing of any act authorized herein shall be personally liable to such employee for all damages suffered thereby and such exemplary damages as the court may allow

SEC. 7. Section 13701 of said code is repealed.

SEC. 8. Section 13701 is added to said code, to read:

13701. Any school district adopting the provisions of this article in accordance with Article 1 5 (commencing with Section 13595) of this chapter shall, within 30 days of the requirement to adopt, cause the personnel commission to be appointed in the manner prescribed in Sections 13707, 13707.1 and 13707.2. The personnel commission shall appoint the per-

sonnel director in the manner provided in Section 13717 within 60 days after appointment of at least two of its members. The system shall then become fully operative on the dates provided in subdivision (e) of Section 13596 of this chapter.

SEC. 9. Section 13702 of said code is repealed.

SEC. 10. Section 13702.1 of said code is repealed.

SEC. 11. Section 13702.2 as added to said code by Chapter 437 of the Statutes of 1965 is repealed.

SEC. 12. Section 13702.3 as added to said code by Chapter 437 of the Statutes of 1965 is repealed.

SEC. 13. Section 13703 of said code is amended to read:

13703. In any district in which the procedure set forth in this article has been incorporated the governing board shall employ, pay, and otherwise control the services of persons in positions not requiring certification qualifications only in accordance with the provisions of this article (commencing at Section 13701).

No governing board shall remove a position from the classified service by title assignment or otherwise which would then require an incumbent to be credentialed if such position is not required by this code to be designated as certificated.

SEC. 14. Section 13704 is added to said code, to read:

13704. The governing board of a school district may cause the levy and collection annually of a school district tax upon the taxable property within the district in the number of cents per one hundred dollars ($100) of assessed valuation in the district as will be sufficient to raise the amount estimated by the governing board to be required to provide revenue to meet its obligations under Sections 13710 and 13711. This rate of taxation shall be in addition to the annual rate of taxation allowed by law to be levied for the district. All moneys raised by this tax shall be used solely for the requirements of Sections 13710 and 13711 and excess moneys raised in any one year shall be applied to the requirements of the following year.

SEC. 15. Section 13707 of said code is repealed.

SEC. 16. Section 13707 is added to said code, to read:

13707. One member of the commission shall be appointed by the governing board of the district adopting the provisions of this article (commencing with Section 13701); one member of the commission shall be appointed by the Superintendent of Public Instruction; and one member shall be appointed by the executive officer of the State Personnel Board.

The governing board of the concerned district shall recommend, as hereinafter provided, the appointee to be made by the Superintendent of Public Instruction and the Executive Officer, State Personnel Board, but the appointing authority may reject the recommendation.

If the appointing authority rejects the recommendation of the governing board, the board shall, within 45 days of notification of rejection, submit a new recommendation for consideration.

SEC. 17. Section 13707 1 is added to said code, to read:

13707.1. The governing board shall publicly announce its intended appointee and those recommended for appointment as soon as possible, and in no event later than 30 days after adoption of the system.

The board shall provide the public and employees and employee organizations the opportunity to present their views on the recommendations at a board meeting to be held within 45 days of its original announcement.

The board may, at that time, affirm its appointment and recommendations or may substitute appointees without further notification to the public.

SEC. 18. Section 13707.2 is added to said code, to read:

13707.2. An appointee to a commission in a district which has newly adopted the system shall take office upon receipt of notification of his appointment but his term of office shall run from noon of the first day of December next succeeding.

The initial appointee of the governing board shall serve a three-year term, and the term of the appointee of the Superintendent of Public Instruction and the Executive Officer of the State Personnel Board shall be for two years and one year respectively.

Subsequent terms shall be for three years commencing at noon the first day of December.

The commission may commence its requirements where two members have been appointed.

SEC. 19. Section 13707.3 is added to said code, to read:

13707.3. Appointment to vacancies occurring subsequent to the initial appointment shall be made by the original appointing authority either for a new full term or to fill an unexpired term. The procedures required in Sections 13707 and 13707.1 shall be followed in the appointment and recommendation for appointment to fill vacancies occurring subsequent to the initial appointments.

SEC 20. Section 13707 4 is added to said code, to read:

13707.4. In a school district which has already adopted the provisions of this article on the effective date of this section, members of the personnel commission shall continue to be appointed alternately by the Superintendent of Public Instruction and by the executive officer of the State Personnel Board, each of whom may consider the recommendation of the governing board and other interested parties.

SEC. 21. Section 13723 of said code is amended to read:

13723. All vacancies in the classified service shall be filled pursuant to this article (commencing with Section 13701) and the rules of the commission, from applicants on eligibility lists which, wherever practicable, as determined by the commission, shall be made up from promotional examinations, or appointments may be made by means of transfer, demotion, reinstatement, and reemployment in accordance with the rules of the commission. All applicants for promotional examinations shall have the required amount of service in classes designated by

the commission or meet the minimum qualifications of education, training, experience, and length of service, which shall be determined by the commission to be appropriate for the class for which they have applied. Any promotional applicant who has served the required amount of time in a designated class or who meets the minimum qualifications for admission to a promotional examination shall be admitted to the examination. Applicants shall be placed on the eligibility lists in the order of their relative merit as determined by competitive examinations. Appointments shall be made from the first three applicants on the eligibility list who are ready and willing to accept the position, except that in a school district which has already adopted the provisions of this article on the effective date of the amendments to this section enacted at the 1965 Regular Session of the Legislature, appointments shall be from the first two applicants on the eligibility list who are ready and willing to accept the position.

CHAPTER 1664

An act to add Section 1945.5 to the Civil Code, relating to renewal of leases.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1945.5 is added to the Civil Code, to read:

1945.5. Notwithstanding any other provision of law, any term of a lease executed after the effective date of this section for the hiring of residential real property which provides for the automatic renewal or extension of the lease for all or part of the full term of the lease if the lessee remains in possession after the expiration of the lease or fails to give notice of his intent not to renew or extend before the expiration of the lease shall be null and void unless such renewal or extension provision appears in at least eight-point boldface type, if the contract is printed, in the body of the lease agreement and a recital of the fact that such provision is contained in the body of the agreement appears in at least eight-point boldface type, if the contract is printed, immediately prior to the place where the lessee executes the agreement. In such case, the presumption in Section 1945 of this code shall apply.

Any waiver of the provisions of this section is void.

SEC. 2. This act shall become operative on June 30, 1966

CHAPTER 1665

An act to amend Sections 33020, 33050, 33134, 33310, 33311, 33312, 33330, 33332, 33334, 33337, 33339.5, 33340, 33345, 33347, 33348, 33349, 33351, 33352, 33367, 33391, 33400, 33420, 33430, 33432, 33435, 33436, 33439, 33442, 33452, 33453, 33455, 33501, 33503, the heading of Article 2 (commencing with Section 33310) of Chapter 4, Part 1, Division 24 of, to add Sections 33135, 33322, 33326, 33350.5, 33363.5, 33445 and 33604 to, to repeal Section 33322 and Chapter 7 (commencing with Section 33700), Part 1, Division 24 of, the Health and Safety Code, and to amend Section 3791.3 of the Revenue and Taxation Code, relating to redevelopment.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 33020 of the Health and Safety Code is amended to read:

33020. "Redevelopment" means the planning, development, replanning, redesign, clearance, reconstruction, or rehabilitation, or any combination of these, of all or part of a survey area, and the provision of such residential, commercial, industrial, public, or other structures or spaces as may be appropriate or necessary in the interest of the general welfare, including recreational and other facilities incidental or appurtenant to them.

SEC. 2. Section 33050 of said code is amended to read:

33050. It is hereby declared to be the policy of the state that in undertaking community redevelopment projects under this part there shall be no discrimination because of race, color, religion, national origin, or ancestry.

SEC. 3. Section 33134 of said code is amended to read:

33134. Within the survey area or for purposes of redevelopment an agency may insure or provide for the insurance of any operations of the agency against risks or hazards.

SEC. 4. Section 33135 is added to said code, to read:

33135. Upon request from and at the expense of any public body an agency may, with the approval of the legislative body, provide relocation assistance to persons displaced by governmental action.

SEC. 5. The heading of Article 2 (commencing with Section 33310), Chapter 4, Part 1, Division 24 of said code is amended to read:

Article 2. Designation of Survey Area

SEC. 6. Section 33310 of said code is amended to read:

33310. Survey areas may be designated by resolution of the legislative body, or the legislative body may by resolution authorize the designation of survey areas by resolution of the

planning commission or by resolution of the members of the agency.

SEC. 7. Section 33311 of said code is amended to read:

33311. Any person, group, association or corporation may in writing, request the legislative body (or the planning commission or the agency if they are authorized by the legislative body to designate survey areas) to designate a survey area or areas for project study purposes, and may submit with their request plans showing the proposed redevelopment of such areas or any part or parts thereof.

SEC. 8. Section 33312 of said code is amended to read:

33312. The resolution designating a survey area or areas shall contain the following:

(a) A finding that the area requires study to determine if a redevelopment project or projects within said area are feasible;

(b) A description of the boundaries of the area designated.

SEC. 9. Section 33322 of said code is repealed.

SEC. 10. Section 33322 is added to said code, to read:

33322. The planning commission may select one or more project areas comprised of all or part of any survey area, on its own motion, or at the request of the agency. The planning commission shall select one or more project areas comprised of all or part of any survey area, at the direction of the legislative body, or upon the written petition of the owners in fee of the majority in area of a proposed project area, excluding publicly owned areas or areas dedicated to a public use.

The planning commission shall formulate a preliminary plan for the redevelopment of each selected project area.

SEC. 11. Section 33326 is added to said code, to read:

33326. Prior to publication of notice of the agency public hearing, the planning commission may change the boundaries of a project area with the approval of the agency.

SEC. 12. Section 33330 of said code is amended to read:

33330. Each agency shall prepare or cause to be prepared, and approve, a redevelopment plan for each project area and for that purpose may hold hearings and conduct examinations, investigations, and other negotiations. The agency shall consult with the planning commission of the community in preparing a redevelopment plan.

SEC. 13. Section 33332 of said code is amended to read:

33332. Every redevelopment plan shall contain a legal description of the boundaries of the project area and shall be based upon the preliminary plan.

SEC. 14. Section 33334 of said code is amended to read:

33334. Every redevelopment plan shall describe generally the proposed method of financing the redevelopment of the project area including estimates of total project costs, revenues, and any bond issues.

SEC. 15. Section 33337 of said code is amended to read:

33337. Every redevelopment plan shall contain a provision requiring submission to the community redevelopment agency

for approval, all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of any land in a redevelopment project, and such deeds, leases or contracts shall contain the nondiscrimination clauses prescribed in Section 33436.

SEC. 16. Section 33339.5 of said code is amended to read:

33339 5. Every redevelopment agency shall extend reasonable preference to persons who are engaged in business in the project area to reenter in business within the redeveloped area if they otherwise meet the requirements prescribed by the redevelopment plan.

With respect to each redevelopment project, each agency shall, within a reasonable time before its approval of the redevelopment plan adopt and make available for public inspection rules to implement the operation of this section in connection with the plan.

SEC. 17. Section 33340 of said code is amended to read:

33340. Every redevelopment plan which contemplates property owner participation in the redevelopment of the project area shall contain alternative provisions for redevelopment of the property if the owners fail to participate in the redevelopment as agreed.

SEC. 18. Section 33345 of said code is amended to read:

33345. With respect to each redevelopment project, each agency shall, within a reasonable time before its approval of the redevelopment plan adopt and make available for public inspection rules to implement the operation of owner participation in connection with the plan.

SEC. 19. Section 33347 of the said code is amended to read:

33347. Within 30 days after a redevelopment plan is submitted to it for consideration, the planning commission shall make and file its report and recommendation with the agency. If the planning commission does not report upon the redevelopment plan within 30 days after its submission by the agency, the planning commission shall be deemed to have waived its report and recommendations concerning the plan and the agency may thereafter approve the plan without the report and recommendations of the planning commission.

SEC. 20. Section 33348 of said code is amended to read:

33348. Before the approval of a redevelopment plan by the agency, the agency shall conduct a public hearing on it.

SEC. 21. Section 33349 of said code is amended to read:

33349 The agency shall publish notice of the hearing not less than once a week for four successive weeks prior to the hearing The notice shall be published in a newspaper of general circulation, printed and published in the community, or if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the area or areas designated in the proposed redevelopment plan and a general statement of the scope and objectives of the plan. Copies of the notices shall be mailed to the last known assessee of each parcel of land in the area designated in the redevelopment plan, at his last known ad-

dress as shown on the last equalized assessment roll of the county; or where a city assesses, levies, and collects its own taxes, as shown on the last equalized assessment roll of the city. The notice shall be mailed by certified mail with return receipt requested.

SEC. 22. Section 33350.5 is added to said code, to read:

33350.5. After publication of notice of agency public hearing and prior to approval of the redevelopment plan by the agency, an agency may exclude land from a project area after receipt of a report and recommendation from the planning commission. Within 30 days after a change is submitted to it for consideration, the planning commission shall submit its report and recommendation to the agency. If the planning commission does not report upon the change within 30 days after its submission by the agency, the planning commission shall be deemed to have waived its report and recommendation concerning the change, and the agency may proceed to exclude the land from the project area without the report and recommendation of the planning commission.

SEC. 23. Section 33351 of said code is amended to read:

33351. Upon the preparation and approval of a redevelopment plan the agency shall submit it to the legislative body.

SEC. 24. Section 33352 of said code is amended to read:

33352. Every redevelopment plan submitted by the agency to the legislative body shall be accompanied by a report containing:

(a) The reasons for the selection of the project area.

(b) A description of the physical, social, and economic conditions existing in the area.

(c) The proposed method of financing the redevelopment of the project area in sufficient detail so that the legislative body may determine the economic feasibility of the plan.

(d) A method or plan for the relocation of families and persons to be temporarily or permanently displaced from housing facilities in the project area.

(e) An analysis of the preliminary plan.

(f) The report and recommendations of the planning commission.

SEC. 25. Section 33363.5 is added to said code, to read:

33363.5. After the redevelopment plan and accompanying documents have been submitted by the agency to the legislative body and at any time prior to the adoption of the plan, the legislative body upon the recommendation of the agency may change such plan, or change the boundaries of the project area to exclude land from the project area, after receipt of a report and recommendation from the planning commission concerning such changes. The planning commission may recommend for or against the changes. Within 30 days after a change is submitted to it for consideration the planning commission shall make and file its report and recommendation with the legislative body. If the planning commission does not report upon the change within 30 days after its submission by the

legislative body, the planning commission shall be deemed to have waived its report and recommendation concerning the change and the legislative body may proceed to act upon the plan without the report and recommendation of the planning commission.

SEC. 26. Section 33367 of said code is amended to read:

33367. The ordinance shall contain:

(a) The purposes and intent of the legislative body with respect to the project area.

(b) The plan incorporated by reference

(c) A designation of the approved plan as the official redevelopment plan of the project area.

(d) The findings and determinations of the legislative body that:

(1) The project area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in this part.

(2) The redevelopment plan would redevelop the area in conformity with this part and in the interests of the public peace, health, safety, and welfare.

(3) The adoption and carrying out of the redevelopment plan is economically sound and feasible.

(4) The redevelopment plan conforms to the master or general plan of the community.

(5) The carrying out of the redevelopment plan would promote the public peace, health, safety, and welfare of the community and would effectuate the purposes and policy of this part.

(6) The condemnation of real property, if provided for in the redevelopment plan, is necessary to the execution of the redevelopment plan and adequate provisions have been made for payment for property to be acquired as provided by law.

(7) The agency has a feasible method or plan for the relocation of families and persons displaced from the project area, if the redevelopment plan may result in the temporary or permanent displacement of any occupants of housing facilities in the project area.

(8) There are or are being provided in the project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the project area, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment.

(e) A statement that the legislative body is satisfied permanent housing facilities will be available within three years from the time occupants of the project area are displaced and that pending the development of such facilities there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

SEC. 27. Section 33391 of said code is amended to read:

33391. Within the survey area or for purposes of redevelopment an agency may:

(a) Purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property, any interest in property, and any improvements on it.

(b) Acquire real property by eminent domain.

SEC. 28. Section 33400 of said code is amended to read:

33400. Within the survey area or for purposes of redevelopment an agency may:

(a) Insure or provide for the insurance of any real or personal property of the agency against risks or hazards.

(b) Rent, maintain, manage, operate, repair, and clear such real property.

SEC. 29. Section 33420 of said code is amended to read:

33420. An agency may clear or move buildings, structures, or other improvements from any real property acquired.

SEC. 30 Section 33430 of said code is amended to read:

33430. Within the survey area or for purposes of redevelopment an agency may sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage, deed of trust, or otherwise, or otherwise dispose of any real or personal property or any interest in property.

SEC. 31. Section 33432 of said code is amended to read:

33432. An agency shall lease or sell all real property acquired by it in any project area, except property conveyed by it to the community or any other public body. Any such lease or sale shall be conditioned on the redevelopment and use of the property in conformity with the redevelopment plan.

SEC. 32. Section 33435 of said code is amended to read:

33435. Agencies shall obligate lessees and purchasers of real property acquired in redevelopment projects and owners of property improved as a part of a redevelopment project to refrain from restricting the rental, sale, or lease of the property on the basis of race, color, religion, ancestry, or national origin of any person. All deeds, leases, or contracts for the sale, lease, sublease, or other transfer of any land in a redevelopment project shall be submitted to the agency for approval, and such deeds, leases, or contracts, shall contain the nondiscrimination or nonsegregation clauses hereafter prescribed.

SEC. 33. Section 33436 of said code is amended to read:

33436. Express provisions shall be included in all deeds, leases and contracts which the agency proposes to enter into with respect to the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of any land in a redevelopment project in substantially the following form:

(a) In deeds the following language shall appear—"The grantee herein covenants by and for himself, his heirs, executors, administrators, and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on

account of race, color, creed, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises herein conveyed, nor shall the grantee himself or any person claiming under or through him, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land."

(b) In leases the following language shall appear—"The lessee herein covenants by and for himself, his heirs, executors, administrators, and assigns, and all persons claiming under or through him, and this lease is made and accepted upon and subject to the following conditions:

That there shall be no discrimination against or segregation of any person or group of persons, on account of race, color, creed, national origin, or ancestry, in the leasing, subleasing, transferring, use, occupancy, tenure, or enjoyment of the premises herein leased nor shall the lessee himself, or any person claiming under or through him, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, sublessees, subtenants, or vendees in the premises herein leased."

(c) In contracts entered into by the agency relating to the sale, transfer, or leasing of land or any interest therein acquired by the agency within any survey area or redevelopment project the foregoing provisions in substantially the forms set forth shall be included and such contracts shall further provide that the foregoing provisions shall be binding upon and shall obligate the contracting party or parties and any subcontracting party or parties, or other transferees under the instrument.

SEC. 34. Section 33439 of said code is amended to read:

33439. The agency shall retain controls and establish restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as are provided in the redevelopment plan. The establishment of such controls is a public purpose under the provisions of this part.

SEC. 35. Section 33442 of said code is amended to read:

33442. An agency may sell, lease, grant, or donate real property owned or acquired by the agency in a survey area to a housing authority or to any public agency for public housing projects.

SEC. 36. Section 33445 is added to said code, to read:

33445. Notwithstanding the provisions of Section 33440 an agency may, with the consent of the legislative body, pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within or without a project area, to the extent that such buildings, fa-

cilities, structures, or other improvements are of benefit to the project area.

SEC. 37. Section 33452 of said code is amended to read:

33452. Notice of such hearing shall be published pursuant to Section 6063 of the Government Code prior to the date of hearing in a newspaper of general circulation, printed and published in the community, or, if there is none, in a newspaper selected by the agency. The notice of hearing shall include a legal description of the boundaries of the project area by reference to the description recorded with the county recorder pursuant to Section 33373 and a general statement of the purpose of the amendment. Copies of the notices shall be mailed to the last known assessee of each parcel of land not owned by the agency within such boundaries, at his last known address as shown on the last equalized assessment roll of the county; or where a city assesses, levies, and collects its own taxes, as shown on the last equalized assessment roll of the city, and to persons, firms, or corporations which have acquired property within such boundaries from the agency, at his last known address as shown by the records of the agency. The notice shall be mailed by certified mail with return receipt requested.

SEC. 38. Section 33453 of said code is amended to read:

33453. If after the public hearings the agency recommends substantial changes in the plan which affect the master or community plan adopted by the planning commission or the legislative body, such changes shall be submitted to the planning commission for its report and recommendation to the legislative body within 30 days after such submission. If the planning commission does not report upon the changes within 30 days after its submission by the agency, the planning commission shall be deemed to have waived its report and recommendations concerning such changes.

SEC. 39. Section 33455 of said code is amended to read:

33455. After receiving the recommendation of the agency concerning such changes in the plan, the legislative body upon further recommendation by the agency, without additional agency public hearing, may make further changes, except changes in area or boundaries, for consideration at the public hearing If such changes are substantial changes in the plan which affect the master or community plan adopted by the planning commission or the legislative body, such changes shall be submitted to the planning commission for its report and recommendation to the legislative body within 30 days after such submission. If the planning commission does not report upon the changes within 30 days after its submission by the legislative body, the planning commission shall be deemed to have waived its report and recommendation concerning the changes. If after the public hearing the legislative body determines that the amendments in the plan, proposed by the agency, or the further recommended changes by the agency are necessary or desirable, the legislative body shall adopt an

ordinance amending the ordinance adopting the plans thus amended.

SEC. 40. Section 33501 of said code is amended to read:

33501. An action may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure to determine the validity of bonds and the redevelopment plan to be financed or refinanced, in whole or in part, by the bonds, or to determine the validity of a redevelopment plan not financed by bonds, including without limiting the generality of the foregoing, the legality and validity of all proceedings theretofore taken for or in any way connected with the establishment of the agency, its authority to transact business and exercise its powers, the designation of the survey area, the selection of the project area, the formulation of the preliminary plan, and the adoption of the redevelopment or renewal plan, and also including the legality and validity of all proceedings theretofore taken and (as provided in the bond resolution) proposed to be taken for the authorization, issuance, sale and delivery of the bonds and for the payment of the principal thereof and interest thereon.

SEC. 41. Section 33503 of said code is amended to read:

33503. The judgment, if no appeal is taken, or if taken and the judgment is affirmed shall be forever binding and conclusive, as to all matters therein adjudicated or which at that time could have been adjudicated, against the agency and against all other parties and if the judgment determines that the agency is lawfully established, that the redevelopment plan is valid and effective, that the agency is authorized to issue such bonds and that such bonds when issued will be valid, the judgment shall permanently enjoin the institution by any person of any action or proceeding raising any issue as to which the judgment is binding and conclusive.

SEC. 42. Section 33604 is added to said code, to read:

33604 If an agency ceases to function, any surplus funds existing after payment of all its obligations and indebtedness shall vest in the community.

SEC. 43. Chapter 7 (commencing with Section 33700), Part 1, Division 24 of said code is repealed.

SEC. 44. Section 3791.3 of the Revenue and Taxation Code is amended to read:

3791.3. Whenever property has been deeded to the state for taxes, whether or not the property is subject to or has been sold or deeded for taxes to a taxing agency other than the state, the state, county, any revenue district the taxes of which on the property are collected by county officers, or a redevelopment agency created pursuant to the California Community Redevelopment Law, may purchase the property or any part thereof, including any right-of-way or other easement, pursuant to this chapter. A redevelopment agency, however, may only purchase such tax-deeded property located within a designated survey area.

SEC. 45. The Legislature finds and determines that all powers conferred upon redevelopment or urban renewal agencies under the sections repealed by this act could be exercised under other provisions of the Community Redevelopment Law, and nothing in this act shall be construed as a determination by the Legislature to restrict or diminish such existing powers of redevelopment or urban renewal agencies. This act does not affect the powers of a redevelopment or urban renewal agency to carry out and complete any project initiated pursuant to the repealed sections prior to the effective date of this act.

CHAPTER 1666

An act to add Section 11580.4 to the Insurance Code, relating to uninsured motorist coverage.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 11580.4 is added to the Insurance Code, to read:

11580.4. In any action or arbitration proceeding to determine whether an insured shall be entitled to recovery of damages under uninsured motorist coverage, the certificate of the Department of Motor Vehicles that the owner or operator of the motor vehicle alleged to have been an uninsured motor vehicle at the time of the accident has not established exemption from the security requirements of Section 16020 of the Vehicle Code by filing satisfactory evidence of a policy of bodily injury liability insurance or a bond applicable at the time of the accident shall be admissible in evidence to create a rebuttable presumption that such vehicle was an uninsured motor vehicle at the time of the accident.

CHAPTER 1667

An act to add Section 7018 to the Business and Professions Code, relating to contractors.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 7018 is added to the Business and Professions Code, to read:

7018. On or before June 30, 1966, the board shall prescribe a form entitled "Notice" which shall describe the pertinent provisions of this state's lien laws. Each contractor

licensed under this chapter, prior to receiving from the owner of property or his agent any payment for work for which a contractor's license is required, shall give a copy of this "Notice" to the payor.

CHAPTER 1668

An act to amend Section 31552 of the Government Code, relating to county employee retirement.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 31552 of the Government Code is amended to read:

31552. All existing officers and employees of the county become members of the association on the day the retirement system becomes operative, and thereafter each person entering the county employ becomes a member on the first day of the calendar month after his entrance into the service, unless otherwise provided by regulations adopted by the board. Such regulations may provide for waiver of membership by the prospective employee in the case of newly hired employees who have attained the age of 60. In all cases where there is such a waiver, said employee upon attaining the age of 70 shall thereafter be employed from year to year at the discretion of the county.

CHAPTER 1669

An act to add Section 25518.6 to the Education Code, relating to junior colleges.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 25518.6 is added to the Education Code, to read:

25518.6. To the extent of and subject to such requirements as the State Board of Education may, by regulation prescribe, the governing board of a district maintaining a junior college may grant credit to any student based on examinations approved and conducted by proper authorities of the college.

CHAPTER 1670

An act to amend Section 21360 of the Government Code, relating to the State Employees' Retirement System.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 21360 of the Government Code is amended to read:

21360. This system is liable for either the basic or special death benefit upon the death of a member (a) before the effective date of retirement, and (1) while in state service, or (2) while absent on military service and who makes contributions under Section 20891.1 or for whom contributions will be made under Section 20894.5, or (3) within four months after discontinuance of state service, or while on an approved leave of absence, or (4) while physically or mentally incapacitated for the performance of duty, if such incapacity has been continuous from discontinuance of state service, or (5) while employed as a member of a retirement system established under the County Employees' Retirement Law of 1937 (commencing with Section 31450); provided, such employment as a member was begun on or after October 1, 1957, and within 90 days of discontinuance of state service, or (b) after the effective date and before approval of retirement and either within four months of discontinuance of state service or while physically or mentally incapacitated for the performance of duty if such incapacity has been continuous from discontinuance of state service and providing all of the following conditions exist: (1) the retirement of the member was not compulsory under Article 2 of Chapter 8, and (2) he has not elected optional settlement 2 or 3 or an optional settlement 4 involving payment of an allowance throughout the life of a beneficiary under Article 4 of Chapter 9, and (3) an allowance under Section 21263, 21263.1 or 21264 is not payable. Upon the death of a member before the effective date of his retirement or, with respect to (1) any member whose retirement was not compulsory under Article 2 of Chapter 8, and (2) any member who has not elected optional settlement 2 or 3 or an optional settlement 4 involving payment of an allowance throughout the life of a beneficiary under Article 4 of Chapter 9, after such effective date and before his retirement is approved, under circumstances in which this system is not so liable for either the basic or special death benefit and an allowance under Section 21263, 21263.1 or 21264 is not payable, this system is liable for a limited death benefit which consists only of the accumulated contributions of the member payable to his beneficiary or to his estate.

Liability imposed on the system with respect to the death of a member while on approved leave of absence by amendment to

this section in the 1965 General Session shall extend to death of members occurring on or after July 1, 1964, and to any benefit for which there would have been liability with respect to such death had such amendment been effective on that date.

CHAPTER 1671

An act to add Sections 61765 and 61766 to the Government Code, relating to community service districts.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 61765 is added to the Government Code, to read:

61765. A district may fix, on or before the first day of July in each calendar year, a water standby or availability charge not to exceed five dollars ($5) per year for each acre of land, or three dollars ($3) per year for each parcel of land of less than an acre, within the district to which water is made available for any purpose by the district, whether the water is actually used or not. The board of directors of a district which fixes such a charge may establish schedules varying the charges depending upon factors such as the uses to which the land is put, the cost of transporting the water to the land, and the amount of water used by the land. The board may restrict charges to lands lying within one or more improvement districts within the community service district.

SEC. 2. Section 61766 is added to said code, to read:

61766. If any water standby charge remains unpaid on the first day of the month in which the board of supervisors of the county in which the district or any part thereof is located is required by law to levy the amount of taxes required for county purposes, a 6-percent penalty thereon shall accrue. The amount of the unpaid standby charges plus the penalty shall be added to the annual tax levied upon the land to which water for which the standby charge is unpaid was available, and shall constitute a lien on that land. The amount of tax attributable to unpaid water standby charges and penalty thereon shall be separately stated on the tax bill.

At least 15 days before the first day of the month in which said board of supervisors is required by law to levy the amount of taxes required for county purposes, the board of directors of the district shall furnish in writing both to the board of supervisors and to the county auditor, a description of each parcel of land within the district upon which a standby charge remains unpaid, together with a statement setting forth both the amount of the unpaid charge and the amount of the penalty on each parcel of land. Whenever land in two or more

counties is included in a district, the board of directors of the district shall furnish such a description and statement to the board of supervisors and to the county auditor of each of the counties.

CHAPTER 1672

An act to amend Sections 6353 and 5757 of the Education Code, relating to classes for adults.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 6353 of the Education Code is amended to read:

6353. Except as specified in this section, an adult enrolled in a class for adults may be required by the governing board of the district maintaining the class to pay a tuition for such class. No charge of any kind shall be made for a class in English and citizenship for foreigners or a class in an elementary subject. No tuition charge may be made for a class designated by the governing board as a class for which high school credit is granted when such class is taken by a person who does not hold a high school diploma.

The total of the tuition required and the apportionments from the State School Fund for all attendance in the classes for which tuition may be charged shall not exceed the estimated cost of all such classes.

SEC. 2. Section 5757 as added to said code by Senate Bill No. 740 of the 1965 Regular Session is amended to read:

5757. Except as specified in this section, an adult enrolled in a class for adults may be required by the governing board of the district maintaining the class to pay a tuition for such class. No charge of any kind shall be made for a class in English and citizenship for foreigners or a class in an elementary subject. No tuition charge shall be made for a class designated by the governing board as a class for which high school credit is granted when such class is taken by a person who does not hold a high school diploma. The total of the tuition required and the apportionments from the State School Fund for all attendance in the classes shall not exceed the estimated cost of all such classes maintained.

SEC. 3. Section 2 of this act shall become effective only if Senate Bill No. 740 of the 1965 Regular Session is enacted into law, in which case it shall take effect at the same time as said Senate Bill No. 740, and Section 1 of this act shall not take effect.

CHAPTER 1673

An act to add Section 21962 to the Vehicle Code, relating to pedestrians' rights and duties.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 21962 is added to the Vehicle Code, to read:

21962. Any peace officer having reasonable cause to believe that any pedestrian is stopped or standing on any bridge or overpass for the purpose of violating Section 23110, may lawfully order such person from the bridge or overpass.

CHAPTER 1674

An act to amend Sections 5012 and 5013 of, and to add Section 60 to, the Elections Code, relating to ballot arguments.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 60 is added to the Elections Code, to read:

60. Notwithstanding any other provisions of this code to the contrary, whenever any ballot arguments for or against any measure submitted to the electorate for approval are authorized, such arguments may be withdrawn by their proponents at any time prior to being printed.

SEC. 2. Section 5013 of said code is amended to read:

5012. The legislative body, or any member or members of the legislative body authorized by that body, or any individual voter or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against any city measure No argument shall exceed 300 words in length. The city clerk shall cause an argument for and an argument against the measure to be printed and shall enclose a copy of both arguments, printed on the same sheet of paper, in an envelope with each sample ballot; provided, that only those arguments filed pursuant to this section shall be printed and enclosed with the sample ballot. The printed arguments are "official matter" within the meaning of those words used in Section 10012.

SEC. 3. Section 5013 of said code is amended to read:

5013. Based on the time reasonably necessary to prepare and print the arguments and sample ballots for that particular election, the city clerk shall fix and determine a reasonable

date prior to the election after which no arguments for or against any city measure may be submitted to him for printing and distribution to the voters as provided in this article. Arguments may be changed until and including the date fixed by the city clerk, and arguments may be withdrawn by their proponents at any time prior to being printed.

CHAPTER 1675

An act to amend Sections 15633, 15670, 15710, 15711, 15750, 15751, 15791, 15838 and 15912 of the Elections Code, relating to punchcard voting systems.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 15633 of the Elections Code is amended to read:

15633. As used in this chapter, "marking device" means a device into which a ballot card may be inserted and which is so designed and constructed that the choice of the voter as to any candidate or measure may be indicated by marking, punching or slotting the ballot card.

SEC. 2. Section 15670 of said code is amended to read:

15670. No ballot, ballot card, marking device, sorting machine, counting machine, or other mechanical device may be used pursuant to this chapter unless it is of a type approved by the commission. When such equipment has been approved, any improvement or change which does not impair its accuracy, efficiency, or ability to meet such requirements, shall not render necessary a reexamination or reapproval thereof.

SEC. 3. Section 15710 of said code is amended to read:

15710. Each ballot card shall have two stubs attached. The stubs shall be separated from the ballot card and from each other by perforated lines so that they may be readily detached. One stub shall have the serial ballot number printed on it, and shall be detached from the remainder of the ballot before it is handed to the voter. The second stub shall have printed on it: (a) the same ballot serial number; (b) the words "This ballot stub shall be removed by the inspector before the ballot is placed in the ballot box"; (c) the words "General Ballot" or "Primary Ballot of the _____ Party" in primary elections, followed by the designation of the congressional, senatorial and assembly district or the name of the county in which the ballot is being voted and the date of the election; and (d) where, not otherwise provided, instructions to the voter on how to mark the ballot with the marking device, how to vote for a candidate whose name is not printed on the ballot, and how to secure an additional

ballot card if the ballot card is spoiled or marked erroneously. In addition to the instructions to voters printed on the ballot or ballot stub, there shall be displayed in each voting booth instructions to voters substantially in the same form and wording as appears on paper ballots. Precinct numbers may also be placed on the ballot.

SEC. 4. Section 15711 of said code is amended to read:

15711. The ballot shall contain the same material as to candidates and measures, and shall be printed in the same order as provided for paper ballots, and may be arranged in parallel columns on one or more ballot cards as required, except that the column in which the voter marks his choices may be at the left of the names of candidates and the designation of measures. If there are a greater number of candidates for an office or for a party nomination for an office than the number whose names can be placed on one ballot page, the ballot shall be clearly marked to indicate that the list of candidates for such office is continued on the following page or pages, and if the names of candidates for such office are not required to be rotated, they shall be rotated by groups of candidates in such manner that the name of each candidate shall appear on each page of the ballot in approximately the same number of precincts as the names of all other candidates, provided on the ballot or on a separate write-in ballot that such rotation shall not apply to candidates who are entitled by law to have their names placed on the ballot ahead of the names of other candidates for the same office or nomination for office. Space shall be provided to permit voters to write in names not printed on the ballot when authorized by law. The size of type and the spacing of the material may be varied to suit the conditions imposed by the use of ballot cards, provided the type on the ballot cards, when enlarged by a magnifying device on the marking device provided at the polling place, shall appear to the voter as approximately equal in size to that on paper ballots. The statement of measure submitted to the voters may be abbreviated if necessary on the ballot, provided there is displayed in each voting booth the verbatim statement on each measure as it appears on paper ballots. Abbreviation of matters to be voted on throughout the state shall be done by the Attorney General.

SEC. 5. Section 15750 of said code is amended to read:

15750. Prior to the opening of the polls the clerk shall supply one or more marking devices for each booth in each polling place where voting is to be conducted pursuant to this chapter.

SEC. 6. Section 15751 of said code is amended to read:

15751. Ballots and other election supplies appropriate to the system shall be furnished as provided for other precincts except that:

(a) No rubber stamps or ink pads shall be supplied when only ballots to be punched are used.

(b) Ballots shall be suitable to be punched or slotted in the marking device and subsequently counted on an approved mechanical or electronic counting device.

(c) The containers of the ballots shall be of such type that they will adequately protect the ballots and that they can be opened without mutilation.

SEC. 7. Section 15791 of said code is amended to read:

15791. When a voter is handed a ballot or ballot card he shall be instructed to use only the marking device provided for punching or slotting the cards and that he is not to mark his ballot or ballot card in any other way, except for write-ins. He shall also be instructed to place his ballots in an envelope or other container after he has voted, or to fold his ballot card or cards in such manner, so that no card upon which a choice is indicated is exposed. The election board may provide an extra marking device to be used for demonstration purposes at the polling place. Dummy ballots for use in such instruction shall not bear the name of any person who is a candidate at the election.

SEC. 8. Section 15838 of said code is amended to read:

15838. The tabulating machines used pursuant to this chapter may be equipped with a device that registers votes cast for candidates and measures on a cumulative basis and which may be used to determine the votes cast for each candidate and on each measure at any time and up to that time.

SEC. 9. Section 15912 of said code is amended to read:

15912. If punchcard ballots are used for absent voting, the ballots shall be marked by pencil, or by a marking device which enables the voter to register his vote by punching or slotting the ballot card. Counting of punchcard ballots marked by pencil may be as with paper ballots, or a true duplicate copy of each ballot may be prepared using the same procedure as provided by Section 15911. Absent voter ballots so prepared shall be counted by the counting device.

CHAPTER 1676

An act to amend Section 15631 of the Elections Code, relating to punchcard voting systems.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 15631 of the Elections Code is amended to read:

15631. As used in this chapter, "ballot card" means a card or a number of cards upon which are printed, or identified by reference to the ballot, the names of candidates for nomination or election to one or more offices or the ballot titles

of one or more measures. The ballot card shall also contain proper blank spaces to allow the voter to write in names not printed on the ballot unless a separate write-in ballot is used. The separate write-in ballot may be a paper ballot, a card, or the envelope used to enclose a ballot card. Determination of the format of a separate write-in ballot shall be within the discretion of the elections board. The separate write-in ballot shall provide spaces in which the title of the office for which a vote is being cast may be written in by the voter, or shall have printed upon it the titles of the offices for which write-in votes may be cast. All such separate write-in ballots may, in the discretion of the elections board, have attached thereto two stubs which comply with the provisions of Section 15710 regarding the stubs attached to a ballot card, except that the information required under subdivision (c) of Section 15710 and instructions to voters on how to vote for persons whose names do not appear on the ballot may be printed on the write-in ballot and not upon a stub. Any serial numbers appearing on the write-in ballot stubs need not be identical to the serial numbers appearing on the stubs attached to the ballot card or cards handed to the voter. Sections 10001 through 10004 of the Elections Code shall not apply to the preparation and composition of separate write-in ballots authorized by this section. Sections 14438 and 14439 of this code shall not apply to separate write-in ballots used in an election in which a punchcard voting system is used.

CHAPTER 1677

An act to amend Section 388 of, and to add Sections 388.2, 388.4, and 388.6 to, the the Elections Code, and to amend Section 6729 of the Welfare and Institutions Code, relating to the right to vote.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 388 of the Elections Code is amended to read:

388. Every judge before whom proceedings are had which result in any person being declared incapable of managing or taking care of either himself or property or both, and for whom a guardian of his person or estate or both is accordingly appointed, or which result in his being committed to a state hospital as a mentally ill person, shall file with the county clerk a certificate of that fact.

SEC. 2. Section 388.2 is added to said code, to read:

388 2. Every judge before whom proceedings are had which result in any person being restored to capacity, shall file with the county clerk a certificate of that fact.

SEC. 3. Section 388.4 is added to said code, to read:

388.4. When any person released from a state hospital is, in the opinion of the superintendent, capable of taking care of himself and his property, the superintendent shall transmit to the county clerk a copy of a certificate of competency as provided in the Welfare and Institutions Code. If it is the conclusion of the superintendent that such person was not mentally ill when admitted to the state hospital, the certificate shall not be so worded as to imply that such person has, in fact, been mentally ill

SEC 4. Section 388.6 is added to said code, to read:

388.6. Six months after receiving a certificate that any voter has been determined by a court of competent jurisdiction to be incapable of managing or taking care of either himself or property or both, and for whom a guardian of his person or estate or both is accordingly appointed, or which result in his being committed to a state hospital as a mentally ill person, if, at such time the county clerk has not received a certificate that such voter has been restored to competency or a certificate of competency, he shall cancel the affidavit of registration of such voter. If, however, at any time before such cancellation, he receives from any judge a certificate that such voter has been restored to capacity, or he receives from a superintendent of a state hospital a certificate of competency for such voter he shall not cancel such affidavit of registration.

SEC. 5. Section 6729 of the Welfare and Institutions Code is amended to read:

6729. When any person released from a state hospital is, in the opinion of the superintendent, capable of taking care of himself and his property, the superintendent shall issue a certificate of competency. If it is the conclusion of the superintendent that such person was not mentally ill when admitted to the state hospital, the certificate shall not be so worded as to imply that the person has, in fact, been mentally ill. The superintendent shall transmit a copy of such certificate, signed by him, or other authorized person, to the registrar of voters, if there is one, otherwise to the county clerk, of the county of which such person is a resident. A copy of such certificate, signed by the superintendent or other authorized person, also may be filed with the clerk of the superior court of the county from which the person was committed. The clerk shall file and index it and no fee shall be charged for so doing. If no guardian or conservator has been appointed for such person as provided by the Probate Code, such certificate, when filed with the clerk of the court, shall have the same legal force and effect as a judgment of restoration to capacity made under the provisions of the Probate Code.

CHAPTER 1678

An act to amend Section 386 of the Elections Code, relating to cancellation of registration for failure to vote.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 386 of the Elections Code is amended to read as follows:

386. On completion of the canvass of the returns of the general election, but not later than the first day of the following January, the county clerk shall:

(a) Examine the absent voters list and the roster of voters that was kept by the election officers in each precinct in the county at the general election.

(b) Cancel the original and duplicate affidavits of registration and remove the original affidavit of registration of each voter who did not vote at that election, unless he receives notice as provided in subdivision (f) of Section 383.

The effective date of cancellation of registration shall be the date the post card notice is mailed to the voter, as provided for in Section 387. If the voter returns the post card notice requesting restoration of his affidavit of registration, as provided for in Section 387, his affidavit shall be returned to the file and his privilege as a voter shall be restored as of the date his notice is received by the county clerk, and he shall be entitled to vote in any subsequent election.

CHAPTER 1679

An act to amend Sections 9800 and 9801 of the Corporations Code, relating to the dissolution of nonprofit corporations.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 9800 of the Corporations Code is amended to read:

9800. A nonprofit corporation may dispose of all or substantially all of its assets, or may be wound up or dissolved, or both, in the same manner and with the same effect as a stock corporation, under the General Corporation Law, subject to the provisions of Section 9801.

SEC. 2. Section 9801 of said code is amended to read:

9801. Upon the dissolution or winding up of a nonprofit corporation, after paying or adequately providing for the debts and obligations of the corporation, the directors or persons in charge of the liquidation shall divide any remaining assets among the members in accordance with their respective rights therein, or dispose of them in such other manner as may be provided in the articles, unless the corporation holds its assets on any trust or is organized for a charitable purpose or purposes.

If the corporation holds its assets on trust, or is organized for a charitable purpose or purposes, the assets shall be disposed of in such manner as may be directed by decree of the superior court of the county in which the corporation has its principal office, upon petition therefor by the Attorney General or any person concerned in the liquidation, in proceedings to which the Attorney General is a party.

This section does not apply where the charter of an incorporated subordinate body is surrendered to, taken away, or revoked by the head or national body.

CHAPTER 1680

An act to add Section 16601.5 to the Education Code, relating to preschool training.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 16601.5 is added to the Education Code, to read:

16601.5. The facilities used for any child care center established pursuant to this chapter may be made available for preschool training for children eligible for such training under any federal program, or under any program of preschool training established by the laws of this state.

CHAPTER 1681

An act to amend Sections 4371 and 4373 of the Revenue and Taxation Code, relating to preparation of abstract lists.

[Approved by Governor July 17, 1965 Filed with Secretary of State July 23, 1965]

The people of the State of California do enact as follows:

SECTION 1. Section 4371 of the Revenue and Taxation Code is amended to read:

4371. An abstract list of unpaid items from all delinquent rolls shall be prepared by the redemption officer on or before June 30, 1968.

SEC. 2. Section 4373 of said code is amended to read:

4373 Each year after the sale to the state for taxes by operation of law, the redemption officer shall insert in the abstract list, or prepare an abstract list of, unpaid items from the roll in which such tax-sold properties are recorded.

CHAPTER 1682

An act to amend Section 8454 of the Education Code, relating to the public school system.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 8454 of the Education Code is amended to read:

8454. (a) No bulletin, circular, or other publication of any character whose purpose is to spread propaganda or to foster membership in or subscriptions to the funds of any organization not directly under the control of the school authorities, or to be used as the basis of study or recitation or to supplement the regular school studies shall be distributed or suffered to be distributed or shown to the pupils of any elementary or secondary school, on the school premises during school hours or within one hour before the time of opening or within one hour after the time of closing of the school. (b) No pupils of the elementary or secondary school shall be solicited by teachers or others to subscribe to the funds of, or work for, any organization not directly under the control of the school authorities. (c) No instruction shall be given through lectures or other means, unless the material contained in the bulletin, circular, or publication, or the purpose of the subscription or instruction has been approved by the State Board of Education, or by the county board of education, or by the governing board of the school district in which the elementary or secondary school is situated.

No prohibition of this section shall apply to bulletins or circulars concerning the meetings of their organizations issued by any parent-teacher association or by any organization of parents formed for the purpose of cooperating with the school authorities in improving school conditions in the district.

As used in this section secondary school does not include junior college.

CHAPTER 1683

An act to amend Section 28733 of the Public Utilities Code, relating to the San Francisco Bay Area Rapid Transit District.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 28733 of the Public Utilities Code is amended to read:

28733. Subsequent to the appointment of the first board of directors the number of directors composing the board shall be determined as follows:

(a) Each county within the district having a population of 350,000 or less shall be represented by two (2) directors, one (1) appointed by the board of supervisors of the county and one (1) appointed by the city selection committee of the county;

(b) Each county having a population of more than 350,000 and not more than 500,000 shall be represented by three (3) directors, two (2) appointed by the board of supervisors of the county and one (1) appointed by the city selection committee of the county;

(c) Each county having a population of more than 500,000 shall be represented by four (4) directors, two (2) appointed by the board of supervisors of the county and two (2) appointed by the city selection committee of the county.

In any case where the number of directors representing a county is thus decreased all directors then in office representing the county shall be permitted to serve out the terms for which they were appointed.

CHAPTER 1684

An act to amend Section 13252 of the Health and Safety Code, relating to drycleaning plants.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 13252 of the Health and Safety Code is amended to read:

13252. The State Fire Marshal may prescribe such rules and regulations governing the construction, equipment, and operation of clothes cleaning establishments as may be necessary for the protection of life and property against fire men-

ace, and for the promotion of the occupational security of the operators in the establishments.

As used in this section, "occupational security" means an operating condition which is as free as is industrially practicable from any agency that might contribute to bodily injury or impairment.

The regulations adopted by the State Fire Marshal pursuant to this chapter regarding the equipment and operation of clothes cleaning establishments shall apply uniformly throughout the State of California.

CHAPTER 1685

An act to add Chapter 9 (commencing with Section 4201) to Part 1 of Division 4 of the Labor Code and to add Section 11656.9 to the Insurance Code, relating to workmen's compensation.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Chapter 9 (commencing with Section 4201) is added to Part 1 of Division 4 of the Labor Code, to read:

CHAPTER 9. ECONOMIC OPPORTUNITY PROGRAMS

Article 1. General Provisions

4201. It is the intent of this chapter to apply to all enrollees in economic opportunity programs, including, but not limited to, work training or work study authorized by or financed in whole or in part through provisions of Public Law 88-452 (Economic Opportunity Act of 1964).

4202. "Economic Opportunity Program" means any program adopted pursuant to Public Law 88-452, including, but not limited to, work training and work study.

4203. "Enrollee" means any person enrolled in an economic opportunity program.

4204 "Sponsoring agency" means any agency, entity, or institution, public or private, receiving grants or financial assistance, either directly or as a subcontractor, pursuant to Public Law 88-452.

4205. "Participating agency" means any agency, entity or institution, public or private, taking part in an economic opportunity program, other than a sponsoring agency.

4206. Except as provided in this chapter, an enrollee within a given economic opportunity program shall have no right to receive compensation from sponsoring or participating agencies, entities, and institutions, public or private.

4207. Compensation shall be furnished an enrollee for injury or to dependents if injury causes death, suffered within or without the state occurring in the course of his duties for a sponsoring agency within an economic opportunity program if the following conditions occur:

(a) Where, at the time of injury, the enrollee is performing services and is acting within the scope of his duties as a recipient of aid within an economic opportunity program.

(b) Where injury is proximately caused by his service as an enrollee within an economic opportunity program either with or without negligence.

(c) Where injury is not caused by the intoxication of the injured enrollee.

(d) Where the injury is not intentionally self-inflicted.

4208. Where the conditions of compensation exist, the right to recover such compensation pursuant to the provisions of this chapter is the exclusive remedy for injury or death of an enrollee against the sponsoring agency, or the participating agency.

4209. Insofar as not inconsistent with the provisions of this chapter, all of the provisions of this division shall pertain to enrollees and their dependents and the furnishing of compensation benefits thereto.

Article 2. Benefits

4211. Where liability for compensation exists, such compensation shall be provided as limited by this chapter.

4212. If an enrollee suffers injury or death in the performance of his duties under an economic opportunity program, then, irrespective of his remuneration from this or other employment, his average weekly earnings for the purpose of determining temporary and permanent disability indemnity shall be determined in accordance with Section 4453, provided that for the purpose of this chapter only, there shall be no statutory minimum average weekly earnings for temporary disability indemnity. If the injury sustained by an enrollee causes death, death benefits shall be determined in accordance with Sections 4701 and 4702 of this code.

4213. If the injury sustained by an enrollee causes permanent disability, the percentage of disability to total disability shall be determined for the occupation of a laborer of like age by applying the schedule for the determination of the percentage of permanent disabilities prepared and adopted by the Industrial Accident Commission.

4214. In addition to death benefit in the event of fatal injury, the reasonable expenses of the enrollee's burial shall be paid not to exceed six hundred dollars ($600).

Article 3. Adjustment of Claims

4226. Should the United States government or any agent thereof, pursuant to federal statute, rule or regulations furnish benefits to enrollees or dependents of enrollees under an economic opportunity program, then the amount of indemnity which an enrollee or his dependents are entitled to receive under this chapter shall be reduced by the amount of monetary benefits the enrollee or his dependents have and will receive from the above source as a result of injury.

4227. If the United States government or any agent thereof furnishes medical treatment to an injured enrollee, the enrollee will have no right to receive the same or similar treatment under this chapter.

4228. If the furnishing of medical treatment by the United States government or its agent takes the form of reimbursement of the enrollee, he shall have no right to receive the same or similar treatment under this chapter.

4229. If the furnishing of compensation benefits to an enrollee or his dependents under this chapter prevents such enrollee or his dependents from receiving benefits under the provisions of federal statute, rule or regulations, then the enrollee or his dependents shall have no right and shall not receive compensation benefits under this chapter.

SEC. 2. Section 11656.9 is added to the Insurance Code, to read:

11656.9. To encourage and facilitate the participation of agencies, entities or institutions, public or private, in economic opportunity programs authorized under Public Law 88-452, insurers may insure the workman's compensation liability to enrollees of sponsoring agencies pursuant to Chapter 9 (commencing with Section 4201) of Part 1 of Division 4 of the Labor Code under a master policy, subject to the approval of the Insurance Commissioner.

CHAPTER 1686

An act to add Section 31725.5 to the Government Code, relating to county employees retirement.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 31725 5 is added to the Government Code, to read:

31725.5. If the board finds, on medical advice, that a member in county employment, although incapacitated for the performance of his duties, is capable of performing other duties in the service of the county, the member shall not be entitled

to a disability retirement allowance if any competent authority in accordance with any applicable civil service or merit system procedures offers and he accepts a transfer, reassignment, or other change to a position with duties within his capacity to perform with his disability. If this new position returns to the member compensation less than that of the position from which he was disabled, the board, in lieu of a disability retirement allowance, shall pay him the difference in such compensation until the compensation of the new position equals or exceeds the compensation of the former position at the time the member left such position, but such amount shall not exceed the amount to which he would otherwise be entitled as a disability retirement allowance. Such payments in lieu of disability retirement allowance shall be considered as a charge against county advance reserve for current service.

If a new position cannot be arranged at the time of eligibility for disability retirement allowance, such disability retirement allowance to which the member is entitled under this article shall be paid until such time as a new position is available and accepted.

If a disability retirement allowance is paid and the member later accepts such a new position, the period while on disability retirement shall not be considered as breaking the continuity of service and his rate of contributions shall be based on the same age as it was at the date of disability. The member's accumulated contributions shall be the same as at the date his disability retirement began less the amount charged to his accumulated normal contributions.

Nothing in this section shall be construed to require a member to accept reassignment or transfer in lieu of a disability retirement allowance.

The provisions of this section become effective in any county only when the board of supervisors adopts an ordinance providing for their implementation by the board of retirement which may include application to persons retired for disability before such effective date.

CHAPTER 1687

An act to amend Section 763 of the Code of Civil Procedure, relating to actions for partition.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 763 of the Code of Civil Procedure is amended to read:

763. If it appears by the evidence, whether alleged in the complaint or not, that the property or any part of it is so

situated that partition cannot be made without great prejudice to the owners, or where property is subject to a life estate and the remainder is a contingent remainder, the court may and in the latter case must order the sale thereof; otherwise, upon the requisite proofs being made it must order a partition according to the respective rights of the parties as ascertained by the court, and appoint three referees therefor, and must designate the portion to remain undivided for the owners whose interests remain unknown, or are not ascertained; or the court may with the consent of the parties appoint one referee instead of three, and he, when appointed, has all the powers and may perform all the duties required of three referees; and the court must appoint as referee any person or persons to whose appointment all the parties have consented, provided that in the case of an incompetent or minor party the duly appointed guardian or conservator or guardian ad litem of said defendant may so consent, and provided further that no person shall be appointed as referee who is a clerk of the court or deputy clerk, or partner or employee of the judge, or person related to the judge or to his wife within the third degree, or who is married to a relative of the judge within the third degree, or who owns any interest or estate in the property.

Where the property or an interest therein is subject to an express trust the court, notwithstanding the foregoing provisions of this section respecting property subject to a life estate and contingent remainder, may but shall not be required to order a sale thereof, and in the event of either a partition or sale, the property or proceeds of sale allotted to the trustee of such express trust shall be held by him upon the trust therein stated, and no further action by the court pursuant to Section 781 of this code shall be required

When the site of an incorporated city or town is included within the exterior boundaries of the property to be partitioned, the court must direct the referees to survey and appraise the entire property to be partitioned by actual lots and subdivisions then existing in the actual possession of the several tenants in common, exclusive of the value of improvements thereon, first setting apart necessary portions of the property for ways, roads and streets, as in Section 764 provided, and to report such survey and separate appraisement on each lot and subdivision to the court.

The court may confirm, change, modify, or set aside the report in whole or in part, and, if necessary, appoint new referees.

When, after the final confirmation of the report of such survey and appraisement, it appears by evidence to the satisfaction of the court that an equitable partition of the whole property is impracticable, and a sale of the site of such city or town, or any portion thereof, will be for the best interests of the owners of the whole property, it must order a sale thereof; provided, that within 60 days thereafter any tenant in common or tenants in common, having improvements erected

on any town or city lot or subdivision included in such order of sale, shall have the prior right to purchase the same at such appraised valuation, and may pay into court the amount so appraised as the value thereof, and upon such payment the title shall vest in such purchaser or purchasers, and the court shall cause to be executed by such referees a deed for such lot or subdivision in fee and in severalty to such purchaser or purchasers; such further proceeding shall then be had as to the remainder of the property, and the money so paid to the court, as by this chapter provided.

If, during the pendency of the action, any of the parties die, or become insane, or otherwise incompetent, the proceedings shall not for that cause be delayed or suspended, but the attorney who has appeared for such party may continue to represent such interest; and in case any such party has not appeared by an attorney, the court must appoint an attorney to represent the interest which was held by such party, until his heirs or legal representatives, or successors in interest, shall have appeared in the action; and an attorney so appointed must be allowed by the court a reasonable compensation for his services, which may be taxed as costs against the share or interest represented by such attorney, and may be adjudged a lien thereon in the discretion of the court

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CHAPTER 1688

An act relating to tide and submerged lands in the Alamitos Bay area in the City of Long Beach, providing for the removal of the public trust for commerce, navigation and fishery from certain portions of land, providing for the removal of the trusts and restrictions imposed by Chapter 676, Statutes 1911, Chapter 102, Statutes 1925 and Chapter 158, Statutes 1935, as to certain portions of lands, authorizing the sale, exchange, quitclaim or conveyance of certain portions of lands, providing for the settlement of boundary and title disputes as to said lands.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. As used in this act:

(a). "Long Beach tidelands" means those certain tide and submerged lands, whether filled or unfilled, heretofore conveyed to the City of Long Beach upon certain trusts and conditions by Chapter 676, Statutes 1911, Chapter 102, Statutes of 1925 and Chapter 158, Statutes of 1935, all as amended and supplemented.

(b). "Alamitos Bay area" means that area within the City of Long Beach, County of Los Angeles, State of California,

enclosed by a line beginning at the intersection of the compromise boundary as described in Section 7, Chapter 138, Statutes of 1964, First Extraordinary Session, with the southerly prolongation of the centerline of Termino Avenue, thence northerly along said line of Termino Avenue and its northerly prolongation to the northern line of Livingston Drive; thence easterly along said line of Livingston Drive to the centerline of Roycroft Avenue; thence northerly along said line of Roycroft Avenue to the centerline of Broadway, thence easterly along said line of Broadway to the centerline of Granada Avenue; thence northerly along said line of Granada Avenue to the centerline of Third Street; thence westerly along said line of Third Street to the centerline of Argonne Avenue; thence northerly along said line of Argonne Avenue to the centerline of Colorado Street; thence westerly along said line of Colorado Street to the centerline of Roycroft Avenue; thence northerly along said line of Roycroft Avenue, connecting by straight lines any gaps or discontinuous segments of said avenue, to the centerline of Seventh Street; thence easterly along said line of Seventh Street to the northerly prolongation of the centerline of Panama Avenue; thence southerly along said prolongation and continuing along the centerline of Panama Avenue to the centerline of Fourth Street; thence easterly along said line of Fourth Street to the centerline of Flint Avenue; thence southerly along said line of Flint Avenue to the centerline of Colorado Street; thence easterly along said line of Colorado Street to the eastern boundary line of the Alamitos Bay annexation of the City of Long Beach, which annexation was accepted by the City Council of the City of Long Beach by Ordinance No C-211 on December 11, 1923; thence following said eastern boundary in a generally southeasterly direction to the intersection with the easterly prolongation of the terminal course in the heretofore described compromise boundary; thence westerly along said prolongation and continuing along said compromise boundary to the point of beginning.

SEC. 2. (a) It is found and determined that the following described lands within the Alamitos Bay area lie above the line of mean high tide are no longer necessary or useful for commerce, fisheries and navigation and are hereby freed from the public use and trust for commerce, fisheries and navigation to the extent such may have existed as to any of said lands.

Those parcels of real property situate in the Alamitos Bay area, City of Long Beach, County of Los Angeles, State of California, described in maps on file in the office of the County Recorder of the County of Los Angeles, described as follows:

(1) That area within the City of Long Beach enclosed by a line beginning at the intersection of the compromise boundary as described in Section 7, Chapter 138, Statutes of 1964, First Extraordinary Session, with the southerly prolongation of the centerline of Termino Avenue; thence northerly along said

line of Termino Avenue and its northerly prolongation to the northern line of Livingston Drive; thence easterly along said line of Livingston Drive to the centerline of Roycroft Avenue; thence northerly along said line of Roycroft Avenue to the centerline of Broadway; thence easterly along said line of Broadway to the centerline of Granada Avenue; thence northerly along said line of Granada Avenue to the centerline of Third Street; thence westerly along said line of Third Street to the centerline of Argonne Avenue; thence northerly along said line of Argonne Avenue to the centerline of Colorado Street; thence easterly along said line of Colorado Street to the easterly line of Nieto Avenue; thence southerly along said line to the intersection of the northerly line of Appian Way, thence easterly along said line to the intersection of said line with the northern boundary of Tract No. 29683 as per map recorded in Book 731, pages 51 to 58 of Maps in the office of the County Recorder of said county; thence easterly along said line to the intersection of said line with the easterly line of Paoli Way; thence southerly along said line and the prolongation of said line to the most northerly corner of Lot No. 50 of Tract No. 17597 as per map recorded in Book 639, pages 63 to 66 of maps in the office of the county recorder of said county; thence westerly along the northerly line of Lots 48, 49, and 50 of said tract to the intersection of said line with the easterly line of Appian Way; thence diagonally across Appian Way to the intersection of the westerly line of Appian Way and the southerly line of Bayshore Avenue; thence westerly and southerly along the southerly and easterly line of Bayshore Avenue to the intersection of said line with the easterly line of 54th Place; thence southerly along said line to the intersection of said line with the northerly line of Ocean Boulevard; thence easterly along said line to the intersection of said line with the easterly line of 55th Place; thence northerly along said line to the intersection of said line with the southerly line of Bayshore Walk; thence easterly along said line to the intersection of said line with the westerly line of 69th Place; thence easterly to the intersection of the easterly line of 69th Place and the westerly line of Bayshore Walk (vacated); thence southerly along the westerly line of Bayshore Walk (vacated), to the intersection of said line with the northerly line of Ocean Boulevard; thence easterly along said line to the intersection of said line with the prolongation of the westerly line of 72nd Place; thence southerly along said line to the intersection of said line with said compromise boundary; thence westerly along said compromise boundary to the point of beginning.

(2) The area enclosed within a line commencing at the intersection of the north line of Second Street and the southerly prolongation of the most westerly line of Lot 20, Block 11, Tract No. 7293, as per map recorded in Book 88, page 69 of maps in the office of the county recorder of said county; thence northerly to the most westerly corner of said Lot 20; thence northerly and easterly along the easterly and southerly line of the

walk to Blocks 11, 7, and 3 of said Tract No. 7293 to the intersection with a northerly prolongation of the east line of Tract No. 7118, as per map recorded in Book 88, pages 76 and 77 of maps in the office of the county recorder of said county; thence southerly along the prolongation of said east line of said Tract No. 7118 and its prolongation to its intersection with the inland face of the Alamitos Bay Bulkhead on the south side of said Tract No 7118; thence following the inland face of said bulkhead in a generally westerly direction to its intersection with the inland face of the Rivo Alto Canal Bulkhead; thence easterly and following the inland face of said Rivo Alto Canal Bulkhead in a curved course to its intersection with the inland face of the Naples Canal Bulkhead on the south side of Block 8 of Tract No. 500, as per map recorded in Book 14, pages 186 and 187 of maps in the office of the county recorder of said county; thence following the inland face of said Naples Canal Bulkhead westerly to its intersection with the inland face of the bulkhead on the easterly line of Tract No. 14368, as per map recorded in Book 543, page 31 of maps in the office of the county recorder of said county; thence northerly along the inland face of said bulkhead to its intersection with the inland face of that bulkhead which runs in a westerly and northerly manner from the east line of said Tract No. 14368 to the south line of Second Street; thence westerly and northerly along the inland face of said bulkhead to its intersection with the south line of Second Street; thence northerly in a direct line to the point of beginning.

(3) That portion of Tract No. 500 as per map recorded in Book 14, pages 186 and 187 of maps in the office of the county recorder of said county, enclosed within the inland faces of the bulkheads of Rivo Alto Canal and Naples Canal containing Blocks 9, 10, 11, 12, 13, 14, 26, 27, 28, 29 and 30 of said tract and commonly known as Naples Island.

(4) That portion of Tract No. 500, as per map recorded in Book 14, pages 186 and 187 of maps in the office of the county recorder of said county enclosed within the inland faces of the bulkheads of Naples Canal and Alamitos Bay containing Blocks 15, 16, 17, and 18 of Tract No. 500 and that portion of Tract No. 27351, as per map recorded in Book 699, page 58 of maps in the office of the county recorder of said county, and that portion of fractional Lot 1, Tract No. 685, as recorded in Book 20, pages 166 and 167 of maps in the office of the county recorder of said county, located within the inland faces of the Alamitos Bay Bulkhead, all commonly known as Treasure Island.

(5) From a point of beginning which is the intersection of the centerline of Park Avenue and the centerline of Colorado Street; thence westerly along said line of Colorado Street to the centerline of Roycroft Avenue; thence northerly along said line of Roycroft Avenue connecting by straight lines any gaps or discontinuous segments of said avenue to the centerline of Seventh Street; thence easterly along said line of

Seventh Street to the northerly prolongation of the centerline of Park Avenue; thence southerly along said line of Park Avenue to the prolongation of the easterly line of Belmont as per map recorded in Book 11, page 84, of maps in the office of the county recorder of said county; thence southerly along said line to the centerline of Sixth Street; thence westerly along said line of Sixth Street to the northerly prolongation of the centerline of Park Avenue; thence southerly along the centerline of Park Avenue to the northwesterly prolongation of the southwesterly line of the land described in deed recorded in Book D292, page 379, official records of said county, thence southeasterly along said southwesterly line and the prolongation thereof to the centerline of Colorado Street; thence westerly along the centerline of Colorado Street to the point of beginning.

(6) From a point of beginning which is the intersection of the easterly prolongation of the centerline of Sixth Street and the northerly prolongation of the centerline of Panama Avenue; thence southerly along said prolongation of the centerline of Panama Avenue and continuing along the centerline of Panama Avenue to the centerline of Fourth Street; thence easterly along said centerline of Fourth Street to the centerline of Flint Avenue; thence southerly along said centerline of Flint Avenue to the centerline of Colorado Street; thence westerly along said centerline of Colorado Street to the centerline of Orlena Avenue; thence northerly along said centerline of Orlena Avenue to the centerline of Vermont Street; thence westerly along said centerline of Vermont Street to the southerly prolongation of the westerly line of the Addition to the Palm Island Tract as per map recorded in Book 6, page 23 of maps in the office of the county recorder of said county; thence northerly along said westerly line and the prolongation of said line to the centerline of Fourth Street, said westerly line being on the southerly prolongation of the centerline of Monrovia Avenue; thence northerly along said centerline of Monrovia Avenue to the centerline of Sixth Street; thence easterly along said centerline of Sixth Street to the point of beginning.

The State Lands Commission is authorized to survey, monument, plat or map the above-described boundaries of the lands described in this subdivision, and to file said plats or maps in the office of the County Recorder of the County of Los Angeles.

(b) It is found and determined that portions of land in the Alamitos Bay area in addition to those described in subdivision (a) of Section 2 of this act have been heretofore improved in connection with the development of the Alamitos Bay area, and in the process of said development have been filled and reclaimed, are no longer submerged or below the line of mean high tide and are no longer necessary or useful for commerce, fisheries or navigation. The State Lands Commission is hereby directed to determine the lands described in this subdivision and to execute and record in the office of the County Recorder

of the County of Los Angeles appropriate instruments describing said lands. Upon the recording of any such instrument or instruments, together with a certificate that the lands described therein are above the line of mean high tide and have been found to be no longer necessary or useful for commerce, fisheries or navigation, said described lands shall be thereupon freed of the public use and trust for commerce, fisheries and navigation. Such determinations shall be made from time to time by the State Lands Commission on its own initiative or shall be made on the application of the City of Long Beach or other affected party.

SEC. 3. (a) The City of Long Beach, by such document, quitclaim or conveyance, and upon the receipt of such considerations as are hereinafter authorized or described in this act, may convey, release or quitclaim its interest in property contained within the description of subdivision (a) of Section 2. Said document, quitclaim or conveyance may by its terms operate generally and by declaration and without specifying the name of any person and shall operate as to any parcel of land within the described area only in favor of such persons as have, at the time of said conveyance, release or quitclaim, a claim of ownership to said parcel based upon a record chain of title, which chain of title covers a period of 30 years or more immediately preceding the effective date of this act or in favor of such persons as have, at the time of said conveyance, release or quitclaim, a claim of ownership to said parcel, which claim is based upon a record chain of title of less than 30 years and upon the payment of taxes on said property by claimant or his predecessors in interest for a period of 30 years or more, which period of payment of taxes covers the period immediately preceding the effective date of this act.

(b) The City of Long Beach, by such document, quitclaim or conveyance, and upon the receipt of such considerations as are hereinafter authorized or described in this act, may convey, release or quitclaim any portions of Long Beach tidelands described in any instrument recorded pursuant to subdivision (b) of Section 2. There shall be an order of preference as to the persons in favor of which such document, quitclaim or conveyance may be executed. Said order shall be: First, to any person claiming present ownership of said property based upon a record chain of title, which chain of title covers a period of 30 years or more immediately preceding the effective date of this act. Second, to any person who, together with his claimed predecessors in interest, has paid taxes on said property to the County of Los Angeles for a period of 30 years or more immediately preceding the effective date of this act Third, to such abutting landowner as has the longest common boundary with the property to be conveyed, released or quitclaimed Fourth, to other parties as are approved by the State Lands Commission.

(c) The City of Long Beach, with the approval of the State Lands Commission, is hereby authorized to settle by agreement,

exchange or quitclaim, any dispute concerning whether or not particular land within the Alamitos Bay area constitutes land in private or proprietary ownership by reason of title traceable to a state or federal patent or other valid source, or rather constitutes "Long Beach tidelands", title to which is vested in the city under the terms of Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925, or Chapter 158, Statutes of 1935. In settlement of such disputes the city, with the approval of said State Lands Commission, may, by such agreement, exchange or quitclaim, establish boundary or compromise boundary lines between the "Long Beach tidelands" and bordering private or proprietary lands.

SEC. 4. Any consideration as is paid in exchange for any conveyance, release, quitclaim, or settlement under this act shall be determined by the City of Long Beach with the approval of the State Lands Commission. In determining the adequacy of any such consideration, said city and commission shall give effect in their evaluation to all factors bearing upon the value, if any, of the public's interest being conveyed, released, quitclaimed or settled, and the rights, claims and equities of the person in whose favor the conveyance, release, quitclaim or settlement is being made and their predecessors in interest In those cases where the land has been filled or reclaimed or improved or both without the expenditure of either state funds or of public moneys held in trust under the terms of Chapter 676, Statutes of 1911, Chapter 102, Statutes of 1925, Chapter 158, Statutes of 1935, Chapter 29, Statutes of 1956, or Chapter 138 Statutes of 1964, First Extraordinary Session, such lands may be valued by excluding the value of the fill or improvements or both. Consideration under this act may consist of lands, property, interest in property, easements, moneys or other things of value given by the grantee or any other person.

SEC. 5. Any portion of Long Beach tidelands which passes in title by reason of any conveyance, release, quitclaim or settlement made under the terms of this act shall thereupon be freed of the trusts and conditions imposed by Chapter 676, Statutes of 1911; Chapter 102, Statutes of 1925; Chapter 158, Statutes of 1935, all as amended and supplemented.

No land which lies below the line of mean high tide may be conveyed, released or quitclaimed by the City of Long Beach under the terms of this act, nor shall any such land be freed by the terms of this act of the trusts and conditions imposed by Chapter 676, Statutes of 1911; Chapter 102, Statutes of 1925; Chapter 158, Statutes of 1935, all as amended or supplemented Any certificate of the State Lands Commission concerning the character of the lands described in the instruments recorded under the provisions of subdivision (b) of Section 2 of this act shall be conclusive as to the character of lands declared therein to be above the line of mean high tide

Except for those lands described in subdivision (a) of Section 2 of this act, any document, quitclaim or conveyance ex-

ecuted pursuant to the provisions of subdivision (b) of Section 3 of this act shall reserve to the City of Long Beach as trustee, or to the State of California if the lands fall within the provisions of Chapter 1579, Statutes 1961, all oil, gas, minerals, and other hydrocarbons in any lands found to be Long Beach tidelands. The reservation of said rights to minerals, oil, gas or other hydrocarbons shall not preclude the conveyance, release or quitclaim of the right of entry upon the surface of said lands for the purposes of drilling, mining or extraction of those reserved interests.

SEC. 6. Any conveyance, release, quitclaim or settlement made by the City of Long Beach pursuant to the provisions of this act shall be made by an appropriate document executed by the City of Long Beach and approved by the State Lands Commission.

SEC. 7. (a) All lands or interests in lands which lie below the line of mean high tide and are received by the City of Long Beach as a result of sales or exchanges authorized by this act shall be deemed tidelands under the provisions of Chapter 676, Statutes 1911; Chapter 102, Statutes of 1925; and Chapter 158, Statutes of 1935, all as amended or supplemented.

(b) All lands or interests in lands which lie above the line of mean high tide and are received by the City of Long Beach as a result of sales or exchanges authorized by this act shall be deemed lands upward of the compromise line and acquired with tideland trust moneys, under and according to the provisions of Section 7 of Chapter 138, Statutes of 1964, First Extraordinary Session

(c) All moneys and other things of value, excluding land interests in lands, which are received by the City of Long Beach as a result of sales or exchanges authorized by this act shall be used only for those trust purposes defined in Chapter 676, Statutes of 1911; Chapter 102, Statutes of 1925; Chapter 158, Statutes of 1935, Chapter 29, Statutes of 1956; and Section 6 of Chapter 138, Statutes of 1964, First Extraordinary Session, all as amended and supplemented.

(d) All oil and dry gas revenues derived from any lands received by the City of Long Beach as a result of sales or exchanges authorized in the foregoing section of this act shall be subject to the terms and conditions of Chapter 138, Statutes of 1964, First Extraordinary Session.

SEC 8. The provisions of this act shall not be deemed exclusive with respect to the settlement or litigation of titles and boundaries of lands within the Alamitos Bay area and this act shall not alter or impair the existing procedural or substantive rights or disabilities of any person or entity claiming title to or an interest in any lands in the Alamitos Bay area in the defense or prosecution of any proceeding now or hereafter instituted under the laws of this state, nor affect the applicability to said lands of any other provision of law.

SEC. 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such in-

validity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

CHAPTER 1689

An act to add Section 1045 to the Education Code, relating to school district property transactions.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 1045 is added to the Education Code, to read:

1045. Where a gift of land has been accepted by the governing board of a school district upon condition or agreement that the same be devoted to school purposes of the district, whether such condition or agreement is written or oral and whether the terms thereof are recited or referred to in any instrument executed in connection with the conveyance of the gift, and the board subsequently determines that the land cannot feasibly be utilized for any school purpose of the district, the board may cause the same to be reconveyed to the donor without consideration to the district; provided, that failure to do so shall not affect the rights of any bona fide purchaser or encumbrancer of such land.

CHAPTER 1690

An act to amend Section 3212 of the Labor Code, relating to workmen's compensation.

[Approved by Governor July 17, 1965. Filed with Secretary of State July 23, 1965.]

The people of the State of California do enact as follows:

SECTION 1. Section 3212 of the Labor Code is amended to read:

3212. In the case of members of a sheriff's office or of police or fire departments of cities, counties, cities and counties, districts or other public or municipal corporations or political subdivisions, whether such members are volunteer, partly paid, or fully paid, and in the case of active firefighting members of the Division of Forestry of the State Department of Natural Resources whose duties require firefighting or of any county forestry or firefighting department or unit, whether voluntary, fully paid, or partly paid, and in the case of members of the warden service of the Wildlife Protection Branch of the Department of Fish and Game whose principal

duties consist of active law enforcement service, excepting those whose principal duties are clerical or otherwise do not clearly fall within the scope of active law enforcement service such as stenographer, telephone operators, and other officeworkers, the term "injury" as used in this act includes hernia when any part of the hernia develops or manifests itself during a period while such member is in the service in such office, division, department or unit, and in the case of members of such fire departments, except those whose principal duties are clerical, such as stenographers, telephone operators and other officeworkers, and in the case of county forestry or firefighting departments, except those whose principal duties are clerical, such as stenographers, telephone operators and other office workers, and in the case of active firefighting members of the Division of Forestry whose duties require firefighting, and in the case of members of the warden service of the Wildlife Protection Branch of the Department of Fish and Game whose principal duties consist of active law enforcement service, excepting those whose principal duties are clerical or otherwise do not clearly fall within the scope of active law enforcement service such as stenographer, telephone operators, and other officeworkers, the term "injury" includes pneumonia and heart trouble which develops or manifests itself during a period while such member is in the service of such office, department or unit. In the case of regular salaried county or city and county peace officers, the term "injury" also includes any hernia which manifests itself or develops during a period while the officer is in the service. The compensation which is awarded for such hernia, heart trouble or pneumonia, shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits, as provided by the workmen's compensation laws of this state.

Such hernia, heart trouble or pneumonia so developing or manifesting itself in such cases shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board is bound to find in accordance with it.

Such hernia, heart trouble or pneumonia so developing or manifesting itself in such cases shall in no case be attributed to any disease existing prior to such development or manifestation.